Strategic
ASSESSMENT

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Strategic ASSESSMENT

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

Strategic Assessment is a quarterly publication comprising policy-oriented articles written by INSS researchers and guest contributors. The views presented here are those of the authors alone.

Editorial Note

With the publication of this issue, *Strategic Assessment* assumes a new design, intended to provide readers of the INSS quarterly with a more comfortable format for articles on recent developments in Israel's strategic arena.

Among the leading topics covered here are two principal issues on Israel's agenda. The first, the next potential war with Lebanon, invites divergent views on what should be Israel's response in the event of a renewed military conflict. Giora Eiland con/tends that the Republic of Lebanon is unequivocally the correct target. In contrast, Yossi Kuperwasser argues for a more balanced approach that focuses on ground maneuvers against targets that directly serve Hizbollah interests. In light of this debate, the third article, by Erez Zaionce and Dr. Roni Bart, is particularly timely, as it proposes changes to the international laws of war so they are better suited to the challenges posed by low intensity conflicts.

The second topic covered at length in this issue concerns the Jewish settlements in the West Bank. Aluf Benn of *Haaretz* surveys how the objectives underlying the settlement enterprise have shifted over the past four decades. Prof. Zaki Shalom, a senior researcher at Ben Gurion University as well as INSS, questions whether the continued population increases and expanded construction in the West Bank settlements undermine the potential to realize the vision of a two-state solution.

The articles that follow touch on other current events. Dr. Oded Eran presents a broad overview of current Russian foreign policy, and Dr. Ephraim Kam discusses Iran's posture in light of its fear of a military strike against it. Prof. Eyal Zisser recounts the developments between Israel and Syria since the Second Lebanon War, focusing on the viability of peace prospects. Ephraim Lavie examines the strengths and weaknesses of the Palestinian Authority against the background of the struggle between Fatah and Hamas. In the final analytical article, Yoram Schweitzer and Gaia Sciaky suggest that the long term effect of al-Qaeda's failure in Iraq

on the global jihad will be fairly contained. A review by Noam Ophir of a recent IISS publication on Iran closes the issue.

Strategic Assessment welcomes contributions from guest writers on particular questions related to Israel's security and strategic environ-ment. This issue includes articles by four experts who are not part of the INSS research staff: Prof. Eyal Zisser, head of the Moshe Dayan Center for Middle Eastern and African Studies at Tel Aviv University; Dr. Oded Eran, a lecturer at the Interdisciplinary Center, Herzilya; Ephraim Lavie, director of the Tami Steinmetz Center for Peace Research at Tel Aviv University; and Brig. Gen. (ret.) Yossi Kuperwasser, former head of the research division of IDF Military Intelligence.

This issue of *Strategic Assessment* launches a new phase of the INSS quarterly publication. We hope you find this issue of interest.

Abstracts

The Third Lebanon War: Target Lebanon / Giora Eiland

The State of Israel failed in the Second Lebanon War because it targeted the wrong enemy: Israel fought against Hizbollah instead of fighting against the Republic of Lebanon. This article argues that pitted against Hizbollah, a terrorist organization benefiting from state sponsorship, Israel must change its strategy and fight the sponsoring state if and when the next war erupts. Serious damage to the Republic of Lebanon can influence Hizbollah's behavior more than anything else. Israel must convey this message and its intention both clearly and immediately.

The Next War with Hizbollah: Should Lebanon be the Target? / Yossi Kuperwasser

The arguments against attacking Lebanon as a principal objective in context of a confrontation with Hizbollah eclipse the arguments in favor of this posture. This article examines the political and strategic objectives that drive the various strategies, as well as their ethical and moral aspects and their legal, political, public appearance-related, economic, and military dimensions. The author urges an approach that focuses less on sovereign Lebanese targets and more on ground maneuvers against targets that directly serve Hizbollah interests.

Adapting the Laws of War to Low Intensity Warfare / Erez Zaionce and Roni Bart

Some argue that the international laws of war in their current format, which do not deal with low intensity conflicts, are outdated and limit more than necessary the ability of regular armed forces to deal with the operational difficulties they face against guerrilla forces, terrorist organizations, or irregular militias. Others argue that the current laws of war meet the challenges raised by low intensity conflicts, but have not been observed strictly enough. The authors here embrace the former approach, and propose changes so that the international laws of war are better suited to the challenges posed by low intensity conflicts.

From Territorial to Social Agendas: A Different Look at the Settlements / Aluf Benn

Every Israeli government since 1967 has developed Jewish settlements in the territories, but the settlements have fulfilled different national objectives in different eras. This article charts three stages in settlement development. Settlements were initially established to shape the country's future border, strengthen Israel's command of the area, and prevent transfer of the West Bank to a different party. Later years cultivated the distinction between blocs intended for annexation to Israel and isolated settlements intended to serve as bargaining chips in negotiations with the Palestinians. Currently settlements serve as a tool to address social problems, most of all finding housing for the ultra-Orthodox sector.

Two States for Two Peoples: A Vision Rapidly Eroding / Zaki Shalom

Jewish settlement in the West Bank has increased rapidly in recent years, with little opposition of note from the Israeli and US governments. This essay examines the nature of Jewish settlement in recent years beyond the Green Line, the factors that shape its development, and its political-strategic implications. The author argues that the solidity of the settlements framework calls into serious question the realization of the vision of two states for two peoples that has been embraced by the American administration and Israeli government for several years.

Russia in the 2008 International Arena / Oded Eran

Starting in the second half of the 1990s, the prevailing view among top Russian policymakers never denied the existence of common interests among Russia and the West, such as the struggle against international terrorism and the proliferation of weapons of mass destruction, and never included a vision of Russia as a country hostile to the Western alliance. However, since Russia does not belong to this camp, it has developed a feeling of severe unease with respect to the dominance of the US and its allies in the global theater. This is based on the belief that in a number of regions, especially in the sphere of the independent states that belonged to the former Soviet Union, Western goals and the Russian interest diverge significantly.

Military Action against Iran: The Iranian Perspective / Ephraim Kam

Iran has grown anxious about the possibility of a military strike against its nuclear facilities. The intensity of Tehran's preoccupation with this issue, the ongoing threats it voices against the US and Israel, and its preparatory measures to preempt military action indicate that Iran is eyeing this scenario with great consternation. This essay surveys Iran's attempt to grapple with the military threat, in particular its attempts to boost its deterrence, and considers how it might respond to an attack on its nuclear facilities.

It's a Long Road to Peace with Syria: From the Second Lebanon War to Peace Overtures in Ankara / Eyal Zisser

Since the end of the Second Lebanon War between Israel and Hizbollah, Israel-Syria relations have fluctuated between concern over the outbreak of a confrontation and hope for renewing the peace process between the two countries, with possibly achieving a breakthrough. The essay reviews and analyzes the developments of this period, and assesses the prospects for a peace agreement. The author contends that barring firm Israeli determination and active American involvement in Israeli-Syrian negotiations it will be difficult for the sides to progress.

The PA: An Authority without Authority / Ephraim Lavie

The ongoing decline in the internal unity of the Palestinian Authority, reflected in the absence of an effective central government, the deep rift between the Gaza Strip and the West Bank, and the violent internal Palestinian struggles, has given rise to a debate on the PA's stability and survivability. In the current situation, two processes are underway in the Palestinian arena: an ongoing process of weakening of the PA and the nationalist current, notwithstanding their support by Israel and the international community, and a parallel process of strengthening of radical Islamic elements that enjoy the support of Iran and Hizbollah.

Iraq: Just Another Milestone in the War against al-Qaeda / Yoram Schweitzer and Gaia Sciaky

The impression that US achievements in Iraq against al-Qaeda in recent months have direct implications for the al-Qaeda organization as a

whole stems from the tendency to overstate the connection between the two. This essay analyzes al-Qaeda Central's overall strategic balance sheet in its campaign in Iraq over the last five years. It argues that al-Qaeda will continue to boast major achievements in its Iraqi campaign even if it eventually endures a sweeping defeat there. Moreover, even major setbacks will not suffice to undermine al-Qaeda's strength in its current headquarters on the Pakistan-Afghan border.

The Third Lebanon War: Target Lebanon

Giora Eiland

Introduction

More than two years have passed since the Second Lebanon War, and there is a general sense that this time the lessons have been learned, with the correct conclusions drawn and implemented. Most of those who held key positions during the war are no longer at the military helm (including two division commanders, the OC Northern Command, the chief of staff, and the minister of defense); the reserve forces have resumed active training; and even the government is trying to mend its ways. Thus as a direct lesson of the war, the Knesset recently passed the National Security Council Law, which is designed to improve the decision making process. If the Third Lebanon War erupted now, logic suggests that the outcome would necessarily be a major improvement over the results of 2006.

This essay contests that assumption and argues that if another war breaks out between Israel and Hizbollah, its outcome will likely not be better, and for two reasons. First, the balance of power between Israel and Hizbollah has not changed: while Israel can certainly claim noticeable improvement in its military capabilities, so can its opponent. The net assessment is that the improvement in Israel's capabilities is offset by the improvements on the other side.

The second reason is based on the contention that it is not possible to defeat an effective and well-equipped guerrilla organization if three conditions exist: the organization operates from country A against country B; the organization enjoys the full support of country A; and country A, along with its army and infrastructure, is entirely immune

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to offensive attacks launched by country B. The State of Israel failed in the Second Lebanon War (and may also fail in a subsequent encounter) because it targeted the wrong enemy. Israel fought against Hizbollah instead of fighting against the Republic of Lebanon.

In part this situation reflects a change in the nature of wars over the last several decades, whereby countries that are militarily weak set up or support an existing military or terrorist/guerrilla organization. Such sponsorship enables these countries to level a painful strike against other countries via proxy, but at the same time absolves them of responsibility for the aggression and allows them to defend themselves against possible responses from the countries attacked. Syria and Iran operate in Lebanon in this way with the full cooperation of the Lebanese government. All three support Hizbollah in one way or another.

Comprehending this phenomenon, the United States is willing to fight with all its might against sponsoring countries, so long as it itself is the target of the terrorism/guerilla activity (North Vietnam for its support of the Vietcong, Afghanistan for its support of al-Qaeda). The administration is less patient when other countries – including Israel – adopt the same approach. Consequently, the first objective of Israeli strategy with regard to the Lebanese issue is to persuade the US that Israel too is compelled to fight the sponsoring state, in addition to the terrorist organization benefiting from the state sponsorship.

This article examines the circumstances that require Israel to change its strategy and launch an operation against Lebanon if and when war erupts. There are four parts to the argument. The first section analyzes the fortification within the IDF and Hizbollah, and reviews the current preparedness of the two sides and what is expected in the coming years; the second section describes the political reality in Lebanon, wherein Hizbollah enjoys full political sponsorship from the Lebanese government; the third section reviews why Hizbollah cannot be defeated unless Lebanon is involved; and in the final section the necessary conclusions are drawn.

The Strengthening of the IDF and Hizbollah
The IDF
The IDF studied the lessons of the Second Lebanon War seriously and there has been a genuine effort to implement them. It is possible to

divide these lessons into four groups. Of these, there has been definite improvement in the first two groups, while there is some question regarding the latter two. The doubts exist both because these categories lend themselves less to measurement and because there is no guarantee that the military indeed managed to tackle the core of either problem.

Ground forces preparedness comprises four elements: the level of training, the technical state of the equipment, inventory stocks (ammunition and spare parts), and the knowledge and skill to carry out the anticipated missions (this fourth element is usually measured by operational plan drills). There has undoubtedly been considerable improvement in the IDF over the last two years in this quantifiable area.

Quality of command teams and command and control processes. This issue encompasses the operating concept and the clarity of language, but above all is based on effective procedures that will ensure coherence and synergy in operating the force. Here too great effort has been invested, reflected in the increasing number of command center drills, changes within the organization (some of which reversed the decisions of the previous chief of staff), the revision of doctrines, the revision of operational plans, and more. Presumably in the next war clearer and more implementable commands will be issued. The goal is that the giant machine known as the IDF will operate more effectively than in the previous war.

> Today's situation is optimal for Hizbollah. There is a legitimate and pro-Western government that has the support of the international community. Yet this same government is subservient to Hizbollah's dictates.

Values and fighting spirit. This matter is particularly troubling. Too often in the last war commanders preferred to remain behind instead of assuming their natural position, at the front line of the fighting. In too many cases adherence to the mission was lacking. Commanders found "good reasons" for not carrying out a mission or postponing implementation. There was an exaggerated tendency to worry about the soldiers' welfare (bringing entire battalions to kibbutzim during the war to "refresh") at a time when hundreds of thousands of citizens, whose safety the army is charged with protecting, continued to suffer attacks. The IDF has tried to tackle this matter, but there is no certainty that

it has succeeded. One of the obstacles to improvement in this area is the limited degree of authority granted to the field commanders in ongoing security operations, which is characterized by low tolerance for mistakes. This approach may prevent the rise of commanders who take responsibility naturally, something that is essential in "the big war."

"Military Thinking." Managing a war on the general staff and regional command level requires intellectual thinking, constant and critical review of basic assumptions, and a creative approach. By nature, it is difficult to assess the effectiveness of military thinking. Success in local operations, even if they are of strategic importance (such as the operation in September 2007 attributed to Israel), does not necessarily prove that the top echelons will perceive the situation correctly and know how to make the right decisions in a drawn out and complex war.

The general assessment, then, is that in two of the four areas, there has been considerable improvement, and with regard to the other two, there is at the very least awareness that improvement is needed.

Hizbollah

Hizbollah improved its military capabilities in three and perhaps even four areas. First, Hizbollah's rocket arsenal has increased enormously over what it possessed on the eve of the war in 2006. Since this is the organization's main weaponry, the greater the quantity, the greater the organization's ability to maintain fighting. Second, the range of the rockets increased. The number of long and medium range rockets within the overall arsenal skyrocketed, which will enable Hizbollah to continue firing even if Israel occupies the entire area between the border and the Litani River. Occupying this area would significantly reduce the striking ability of the short range Katyushas, which constituted Hizbollah's main power in the previous war, but would not address the matter of longer range rockets. In other words: what could have been an effective move in the previous war may not be enough now. Third is the relocation to built-up areas. One of the IDF's difficulties in the Second Lebanon War was dealing with "the nature reserves" – the Hizbollah outposts in open spaces. Despite Hizbollah's success in organizing and operating these outposts, it made a sound decision and

over the last two years has built underground outposts under the built-up areas of Shiite communities. If in the last war the IDF's limitations were intelligence-related and operational, in the next war the Hizbollah outposts amid densely populated areas will add another difficulty.

In addition to these three developments, there is unclassified information on Hizbollah's arming itself with new anti-aircraft missiles, the most dangerous of them being the SA-18. These missiles pose no threat to fighter jets, but may create a serious problem for helicopters.

An overall assessment of the balance of power suggests that at least as far as is known, the balance of power has not changed in Israel's favor. The improvement ascribed to Israel is offset by the parallel improvement on the other side. This situation is not expected to change dramatically until after an effective tactical solution is found for dealing with the rocket launchings, which in any event will not be operational in the coming years.

The Political Situation in Lebanon

The withdrawal of the Syrian army from Lebanon sparked hope among many in Israel and around the world that this would lead to the strengthening of supporters of the West in Lebanon. This proved to be a barren hope, and Hizbollah filled the newly created vacuum. The organization, which had already enjoyed a respected political status, gradually expanded its power.

While the Second Lebanon War subsequently forced Hizbollah to maintain a low profile, this period is now over. Two recent events symbolize Hizbollah's strong position in Lebanon. The first is its insistence on establishing an independent communications network. During this crisis Hizbollah proved that it is the only force in Lebanon capable of mobilizing a military force and thereby subduing it opponents. Not only did the Lebanese government accede to its demands; the Arab world did so as well and compelled the Lebanese government to accept the Doha agreement, which gave Hizbollah the right to veto decisions of the Lebanese government.[1]

The second event was the election of the Lebanese president. Upon the completion of Lahoud's term as president, there were those who hoped that the Syrian puppet would be replaced by an independent president. Syria and Hizbollah made their opposition clear, and the

result was the election of Suleiman as president. The new president knows he was elected thanks to Hizbollah's support and since his first day in office has made it a point to show where his allegiance lies. The way in which he welcomed Samir Kuntar was a symbolic example of this.

Indeed, Hizbollah has embodied the accepted principle in the Arab world whereby political power allows the bearing of arms while the arms protect the political power. Today, the Lebanese president and government recognize not only Hizbollah's right to continue bearing its own arms, but also see these arms as a vital and legitimate means for achieving the national interests (see the Doha agreement).[2] Moreover, recent remarks by the Lebanese president and prime minister likewise offer national support for Hizbollah's arguments regarding the need "to liberate Shab'a Farms" and its right to be a defensive shield that protects Lebanon from "Israeli aggression."[3]

Today's situation is optimal for Hizbollah. On the one hand, there is a legitimate and pro-Western government, which has the support of the United States, France, the UN, and the international community. On the other hand, this same government is entirely subservient to Hizbollah dictates. In effect, while Hizbollah is a proxy of Iran and to a certain extent of Syria as well, so the Lebanese government is a proxy of Hizbollah.

The Impossibility of Defeating Hizbollah

The advantages of a modern military such as the IDF emerge most prominently when three conditions exist, one strategic and two operative.

The strategic condition is that the enemy is a country that is accountable to its population and the international community and responsible for its infrastructure. Such an enemy has something to lose and therefore pressure can be exerted on it. It is relatively easy to bring an enemy that is a state to a situation where the losses it incurs from sustained fighting outweigh the benefits.

The first operative condition is that the enemy's armed force consists of "hard targets" such as tanks, planes, command posts, and so on. Today's intelligence gathering capabilities joined with the capabilities of precision ammunition enable an effective assault on

vehicular targets, which refer to both the size of the target and its "life span."[4] Effectiveness plunges when the pinpoint targets are people or expendable launchers. The second operative condition is that the battlefield be far removed from civilian population centers. This refers to both sides of the equation, that is, the battlefield is removed from both sides' civilian populations.

Hizbollah as a military organization epitomizes the other side of the spectrum. If and when there is a third Lebanon war, its results will resemble that of the previous war. Even if the IDF is more successful in its operations against Hizbollah fighters, it is likely that Hizbollah will have greater success in striking Israeli civilians. There are three reasons for this, first, the number of rockets, their size, "the life span of their targets," and their operation from within built up areas. All of these will preempt their destruction. In the best case scenario, it will be possible, after substantial effort, to reduce the number of daily launches to several dozen. For Israeli civilians located in the areas that are threatened, this has almost no practical significance. Second, occupying a large area (for example, up to the Litani River) will affect Hizbollah and reduce the number of launches, but will not stop them. Third, Hizbollah will not rush to agree to a ceasefire because unlike a state's armed forces, it is relatively indifferent to the loss of fighters, the loss of arms, and the loss of territory. In addition, unlike the government, it is less sensitive to the pressure of public opinion and international pressure.

> Israel must make it clear to Lebanon's allies and through them to the Lebanese government and people that the next war will be between Israel and Lebanon and not between Israel and Hizbollah.

Significance and Risks

A change in the Israeli approach may damage Israel's legitimacy, incur international pressure, and even prompt a clear directive from the United States to stop the destruction of Lebanon. This is reminiscent of the world's reaction, including the US, to the start of Operation Defensive Shield in April 2002 following the terrorist attack on the Park Hotel in Netanya on Passover eve, which killed over thirty Israelis. Hamas carried out this attack and many of the ones that preceded it. The US sanctioned an Israeli operation against Hamas,

but had a hard time accepting the operation as Israel planned it – an operation against the Palestinian Authority.

The US at first demanded that Israel leave all West Bank cities (area A) within forty-eight hours. Notable Israeli steadfastness maintained that this time it was impossible to return to the familiar rules of the game whereby only the terrorists are targeted, and the sponsors (the Palestinian Authority) remain immune. Israel's firmness, which stemmed from a lack of other options, was successful. Israel had to concede on one matter only, stopping the siege of the muq'ata in Ramallah, home to Arafat at the time. On the other hand, the new policy (Israeli control over all Palestinian areas) was well received and commended by the international community.

The same is true regarding Lebanon, whereby Israel strikes at the "bad guys" (Hizbollah) but refrains from striking the darlings of the West and the UN (the Lebanese state and its government). It is convenient and desirable for the others, but for Israel it spells disaster. There is no choice for Israel but to persist firmly on this matter, and if necessary confront its allies over it.

Conclusion

There is one way to prevent the Third Lebanon War and win it if it does break out (and thereby prevent the Fourth Lebanon War): to make it clear to Lebanon's allies and through them to the Lebanese government and people that the next war will be between Israel and Lebanon and not between Israel and Hizbollah. Such a war will lead to the elimination of the Lebanese military, the destruction of the national infrastructure, and intense suffering among the population. There will be no recurrence of the situation where Beirut residents (not including the Dahiya quarter) go to the beach and cafes while Haifa residents sit in bomb shelters.

Serious damage to the Republic of Lebanon, the destruction of homes and infrastructure, and the suffering of hundreds of thousands of people are consequences that can influence Hizbollah's behavior more than anything else. The impact on Hizbollah and its willingness to end the war following Israeli actions of the kind described here would result from both internal and external effects. The internal effect stems from Hizbollah's political status and ambitions, as it portrays itself

as a Lebanese national organization fighting for the interests of the Republic of Lebanon. It may lose its status if Lebanese public opinion blames it for the unnecessary destruction brought upon the state. The external effect stems from the organization's sensitivity to Iranian and Syrian interests. Neither Iran nor certainly not Syria wants Lebanon to be destroyed.

The Israeli message has to be clear and unequivocal: if Israel has to fight against Hizbollah alone again, while the sponsor, the state of Lebanon is "out of bounds," it cannot guarantee victory. There are, therefore, two possibilities: risk a loss (even a draw would be deemed a loss), or fight against a country that chooses to allow Hizbollah to control it. Israel must embrace the second option, and this message must be stated clearly, starting now. If Israel waits until the day the war starts, it will be too late.

The way to convey this to the United States, France, Germany, and other countries requires that there be a high level professional military dialogue between Israel and those countries. If the military leaders in these countries are persuaded by the professional explanation, they will provide the requisite support for the political echelons in their countries.

Notes

1. http://www.nowlebanon.com/NewsArticleDetails. aspx?ID=44023&MID=115&PID=2.
2. http://latimesblogs.latimes.com/babylonbeyond/2008/05/the-united-stat.html.
3. http://www.presstv.ir/detail.aspx?id=63679&sectionid=351020203 and http://www.nowlebanon.com/NewsArticleDetails.aspx?ID=48401.
4. The target life span is measured from the time the target emerges until it is attacked.

The Next War with Hizbollah: Should Lebanon be the Target?

Yossi Kuperwasser

Introduction

Hizbollah's massive force buildup since the end of the Second Lebanon War, which has occurred in part by virtue of the weakness of Security Council resolution 1701, has allowed the organization to amass more rockets and missiles with longer ranges than were in the 2006 arsenal it used against Israel. This situation and the increasing possibility of confrontation with Iran are two of the potential reasons for renewed combat with Hizbollah. Since as far as is known the IDF is not acquiring an active means of defense against these types of rocket and missiles, it is unlikely that in a confrontation in the foreseeable future a significant portion of the missiles and rockets will be intercepted. Therefore, Israel will have to adopt a different strategy to prevent or at least greatly reduce the fire.

More than once, including during the first days of the Second Lebanon War, the idea was raised of adopting an indirect strategy, whereby instead of focusing on a direct strike against Hizbollah, whose survival relies on a signature sufficiently low to allow concealment among the civilian population, Israel would focus its attacks in Lebanon on targets identified with the sovereign state. This, supporters of this approach claim, would help Israel find relevant targets. Israel would be able to demonstrate to Lebanon the cost of forfeiting its sovereignty and possibly prompt Lebanon to compel Hizbollah, through political pressure and/or the use of force, to cease the rocket and missile fire. It is even possible that this might be enough to enhance within Hizbollah

Brig. Gen. (ret.) Yossi Kuperwasser, former head of the research division of IDF Military Intelligence

the considerations in favor of stopping the fighting: the organization's Lebanese identity and its pretensions of being Lebanon's defender and protector oblige it to refrain from causing suffering and damage to Lebanon, and Hizbollah does not want to be accused of acting in foreign interests in a manner that endangers Lebanon.

Recent developments in Lebanon support this approach. The integration of Hizbollah in the Lebanese government, the backing by the Lebanese leadership of Hizbollah following the exchange of Samir Kuntar for the bodies of the Israeli soldiers, and the decision by the Lebanese government that Hizbollah has the right to act "for the liberation of Lebanese land" seemingly nullify the separation that existed until recently between the Lebanese state and Hizbollah, and demonstrate the responsibility of the Lebanese government for the organization's deeds. In the past, Hizbollah based its claim that it should be Lebanon's protector, even if unofficial, specifically on the idea that by entrusting it with the responsibility for contending with Israel the Lebanese state can escape the dangers involved in a direct confrontation with Israel in which Israel enjoys clear supremacy, and scale down the fighting to a level on which Hizbollah holds a relative advantage. Now that the organization has ostensibly become part of the state and its government, Israeli adherence to a strategy that enables the organization to realize its claim appears less justified, and arguments for adopting a new strategy are gaining strength.

Even so, the arguments against the strategy of attacking the Lebanese state as a principal objective in context of a confrontation with Hizbollah still hold much weight and eclipse the arguments in favor of this posture. At the same time, the approach adopted in the last war, which focused on attempting to attack Hizbollah with counter fire, particularly with airpower, is also not suitable. Therefore, a strategy should be adopted that centers on increased ground maneuvers alongside counter fire and strikes against infrastructures, including civilian infrastructures that directly serve Hizbollah's military operations. The strategy of making do with a limited response in order to limit the chance of escalation and weathering the developments is also worthy of examination.

Choosing the preferred strategy requires taking broad considerations into account. First and foremost, it must be clear what Israel's political and strategic objectives are in the event of renewed fighting with

Hizbollah, and which of the alternative strategies offers the best chance of achieving them. The ethical and moral aspects of the various strategies, and their legal, political, public appearance-related, economic, and of course military dimensions must also be examined. Clearly if any one of the strategies surpassed all the others in every way there would be no room for discussion. Yet as this is usually not the case, the question arises regarding the relative weight of the various considerations and to what degree the discrepancies between the various strategies are significant to the decision makers.

Escalation Scenarios and Objectives to be Achieved

Defining the strategic objectives of a future confrontation with Hizbollah naturally depends greatly on the context in which it emerges. This is beyond the objective common to all cases, which is to limit the attack on Israel's home front as much as possible. If the confrontation in question is isolated and results from Hizbollah's provocation based on tension within Lebanon, or as an act of revenge for the attack on Imad Mughniyah, which Hizbollah attributes to Israel, the Israeli goal might be to weaken Hizbollah and strengthen the moderate parties in Lebanon, while damaging the organization's ability to rehabilitate itself and continue controlling southern Lebanon and presenting itself as the defender of Lebanon, similar to Israel's strategic objectives in the Second Lebanon War (even if they were not explicitly defined as such). Other objectives in this context could be strengthening moderate elements in the regional system and increasing Israeli deterrence, in part to increase the chances of achieving a favorable peace treaty with Syria and to weaken the extremist elements in the Palestinian system.

> The arguments against the strategy of attacking the Lebanese state as a principal objective in context of a confrontation with Hizbollah eclipse the arguments in favor of this posture.

If the confrontation with Hizbollah is a secondary arena in an outbreak of hostilities with Iran, as part of an attempt to block its acquisition of a nuclear weapons capability, Israel's strategic objective will likely be to limit damage to the home front as much as possible, and the other strategic issues will be less relevant. If the confrontation develops out of Hizbollah's efforts to support the Palestinians in light of an extensive

Israeli operation against Hamas in the Gaza Strip, Israel might not limit itself to containing damage to its home front and may try to inflict more substantial damage on the organization, as in the first scenario, albeit more gradually. This would also be true in the case of a Hizbollah initiative in context of trying to block a settlement between Israel and Syria.

In all these scenarios it is quite clear that inflicting damage on Lebanese infrastructures – civilian or military – will not directly help to achieve Israeli objectives and might even damage the chances of achieving them. This is assuming that the Republic of Lebanon, and particularly those elements that are connected to the West and support reforms, would not back Hizbollah and would likely even criticize its moves. Only in a scenario in which Hizbollah acts with the support of the Lebanese government in order to promote objectives presented as pan-Lebanese aims, such as "liberating" Shab'a Farms or preventing Israeli flights over Lebanon, are there clear and logical benefits to be gained from attacking Lebanese infrastructures as a means of achieving Israeli objectives, which might be to deter the enemy and prevent its ability to achieve the objectives it set for itself, while damaging its ability to rehabilitate its military strength. Today, the likelihood of this scenario seems small, though not nonexistent.

Legal and Moral Considerations

The ethical-moral considerations, which are also reflected in international laws of war accepted by Israel, have crucial importance in determining the strategy and its means of achievement. The idea of damaging civilian infrastructures, not as a direct part of the operations for achieving military objectives but as a means of increasing the cost exacted from the enemy, stands on shaky legal and moral ground because it clearly has an element of collective punishment. Exacting a price from a party that does not support the side that is confronted in order to spur it into action has an even thinner legal and moral basis. Proposals that involve harm to the uninvolved population are likewise unacceptable from a moral and ethical standpoint, and all the more so from a legal standpoint.

The principal Israeli argument against terror organizations shared by liberal democracies around the world is that the values these elements

are trying to promote as part of their attempt to change the world order are not humane and should be rejected outright. The clash between values such as the willingness to intentionally hurt innocent civilians, particularly those who hold different opinions or beliefs, for the purpose of advancing a political idea, or a willingness to make sacrifices and to suffer as a supreme value, and values such as the universal right to life, liberty, and the pursuit of happiness is at the heart of the ideological struggle that accompanies the fight for the political world order. Therefore, unintentional adoption of values supported by the extremist elements implies legitimacy for their modes of operation, undermines part of Israel's ideological foundation, and suggests an abandoned cause. It is also clear that in this type of confrontation, Hizbollah, which has no inhibitions about attacking civilian targets and has thousands of long range rockets, will enjoy a significant advantage.

This is certainly how the situation will be presented in terms of propaganda. Israel will be portrayed as having despaired of finding a solution to its security problems in ways compatible with its values, and as a party that should be condemned for its mode of action. Since great importance in the war against terror is attached to the legitimization of modes of action – internally, internationally, and by the public where the extreme elements are active – such an operational approach is not only morally deficient but is also counterproductive in terms of legitimization. It is likely that even the United States would oppose such attacks, as it did in the last war, and that the entire international community would express concern over the damage liable to be caused in Lebanon, the expected weakening of the moderate elements there, and the damage in the Arab world to the image of the West in general and the United States in particular. Fortunately, Israel takes great pains in this area. Supreme efforts are made in every operation to ensure that the chances of injuring uninvolved parties are minimal, and thus far Israel has not been dragged into action designed to inflict collective punishment, not to mention conscious damage to parties that are not involved. Israel has proudly and determinedly rejected repeated accusations of this sort,

> Inflicting damage on Lebanese infrastructures – civilian or military – will not directly help to achieve Israeli objectives and might even damage the chances of achieving them.

and it must not in any way reduce the clarity of its determination to adhere to its values.[1]

Those who support the operational approach that focuses on damaging Lebanese infrastructures would likely argue that the right to life should be enjoyed by Israeli civilians who are exposed to Hizbollah attacks, and as there is no way to prevent the firing by attacking Hizbollah members and their infrastructures, there is no alternative to adopting this approach as a necessity that should not be condemned. If this were the situation, it is likely that there would be justification for this mode of action under restricted conditions, as long as it was certain that it would achieve the desired result. In practice, there is no guarantee that this approach would yield the result, nor is it correct that there are no other ways to achieve better results. However, the more effective approaches are liable to risk the lives of IDF soldiers, and as has become evident in recent years, the value of the right to life has been skewed somewhat, so that Israel has become less ready to endanger the lives of its soldiers.[2] This is despite the fact that it is their job to protect the lives of the civilians and the country's other interests, including its sovereignty and security, even at the cost of endangering their lives if necessary, while making sure not to compromise the basic values of the country and the people. This risk aversion is apparently the main reason why Israel refrained from mobilizing reserve forces in the first stages of the Second Lebanon War and later hesitated in implementing the operational plan based on a ground maneuver. This is also the reason it preferred a ceasefire with Hamas over a military operation, and why Israel is wont to search for ideas whose moral standing is questionable, such as attacking Lebanese infrastructures or destroying Palestinian settlements in the Gaza Strip, in the hope that it would be able to fight without endangering its soldiers.

What Is the Benefit of Attacking Infrastructures?

Would attacking Lebanese infrastructures in fact spark the desired chain reaction and bring an end to Hizbollah fire? Even though damaging Lebanese infrastructures would clearly impinge on Hizbollah and challenge its claim that its actions serve Lebanon, the chances of this stopping Hizbollah fire are not great. Indeed, during the Second Lebanon War there was a similar discussion in the Lebanese

and Arab public, in light of the large number of casualties among the Lebanese and in view of the damage inflicted on the bridges and other infrastructures in Lebanon. While Hizbollah was clearly perturbed by the debate and tried to repudiate the blame for the damage, it did not change its policy.

Hizbollah's philosophy is based on the premise that Israel (and likewise the United States) is the embodiment of evil and its very existence poses an unwavering threat to Lebanon. As such, Israel, and not Hizbollah, is responsible for any problem that afflicts Lebanon. This a major component of the justification presented by Hizbollah for its continued existence as an armed organization. Therefore, Israeli attacks on Lebanon will be presented by Hizbollah as decisive proof of its claims and justification for its continued use of rocket fire. While today this argument holds little water, at least among Nasrallah's immediate target audience in the Shiite community and those who oppose reforms in Lebanon it will carry significant weight. In such a case there is a considerable chance that Hizbollah will succeed in fomenting rage towards Israel in additional groups within the Lebanese public and in forging greater Lebanese cohesiveness behind him and against Israeli "cruelty." He could even argue that by its actions, Israel has proven his claim that Hizbollah is an organization with a Lebanese identity and that in fact it and Lebanon are intertwined inextricably.

Moreover, suffering and sacrifice are central symbols and values of Hizbollah, so from its point of view there is no obstacle to continue invoking them, while mustering international and Arab public opinion for exerting pressure on Israel and while harnessing Iran once again to help fund the damage that would be caused in Lebanon. As a ceasefire in the sense of defeat is not a realistic option from its point of view, Hizbollah will have no other option but to continue firing as long as it can, and with the proposed mode of operation, it will be able to do so almost without limit while inflicting relatively heavy damage on Israel, including in economic terms. If the

> Israeli attacks on Lebanon will be presented by Hizbollah as justification for its continued use of rocket fire.

moderate elements in Lebanon were able to impose their opinion on Hizbollah they would persuade or force it to avoid starting the war in the first place, or they would even prevent its obtaining arms. The true

degree of their influence on Hizbollah and their ability to confront it were clearly demonstrated in the last few months, as well as in their very acceptance of the wording of resolution 1701 that does not oblige the Lebanese government to close the border with Syria to the smuggling of arms to Hizbollah. If they dared not confront Hizbollah at that time, what are the chances of their venturing to do so now?

Conclusion

The problem presented by Hizbollah is one of many examples of an organization that resorts to terror and exploits the weaknesses of a failed state in order to operate from its territory. The case of Lebanon is a special one, as the weakness of the state is inherent and does not derive from the fact that the government intentionally harbors the terror organization (as was the case in Afghanistan or in the Palestinian Authority) but is due to the fragile relationship between the elements of power, most of which bear a clear ethnic identity. For many years, this system has been based on the need for preventing expression of the relative size of the community that is represented by the terror organization more than by anyone else, and on the fact that the organization enjoys full support and assistance from the two external elements that have the greatest impact on events in the country. This is also a special case because in practice, Hizbollah runs a state within a state; in other words, it is the essential ruler in the Shiite-populated areas and enjoys great influence in other areas, in view of the interest of the Lebanese in maintaining the existence of the country as a single state unit. Thus, any attempt to promote ideas of reform, namely, strengthening the sovereignty of the central government and renouncing terror without a change in the balance of power within the Shiite community and without genuine limitation of Syria's and Iran's ability to determine how Lebanon will act, has a very limited chance of succeeding.

If there is another round between Israel and Hizbollah, Israel will probably have to launch a large scale ground operation.

In dealing with terror from uncontrolled areas in failed states, Western countries, including Israel, are faced with a difficult dilemma. Using standoff force, including against the sovereign party, does not solve the problem. A large scale ground operation is liable to require an extended and costly stay in

hostile territory. Refraining from action enables the terror organizations to demonstrate strength and enhance their capabilities. The solution that Western powers seek, whereby pragmatic local elements will enforce state sovereignty with Western support but without direct Western involvement and presence, is not feasible. Therefore the West is tempted to long for the convenient solution that appears to be emerging both in Lebanon and Gaza, in which the extreme element takes control of the country and turns the problem into a confrontation between states. This is a conflict for which the Western countries traditionally develop their military strength, and in which they enjoy a relative advantage. The trouble is that apparently even in such circumstances, the terror organizations continue to use force in a manner that suits them, shirk political responsibility, and maintain a very low military signature. Thus, there is ultimately no avoiding a large scale ground operation, usually after the Western party has suffered a substantial blow such as the attack on the Park Hotel or the 9/11 attacks. In the case of Hizbollah too, Israel waited until the provocation of the 2006 kidnapping, and as it avoided launching a ground operation, was forced to accept a partial achievement only.

If there is another round between Israel and Hizbollah, Israel will not be able to make do with standoff counter attacks on Lebanese targets, and will probably have to launch a large scale ground operation. While Hizbollah will be able to exact a not inconsiderable cost from Israel for such an operation, the IDF has the ability to take control of the organization's operational territories in southern Lebanon, including north of the Litani River, and if necessary, also in Beirut and the Bek'a valley. Such an operation, together with inflicting damage on infrastructures that serve Hizbollah, is the only one that will stop the firing, create a new reality in the field, and enable examination of the possibility of establishing a different arrangement with regard to relations between Israel and Lebanon in general and the Shiite community in particular. All this of course is contingent on the context within which the confrontation erupts and the positions of the various players, particularly Syria, Iran, the United States, and France. This will require the willingness to undertake a protracted and uncomfortable presence in Lebanon, but it seems that the attempts to find different kinds of solutions will not block the inevitable.

Notes

1. When Terje Larsen published an article in *Haaretz* after the events in Jenin during Operation Defensive Shield and claimed that Israel had lost the moral high ground in Jenin (and it is often noted how much some Europeans, and even some of their partners in the United States, such as former President Carter, eagerly await the day they can claim this), I explained to him that he evinced no understanding of the Israeli narrative, that Israel attaches the utmost importance to maintaining its moral advantage, that there is no chance it would endanger it, and therefore he should quickly apologize before the facts blow up in the face, lest he lose his ability to act as a mediator between the sides.
2. This clearly involves a calculated risk, and hence the military must prepare operational plans whose chances of success justify, from the IDF's point of view and from the point of view of the politicians, all the risks entailed in implementing those plans.

Adapting the Laws of War
to Low Intensity Warfare

Erez Zaionce and Roni Bart

In the early twentieth century and following the Second World War, the international community designed a legal system regulating what is and what is not permitted in war, based on initial treaties developed at the end of the nineteenth century, mainly the Geneva and Hague Conventions. These laws of war were intended to regulate a variety of war-related issues, including: the conduct of warfare through limitations on means and methods of war; the protection of the civilian population; and the treatment of soldiers and prisoners of war. Since the end of the Cold War the involvement of the international community in laws of war has increased significantly, through surveillance, critical examination, the use of diplomatic pressure, and criminal prosecutions. This critical attitude has made the laws of war, which limit or prohibit certain courses of action, an increasingly salient issue for civil and military leaders.

Laws of war were established initially for wars fought by regular militaries between states, and were based on the ability and obligation to distinguish between fighting forces / zones and the civilian population. For political reasons, international law consistently refrained from dealing with low intensity conflicts, conflicts in which one side is not a regular military subject to a sovereign government but rather a guerrilla force, a terrorist organization, or an irregular militia.[1] These bodies are not bound by international law, given that they operate from within civilian populations. Under these circumstances, international law has

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become less a justified and reasonable constraint and more a severe operational limitation.

In light of this phenomenon, politicians and jurists are divided on the subject. There are those who argue that the laws of war in their current format are outdated and limit more than necessary the ability of regular armed forces to deal with the operational difficulties they face in low intensity conflicts. According to this approach, the laws of war in their current format are not suited to this mode of warfare and should be changed as soon as possible. There are even those who argue that militaries should be allowed to deviate from these laws until the issues are resolved. Ignoring the urgency of the issue is to bury one's head in the sand.[2]

Others argue that the laws of war in their current format have withstood the test of time against challenges raised by low intensity conflicts. In their view, these challenges do not justify ignoring the laws of war that were first and foremost intended to protect civilians, even if there are specific regulations that should be changed. According to this approach the fundamental problem is not the need to update the laws of war, rather the lack of their strict observance. Many of those who support this argument fear that the very raising of the issue for discussion might create a snowball effect that would significantly threaten what has been achieved thus far by laws of war.[3]

This essay disputes the status quo approach and accepts the principle of change, based on the universal observation that reality always precedes legislation, which consequently needs to evolve and adapt. The essay briefly reviews the principles of the laws of war and the problems arising from their current application to low intensity conflicts, and proposes a way of adapting the laws to the new reality.

Laws of War – Principles and Problems

The laws of war are based on "a balance between two magnetic poles: military needs on the one hand, and humanitarian considerations, on the other hand."[4] These laws rest on four basic principles intended to create and maintain this balance.[5]

1. The principle of military necessity: the use of force is permitted as long as it is intended to achieve a military purpose as part of the campaign against the enemy. Attacks for the purpose of destroying

property or injuring people, i.e., neither for a military purpose nor intended to injure the enemy population, are prohibited.

2. The principle of humanity: acts that are likely to cause unnecessary damage and suffering should be avoided, even if the objectives in question are permissible for attack. The wellbeing of civilians is pivotal, and the effects of armed conflict on them should be kept to a minimum.

3. The principle of distinction: there is a duty to distinguish between combatants and military objectives, and civilians and civilian targets. The latter should be left outside the circle of fighting as much as possible, and the effects of the fighting on them should be minimized to the utmost.

4. The principle of proportionality: injury to civilians or civilian sites resulting from an assault on a legitimate military objective does not in itself render the attack illegal, as long as the anticipated loss of civilian life or damage to civilian targets is not excessive in relation to the specific direct military advantage anticipated.

The characteristics of a low intensity conflict (mainly fighting against and from among civilians) challenge traditional distinctions and classifications anchored in laws of war, and place substantial operational difficulties and dilemmas before states and jurists. Even the very classification of the conflict generates difficulties for international law. Traditionally, international law divides armed conflicts into two categories: international armed conflict, i.e., between sovereign states, and non-international armed conflict, i.e., intra-state conflict.[6] Conflict between a sovereign state and an illegal armed non-governmental organization (henceforth illegal organization) acting outside its territory apparently does not fall under these definitions. The status quo approach argues that the conflict should be classified according to one of the traditional categories, the most suitable based on the circumstances.[7] The change approach deems that it should be seen as a completely new type of conflict.[8] Classification of the conflict is not merely an academic question; it dictates the substantive laws that apply to the said conflict.

> The characteristics of a low intensity conflict – mainly fighting against and from among civilians – challenge traditional distinctions and classifications anchored in laws of war.

The main difficulty with regard to low intensity conflicts is the distinction between civilians and combatants. The laws of war distinguish between combatants and non-combatants, i.e., civilians.[9] In terms of customary international law, those who are not "combatants" are "non-combatants."[10] Combatants are defined as persons with "a set recognisable mark which can be distinguished from afar…openly carrying weapons…with a chain of command…and managing their actions in accordance with the laws of war."[11] In an attempt to make it easier for illegal organizations to be bound by international law, the articles demanding that combatants wear recognizable markings and openly carry weapons were suspended.[12] The distinction between these combatants and non-combatants is of course critical, since the latter have wide ranging rights and protections while the former have rights only after they have ceased taking an active part in the combat.

Combatants in low intensity conflicts, guerrilla-militia-terrorist combatants, do not fit the traditional distinction between combatants and non-combatants: only partially do they move around with identifiable markings and openly carry weapons; they do not clearly differentiate themselves from the civilian population; and they also knowingly and blatantly breach the laws of war, as well as exploit the obligation of regular militaries to international law in order to harm them. The difficulty, therefore, is not only in defining the status of these combatants-non-combatants. The problem is an enemy that cynically exploits the protection afforded by the laws of war to civilians in order to use them as a human shield, and sometimes even tries to draw the opposing regular army to attack these civilians in order to cause damage to its image. In any case, the difficulty in defining their status has of course implications for the basic issues of war: who can be attacked, and what is the status of those who fall captive during the battle.

The change approach argues for the creation of a third category – unlawful combatants, based on the conviction that combatants of illegal organizations are not entitled to the rights given to combatants or the protection afforded to non-combatants.[13] The existence of this third category has yet to be recognized in customary international law, and it is problematic since those classified within it are completely defenseless and find themselves outside the boundaries of international law.[14] It is therefore doubtful if this approach is compatible with the concept

of the laws of war, the essence of which was intended to regulate all stratums of the war. At the same time, non-recognition of this category underscores the obsolescence of international law.

The status quo approach holds that laws of war already distinguish between the complementary classes of lawful and unlawful combatants, first and foremost in order to preserve the distinction between combatants and civilians. Since the goal is to keep civilians outside the cycle of violence, it is imperative to ensure that the distinction between them and combatants is clear and unequivocal. On the one hand, unlawful combatants are denied the protection afforded to civilians since they "take direct part in acts of hostility"; on the other hand, they are not recognized as lawful combatants.[15] Therefore, instead of creating an equivocal third category, unlawful combatants should be prosecuted in military or civilian courts (as civilians who have committed crimes), and should not be put into a third category that denies them any rights.[16] The severity of this problem is exemplified by the American policy in the Guantanamo detention center.[17]

Implementing the principle of distinction in low intensity conflicts where one side acts from within a civilian population, not only with regard to combatants as opposed to civilians but also with regard to military objectives versus civilian targets, is acutely difficult. According to international law military objectives are only those "which by their nature, location, purpose or use make an effective contribution to military action and whose…destruction, capture or neutralization…offers a definite military advantage."[18] Combat should be waged against military capabilities of the enemy and not against its civilian population. Therefore, parties to the conflict may target only military objectives.[19] In addition, it is "prohibited to attack, destroy, remove or render useless objects indispensable to the survival of the civilian population, such as foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations and supplies and irrigation works, for the specific purpose of denying them for their sustenance value to the civilian population or to the adverse Party, whatever the

> Creation of a new category, "unlawful combatants," implies that combatants of illegal organizations are not entitled to the rights given to combatants or the protection afforded to non-combatants.

motive, whether in order to starve out civilians, to cause them to move away, or for any other motive."[20] When the objectives are military installations (e.g., outposts, headquarters, weapons, arsenals, barriers) within the civilian population, the difficulty of maintaining the principle of distinction arises anew. At issue is an operational difficulty as well as a complicated challenge to international law.

The difficulty in distinguishing between combatants and non-combatants and between military and civilian objectives has major ramifications for the ability to implement the other principles: military necessity, humanity, proportionality. Combat in low intensity conflicts is generally carried out within the civilian population, and on the basis of the principle of proportionality, laws of war severely limit attack of targets under these circumstances: "Those who plan or decide upon an attack shall…refrain from deciding to launch any attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."[21] This is perhaps the most prominent example of the clear advantage given by international law to the party to the conflict that ignores and/or exploits the rules of war.

Proposal for Change

Guerrilla-militia-terrorist warfare waged by "civilians" and from civilian zones against enemy civilians breaches the traditional military-humanitarian balance underlying the laws of war. Adherence to the existing laws and their accepted interpretations not only gives operational advantage to one side (something a neutral legal system is meant to avoid), but even encourages it to ignore the law and continue to exploit it. Therefore, with regard to low intensity conflicts, new rules should be established. These rules would not completely cancel existing qualifications, but rather adjust some of them in order to create a more suitable balance "between military necessity and the humanitarian consideration" in low intensity conflicts.

Defining the Combatants

Unlawful combatants should be defined under a third, separate category, in accordance with the 2002 Israeli law that "a person who has

participated either directly or indirectly in hostile acts against the State of Israel or is a member of a force perpetrating hostile acts against the State of Israel, where the conditions prescribed in Article 4 of the Third Geneva Convention of 12th August 1949 with respect to prisoners-of-war and granting prisoner-of-war status in international humanitarian law, do not apply to him" (i.e., lawful combatants).[22]

The status quo approach, whereby the clear distinction between civilians and combatants is required in all areas – even within the framework of low intensity conflicts – is unacceptable, precisely because unlawful combatants are those who create a reality within which there is no such practical distinction. In fact, unlawful combatants are civilians who either continuously or sporadically engage in combat; the prohibition of treating them as combatants solely because they are not formally called by this term is blatantly unjust and unrealistic. At the same time, the change approach whereby unlawful combatants are not entitled to the rights afforded to combatants or the protection afforded to civilians should also not be accepted. As human beings, and possibly also enjoying a presumption of innocence, they have inalienable rights. According to the proposed new category, unlawful combatants will be afforded the basic rights of lawful combatants, first and foremost the rights to life and human dignity.[23] If captured in the course of ongoing security activity, they are afforded the right to trial.[24] With regard to acts of war, unlawful combatants taken prisoner have the right to food, medical care, and visits by the Red Cross, and they may not be tortured.[25] On the other hand, in contrast to existing laws of war, it would be possible: to deny them the rights to postal services, contact with their families, and release at the cessation of hostilities; to prosecute them for war crimes; and to place them in solitary confinement for extended periods of time.[26] In addition, with regard to international law rather than the laws of war, detaining and kidnapping members of unlawful organizations from enemy countries or from among occupied people not at a time of war for whatever reason, even for negotiation purposes, should not be prohibited.[27]

> Law is a human invention; it can and should be changed, in order to adapt it to a new reality.

This category will afford unlawful combatants basic humanitarian rights, and will deny them privileges beyond that. In order to maintain

the distinction between unlawful combatants and civilians, a captive who is not clearly a combatant will be entitled to judicial process (similar to a detainee of ongoing security operations) that will determine whether the person in question is an unlawful combatant or a civilian caught in a combat zone.[28] Herein lies a pivotal point that differentiates this proposal from the policies of the United States government with regard to Guantanamo detainees.

Combat Zone

Just as unlawful combatants obliterate the distinction between themselves and civilians, their method of fighting and their combat sites limit the distinction between a military and civilian objective. When unlawful warfare is waged from within the civilian population for refuge and other purposes, almost any civilian territory becomes "an effective contribution to military operations," and therefore in targeting it there is a justifiable "clear military advantage." This is all the more so when the civilian population in question collaborates with unlawful combatants. Therefore, in order to maintain the balance at the heart of the laws of war, consideration must be given to the military necessity to conduct extensive and intensive operations within civilian zones, while strictly adhering to basic humanitarian standards. Sharpening existing rules and setting new ones, consistent with a stricter interpretation of the spirit and incomplete letter of existing international law (thus strengthening it), offers at least a limited solution to this problem. Accordingly:

1. Responsibility for loss of civilian lives and property resulting from action taken against unlawful combatants or attacks lies with the unlawful organization operating within that civilian population. Those who initiate, encourage, finance, or allow fighting within the civilian population, be they the actual combatants or their commanders, are guilty of war crimes. This wording makes explicit the prohibition that already exists in law, implicit in such action: "The presence of a protected person may not be used to render certain points or areas immune from military operations."[29]

2. The operating country must officially and publicly define the territory within which military action against unlawful

combatants or attacks is taking place. Civilians must be allowed to leave the area, on their own initiative or as a response to a call to do so.

3. Civilians may be evacuated against their will in order to deny unlawful combatants the opportunity to use their "immunity" or in order to allow the regular army freedom of operation, as long as the evacuation is carried out with strict adherence to safeguarding the lives and property of the evacuees and is not intended as a permanent deportation.[30]

4. Attacking a static objective within a civilian zone may occur only after a warning has been issued to the population to evacuate the area.

5. Attack on unlawful combatants within a civilian population will be carried out in a focused manner, while avoiding or minimizing incidental "loss of civilian life, injury to civilians and damage to civilian objects" in general, and specifically "those… which would be excessive in relation to the concrete and direct military advantage anticipated."

6. Responsibility for unlawful warfare from within a country lies with its sovereign government. If the government fails to stop such warfare immediately because it is unwilling and/or incapable of doing so, that government bears the responsibility for a de facto state of war. The attacked country is then entitled to act outside the immediate combat zone, in order to pressure directly or indirectly the responsible government to cease the unlawful warfare emanating from its territory, as long as warning is given to evacuate non-combatants from areas intended for attack.[31] This concretizes and lends substance to the most recent Security Council resolution on the subject (1373) adopted in 2001.[32]

Seemingly little new is implied here, since a country has the right to defend itself. However, actions of unlawful organizations are deemed legally as actions of the state hosting them only if they are acting on the instructions or under the control of that state.[33] This article strongly implies that when this is not the case, the host state is not responsible and therefore no actions should be taken against it. On the other hand, the

Security Council determined that the United Nations charter places on its member states the duty to refrain from organizing, encouraging, aiding, participating in, or acquiescing to acts of terror within their territories against another state.[34] This should indeed be so, and it is the right of the country under attack to take military steps of self-defense towards the host country even if it is only "acquiescing" with the acts initiated from within its territory.

7. The list of civilian objects prohibited for attack for humanitarian reasons should be limited to those intended directly for food, water, and medical care. Electricity, transport and communication installations, and all other infrastructure in the combat zone are permissible for attack, if they aid unlawful warfare. So too are civilian houses and facilities used (i.e., militarized) by unlawful combatants, since current international law permits attacks on "temporary camps…deployment positions…launching sites… military equipment …raw materials for military use…[and] local command-control-communication centers."[35]

Military Necessity and Proportionality

According to the laws of war, use of force is allowed only for achievement of military purpose and not for destruction of property or harm to the civilian population. Based on traditional interpretation, legitimate military purposes are destruction of the military force of the enemy or occupation of territory. This definition of military purpose does not suit low intensity conflicts, in which often the occupation of territory is irrelevant and the destruction of "military forces" impossible since they are easily "civilianized." Military purpose in low intensity conflicts is to deny warring illegal organizations the will or the ability to conduct unlawful warfare from within their civilian population. There is no way to achieve this legitimate purpose without extracting a heavy toll from that civilian sphere. Proportionality in low intensity conflicts can thus not be measured "in relation to the concrete

> There is neither military nor moral justification for leaving the legal situation as it is. The accepted liberal interpretation of existing law affords an advantage to unlawful combatants over their victims.

and direct military advantage anticipated," such as the destruction of a number of tanks or occupying an important hill. It needs to be measured also in relation to the overall and indirect advantage of removing the threat of unlawful warfare to the country's civilians. This can be attempted by neutralizing the civilian zone from which it is waged (for example by evacuating the population), or by exerting pressure (for example by targeting infrastructure objectives or conducting a "disproportionate" responsive-attack in the traditional-conventional meaning of the term).

Therefore, in low intensity conflicts a very broad interpretation of the principle of proportionality should be adopted. Accordingly, "incidental loss of civilian life, injury to civilians, [or] damage to civilian objects" will not be considered "excessive in relation to the concrete and direct military advantage anticipated," as long as civilians are not attacked indiscriminately and as long as they are not denied immediate humanitarian needs. Both these prohibitions are limited in scope. On the one hand, civilians in the combat zone, especially those who are willing participants/supporters, will understand that focused attacks, enforced evacuation, and the denial of other than basic needs are legitimate and foreseeable steps. On the other hand, the attacking army must allow humanitarian supplies and must not allow indiscriminate attacks or the targeting of humanitarian installations.

Conclusion

This proposal is not an academic exercise. Israel is confronted with terrorism and guerrilla and militia warfare, from Lebanon via Hizbollah and from the Palestinian territories through a myriad of organizations. Facing this challenge, the laws of war are a significant limitation on both the strategic and the techno-tactical levels, and this legal limitation is treated as if it were written in stone. It is not. Law is a human invention; it can and should be changed, in order to adapt it to a new reality. Moreover, in most instances there is no need to change the law but rather to adopt a different interpretation. It should not be taken for granted that the accepted liberal interpretation, which is unfavorable to defending states and exceedingly lenient towards unlawful armed organizations, is the binding one.

The State of Israel should initiate such a change in international law. A draft of a new / refined set of laws, one that balances anew between military necessity and humanitarian considerations, should be prepared by representatives from the IDF, the General Security Services, and the Foreign and Justice Ministries.[36] This draft should be promoted along two tracks simultaneously. An international track should be used to submit it for discussion in relevant forums, in accordance with accepted procedures.[37] This is a long and cumbersome process, which is unlikely to succeed. Yet its very setting in motion will aid Israel from a public diplomacy point of view, in particular vis-à-vis nations dealing with similar problems or those that regard jihad terrorism seriously (including the United States, some of the European countries, India, Turkey, and Russia). On the other hand, the direct approach could prove counterproductive, and promoting this track indirectly and covertly should be considered. Since any Israeli proposal will elicit automatic and sweeping opposition, it is perhaps better to persuade other countries to lead the endeavor, leaving Israel behind the scenes. Concomitantly, the draft that does not contradict treaties to which Israel is party but that legislates an Israeli interpretation of international law for low intensity warfare should also be submitted to the Knesset.

The legal situation must not be left as it is. There is neither military nor moral justification for doing so. The accepted liberal interpretation of existing law affords an advantage to unlawful combatants over their victims. In the words of the rabbinic sages, "he who is merciful to the cruel, in the end is cruel to the merciful."

Notes

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1. There is no mention in the 1899 Hague Convention of unconventional warfare, because small powers (concerned about future occupation) opposed the great powers' demand to outlaw civilian resistance. See F. Kalshoven, *Constraints on the Waging of War*, International Committee of the Red Cross, 1987, p. 14. A similar scenario recurred in the 1999 drafting of the Rome Statute (the international treaty establishing the International Criminal Court – ICC), when no agreement on the definition of terrorism could be reached and resolution of the issue was postponed to a later date. See R. E. Fife, *Review Conference: Scenarios and Options*, Assembly of State Parties, ICC, 2006.
2. One of the most prominent people calling for an update to the existing

laws is former British secretary of state for defense John Reid, who argued (April 3, 2006): "The Geneva Conventions were created more than half a century ago, when the world was almost unrecognizable to today's citizens…we need now to…re-examine these conventions. If we do not, we risk continuing to fight a 21st century conflict with 20th century rules," http://www.mod.uk/DefenceInternet/AboutDefence/People/Speeches/SofS/2006040320thcenturyRules21stcenturyConflict.htm. Many leading jurists, especially in the United States, endorse this position. With regard to the September 2001 bombings, Christopher Greenwood argues that "a challenge on this scale by a non-state actor to the one superpower calls for entirely new thinking about the nature of international law." See C. Greenwood, "International Law and the 'War against Terrorism,'" *International Affairs* 78, no. 2 (2002): 301. Eric Posner, "War, International Law, and Sovereignty: Re-evaluating the Rules of the Game in a New Century: Terrorism and the Laws of War," *Chicago Journal of International Law* 5, no. 2 (2005): 423-34, recommends that "the US should not consider itself governed by the laws of war in its conduct with Al Qaeda, as they are normally understood, but it should be alert for opportunities for creating implicit norms of conduct that serve the American interest. If such opportunities arise, the traditional laws of war may serve as a useful source for creating these norms," p. 434.

3. The International Red Cross, responsible for international conventions on the subject, leads the status quo approach: "In current armed conflicts, the problem is not a lack of rules, but a lack of respect for them…..Despite certain shortcomings in some of the rules governing the conduct of hostilities, mostly linked to imprecise wording, these rules continue to play an important role in limiting the use of weapons. Any further erosion of IHL may propel mankind backwards to a time when the use of armed force was almost boundless," ICRC, *International Humanitarian Law and the Challenges of Contemporary Armed Conflicts*, 30th International Conference of the Red Cross and Crescent, Geneva, 2007, 30IC/07/8.4, pp. 14-15. Many leading jurists, especially European, agree: For example, "existing IHL – treaty and customary international law – has shown its continued relevance and overall adequacy in application to the conflict in Iraq throughout its various phases," K. Dörmann and L. Colassis, "International Humanitarian Law in the Iraq Conflict," *German Yearbook of International Law* 47 (2004): 342.

4. Y. Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge: Cambridge University Press, 2004), p. 16.

5. Though not detailed as such, these principles are elicited from the conventions and were defined in professional literature, such as L. C. Green, *The Contemporary Law of Armed Conflict*, (Manchester: Manchester University Press, 2nd ed., 2000), pp. 347-57. To these four principles can be added a principle known as the Martens Clause, which states that "until there

is a more complete codex of the laws of war, the engaged parties find it necessary to declare, in those cases not covered by the regulations adopted by them, the civilians and combatants remain under the protection and control of the principles of the international law, as they are derived from the set customs between cultured people, from the laws of humanity and the demands of the public conscience," Hague Convention Respecting the Laws and Customs of War on Land, 1907, pp. 101-2. See also Dinstein, *The Conduct of Hostilities,* p. 56.

6. Y. Dinstein, *War, Aggression and Self Defence* (Cambridge: Cambridge University Press, 4th ed., 2005), p. 5.

7. Anrtonio Cassese, for example, argues that an "armed conflict which takes place between an Occupying Power and Rebel Insurgent Groups whether or not they are terrorist in character – in an occupied territory, amounts to International armed conflict." A. Cassese, *International Law* (Oxford: Oxford University Press, 2nd ed., 2005), p. 420. Another example can be seen in the argument of Cherif Bassiouni and the Inter American Commission on Human Rights: "IHL determines that a sustained 'war' between one or several states, on the one side, and a transnational terrorist group, on the other, may fall under the concept (and law) of a non international armed conflict. Inter American Commission on Human Rights, *Report on Terrorism and Human Rights*, OEA/Ser. L/V/II.116 Doc. 5 rev. 1 corr., October 22, 2002, www.cidh.oas.org/Terrorism/Eng/toc.html, para 7; C. Bassiouni, "Legal Control of International Terrorism: A Policy Oriented Assessment," *Harvard International Law Journal 43,* (2002): 100.

8. For example, Marco Sassoli argues that "despite all risks connected to creating and defining a new category of armed conflict, the international community may wish to legislate a new category of transnational armed conflicts." M. Sassoli, *Transnational Armed Groups and International Humanitarian Law*, Program on Humanitarian Policy and Conflict Research, Harvard University, 2006. See also J. Yoo and R. J. Delahunty, *"The Geneva Convention Is Not the Last Word," Los Angeles Times*, February 1, 2005. Posner (p. 423) argues that the "laws of war might sensibly be applied… though most likely in a highly modified form."

9. Article 48, the First Protocol added to the Geneva Convention of 1977. There are countries (including the United States and Israel) that have not signed this protocol, but most of its articles are accepted as customary international law. This article was recognized by the International Court of Law in the Hague as such: "The 'principle of distinction' between combatants and non-combatants (civilians) as a fundamental and 'intransgressible' principle of customary international law," advisory opinion on the *Legality of the Threat of Use of Nuclear Weapons*, [1996] ICJ Rep. 26, 257. In addition, the work of Henckaerts and Doswald-Beck on customary international humanitarian law prepared for the Red Cross found that "the Parties to the Conflict must at all times distinguish between civilians and

combatants. Attacks must not be directed against civilians." J. Henckaerts, and L. Doswald-Beck, "Study on Customary International Humanitarian Law: A Contribution to the Understanding and Respect for the Rule of Law in Armed Conflict," *International Review of the Red Cross* 87 no. 857 (March 2005): 198.

10. Article 50 (1) of the First Protocol. The matter was emphasised by the Yugoslavia International Crimes Tribunal, which determined that civilians are "persons who are not, or no longer, members of the armed forces," *Prosecutor v. Blaskic*, Case IT95-14-T, ICTY, Judgment 3rd March 2000, para 180. This was also quoted in the Supreme Court ruling 769/02, The Public Committee against Torture in Israel against the State of Israel, p. 23.

11. Article 13 of the First and Second Geneva Convention of 1949.

12. Article 43 (1) of the First Protocol.

13. "Members of al Qaeda and the Taliban militia are not legally entitled to the battery of special rights and protections designed for professional soldiers," J. C. Yoo, "The Status of Soldiers and Terrorists under the Geneva Convention," *Chinese Journal of International Law* 3 (2004): 137.

14. Supreme Court ruling 769/02, The Public Committee Against Torture in Israel against the State of Israel, p. 24.

15. Cassese argues that "clearly, this category of persons does not constitute a third class (those of combatants and civilians making up the other two classes). These combatants are to be regarded as civilians (hence protected persons) who, by taking up arms without possessing the status of lawful combatants, have committed war crimes, and may thus be tried and punished," pp. 408-9. This statement is based in part on Clause 51 (3) of the first protocol: "Civilians will enjoy the protection granted to them according to this sign, unless and for the duration of the time they take direct part in acts of hostility."

16. K Dörmann states: "It is generally accepted that unlawful combatants may be prosecuted for their mere participation in hostilities, even if they respect all the rules of international humanitarian law," in "The Legal Situation of 'Unlawful/Unprivileged Combatants,'" *International Review of the Red Cross* No. 849, p. 70. And (p. 73), "It can hardly be maintained that unlawful combatants are not entitled to any protection whatsoever under international humanitarian law."

17. Detainees are incarcerated without due process. According to the US administration's position, this policy is based on the precedent of *Ex Parte Quirin* (1942).

18. Article 52 (2) of the First Protocol. In addition, with regard to civilian objectives the customary judge determined that "the parties to the conflict must at all times distinguish between civilian objectives and military objectives. Attacks must not be directed against civilian objects," Henckaerts and Doswald-Beck, p. 198.

19. Article 48 of Additional Protocol I of 1977, in Dinstein, *The Conduct of Hostilities*, p. 82.

20. Article 54 (2), of the First Protocol.

21. Article 57 (2) (iii) of the First Protocol. This concept was strengthened by a ruling of International Crimes Tribunal Yugoslavia (ICTY) *Prosecutor v. Zoran Kuperekic et al.* case IT-95-16 Trial Chamber II, ICTY, Judgment 14th January 2000, para 527. It is also manifested by the establishing convention of the International Criminal Court, which is not binding for countries that have not ratified it, but is an indication of this article becoming part of the customary international law. ICC Statute, article 8.2 (b) (iv), Rome Statute of the International Criminal Court, 1998.

22. The imprisonment law of unlawful combatants, 2002, 1834, of the statutes of the State of Israel, 192. This law deals with incarceration of unlawful combatants, in conditions of ongoing security.

23. In accordance with Article 5 of the Fourth Geneva Convention, 1949. There is broad consensus on this point, endorsed even by those advocating a harsher judicial approach to unlawful combatants.

24. Universal Declaration on Human Rights, 1948, article 8. Here we agree with the status quo approach, exemplified by Cassese (an unlawful combatant may be punished "only after judicially establishing that he is liable to punishment"), and diverge from Dinstein (international law "takes off a mantle of immunity from…unlawful combatants…[who] may be subjected to administrative detention without trial"). See A. Cassese, *Expert Opinion on Whether Israel's Targeted Killings of Palestinian Terrorists is Consonant with International Humanitarian Law*, p. 11); Dinstein, *The Conduct of Hostilities*, p. 31.

25. The rights are anchored in Article 3 (2) and the prohibition of torture is anchored in Article 3 (1a), common to all the Geneva Conventions of 1949.

26. Article 25, 119, 133 of the Fourth Geneva Convention of 1949.

27. Clause 34 of the Fourth Geneva Convention, and Clause 3 (1b) shared by all the Geneva Conventions of 1949 prohibit the taking of hostages, but they refer only to "people who are not taking actual part in the acts of hostility." Of course members and combatants of unlawful organizations do take an active part in the acts of hostility, and therefore the prohibition on taking hostages does not apply to them.

28. The term 'clearly combatant' means a captive caught in the act, for whom there is no doubt that he was involved in the armed conflict as a combatant.

29. Article 28 of the Fourth Geneva Convention as well as Article 51 (7) of the First Protocol of the Geneva Convention.

30. Article 49 of the Fourth Convention states that "individual or mass forcible transfers…are prohibited. Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand. Such evacuations may

not involve the displacement of protected persons outside the bounds of the occupied territory except when for material reasons it is impossible to avoid such displacement. Persons thus evacuated shall be transferred back to their homes as soon as hostilities in the area in question have ceased."

31. Given that justified humanitarian concerns prohibit military actions that can directly vanquish unlawful warfare from within civilian zones, it should be legitimate to use military attacks as means of quasi-political pressure to indirectly end the said warfare. This is not in line with international law as is interpreted nowadays, which stipulates that "the advantage gained [by military attacks] must be military and not…political." Dinstein, *The Conduct of Hostilities*, p. 86.

32. *"Reaffirming* the principle established by the General Assembly in its declaration of October 1970 (resolution 2625 (XXV) and reiterated by the Security Council in its resolution 1189 (1998) of 13 August 1998, namely that every State has the duty to refrain from organizing, instigating, assisting or participating in terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts.*"*

33. "The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact acting on the instructions of, or under the direction or control of, that State in carrying out the conduct," International Law Commission, *Draft articles on Responsibility of States for Internationally Wrongful Acts*, 2001, Article 8.

34. See n. 31.

35. This partial list is from Dinstein, *The Conduct of Hostilities*, p. 86. Our proposal limits the applicability of Article 54 (2) of the First Protocol prohibiting the attack or destruction of "objectives vital to the survival of the civilian population, such as… agricultural fields" by limiting the definition of what is vital for civilian survival.

36. Such as the "Dirani Law," intended to enable the imprisonment of unlawful combatants.

37. One opportunity to do so would be during the next inter-governmental conference dealing with the Rome Statute, in 2009-2010. See Fife, R. E. *Review Conference: scenarios and options*, Assembly of State Parties, ICC, 2006**.**

From Territorial to Social Agendas: A Different Look at the Settlements

Aluf Benn

Every Israeli government since 1967 has developed Jewish settlements in the territories, prepared to pay the economic costs of building and expanding them and the political costs of international disapproval and damage to Israel's image. The thrust of the settlement enterprise in the West Bank was launched during Menahem Begin's tenure as prime minister. His political successors continued to develop the settlements and their supporting infrastructures, with differences among them stemming less from ideology and more from international pressure and internal political constraints.

However, despite their ongoing development and their support from all the governments, the settlements have fulfilled different national objectives in different eras. Three stages of Israeli settlement in the West Bank can be identified:

- *Establishment*, from 1967 until 1992, when settlements were constructed to shape the country's future border, strengthen Israel's command of the area, and prevent any transfer of the West Bank to a different party. The current settlement map was drafted during the establishment stage.
- *Differentiation*, from 1992 until 2005, when the distinction was cultivated between settlement blocs intended for future annexation to Israel as part of the permanent arrangement, and isolated settlements on the mountain ridge and in the Jordan Valley, intended to serve as bargaining chips in negotiations with the Palestinians. The distinction was a function of the size of the settlements and their distance from the Green Line. The separation fence, built as a

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response to Palestinian suicide terrorism, created a physical barrier between the two types of settlements. The understandings between Prime Minister Ariel Sharon and President George W. Bush reached in connection with the disengagement plan and the evacuation of residents from the Gaza Strip settlements granted political validity to the policy of differentiation.

- *Normalization*, which began when Ehud Olmert assumed office in 2006. Olmert acted as if the settlement blocs were annexed by Israel. During his tenure, construction authorization in the blocs was accelerated and served primarily as a tool for mitigation of social problems, most of all finding housing for the ultra-Orthodox. Based on previous understandings between Sharon and the American administration, whereby construction is limited to west of the separation fence, Olmert and Minister of Defense Ehud Barak prohibited construction beyond the fence, and development of the isolated settlements was limited and occurred by local initiative only.

The settlements, established initially to establish political facts, have achieved their founders' objectives. The West Bank remains under Israeli security control, while Palestinian violence has forced Israel to determine through creation of a physical separation barrier which settlements will remain within its sovereign area and which are destined for future evacuation. The negotiations with the Palestinians are based on the assumption that in return for the evacuation of isolated settlements, Israel will be able to retain control of the ridge line on which the large settlement blocs are built and thereby expand Israel's "narrow waistline" around Tel Aviv and Jerusalem.

Statistics from the summer of 2008 listed 282,000 Jewish residents in 120 settlements outside of Jerusalem's municipal boundaries. Of these, some 80,000 live in 77 settlements east of the separation fence line, and 202,000 reside in 43 settlements west of the fence.[1] In addition, there are approximately an additional 200,000 Jewish residents of Jerusalem neighborhoods beyond the Green Line.

Sharon's Vision

The idea that Jewish control of the Land of Israel would be achieved through gradually constructed settlement contiguity was born in

modern Zionism's early waves of immigration to Palestine. Menahem Ussishkin formulated the notion in 1904 at the beginning of the second aliyah in his essay "Our Program," in which he called for coalescing the small Jewish farming villages into contiguous blocs.[2] The philosophy he presented has been at the heart of Zionist settlement since then.

The establishment leading Israel during its early decades, having matured politically during the days of the British Mandate and "Homa U'migdal,"[3] retained the notion of creating a continuum of Jewish settlements as a means of ensuring Israeli sovereignty within the Green Line, even after the establishment of the State of Israel. It was only natural, then, that after the Six Day War settlement would once again be used as a means of establishing facts on the ground that would ultimately lead to changes in the border and expansion of the country's territory.

Labor governments, in power from 1967 until 1977, annexed East Jerusalem and built large Jewish neighborhoods in the greater metropolitan area. They also established 22 settlements in the West Bank, particularly in the Jordan Valley and the Etzion bloc – as a basis for realizing the Allon Plan – as well as Kiryat Arba near Hebron. In addition, various Nahal military outposts that later became civilian settlements were established, and the settlers of Sebastia were allowed to settle permanently in the Kadum army camp near Nablus.

The political upheaval that marked Likud's first ascent to the government was the harbinger of the great leap forward in settlement construction. The Likud sought to perpetuate Israel's control of the West Bank, and settlement seemed like the most auspicious means of doing so. The peace process with Egypt and the concern over Labor's return to government lent the drive particular urgency. Gush Emunim ("Bloc of the Faithful") and the national-religious movement

> Ironically, accelerated settlement construction occurred specifically under left leaning governments, and not under right wing governments that identified ideologically with the settlement residents.

were ideological homes of those prepared to settle the mountain ridges. In September 1977, Minister of Agriculture Ariel Sharon brought his plan for the establishment of dozens of settlements in the West Bank before the ministerial committee on settlements. Over the next six

years, Likud governments decided to build 103 settlements (not all of which were ultimately constructed),[4] which sketched the existing map of settlements in the territories.

Sharon presented the ministers with a number of objectives:[5] creating a barrier between the Israeli Arab population in the Triangle and the Palestinians in the West Bank, for fear that a large Arab bloc could threaten Jewish residents on the coastal plain; controlling the area overlooking Israel's population centers on the coastal plain in order "to grant [the population centers of the coastal plain] depth, and strengthen the corridor" and to ensure that no other military force would deploy in the commanding areas; securing the Jordan Valley against a ground attack from the east; and ensuring Jerusalem as "the permanent capital of the Jewish people" by building a band of settlements surrounding the Arab neighborhoods of the city – the Etzion bloc, Efrat, Ma'ale Adumim, Givat Ze'ev, and Beit El. Sharon estimated that building settlements in the area immediately adjacent to the city would ensure a Jewish majority and Jewish control of the city "fifty or a hundred years into the future."

The ministerial committee approved Sharon's plan. "I was still not sure when I presented my plans for settlements that the cabinet believed this was something I was really going to do," he wrote in his memoirs, "but as I told them at one point, I'm the only Mapainik in this government. I am not talking here so that I can record my voice in the protocol. Consider it carefully. Because once this is approved, I am going to do it."

> Israel's driving principle in negotiations was "most of the settlers on the Israeli side, most of the settlements on the Palestinian side."

Sharon acted quickly, before internal and external opposition would stop the project's momentum. Moreover, his assessment was correct: it was enough to establish preliminary facts on the ground for the settlement activity to continue into the future as well. In the coming years, Israel came under heavy international pressure to prevent the establishment of further settlements, and the main effort was turned to strengthening and expanding existing settlements – primarily in areas near the Green Line, where demand was high – and constructing infrastructures, such as roads bypassing Arab communities, which made it easier for

settlement residents to live in relative security near Palestinian towns and cities.

In order to advance the separation of the Israeli Arabs from the Palestinians in the West Bank, Sharon later encouraged the "Star Settlement Plan," construction of Jewish settlements west of the Green Line to serve as a kind of parallel line to the settlements east of the Line (Kokhav Ya'ir, Tzur Yigal, Sha'ar Ephraim, an expanded Rosh Ha'ayin, Bat Hefer, Katzir, and Harish). Contact between the two populations, however, continued until the second intifada when two decisions taken by the Sharon government in 2002 effected the dissociation: the construction of a separation fence, which prevented physical movement from the Triangle to the West Bank, and the prohibition on naturalization of Palestinians married to Israel citizens. The desire for a demographic separation between Arabs who are citizens of Israel and residents of the Palestinian Authority was unquestionably a factor when these decisions were approved.

The Idea of the Blocs

In the late 1980s, support garnered by the Palestinian intifada prompted heavy pressure on Israel to stop the expansion of the settlements. President George Bush, Sr. clashed over this issue with Prime Minister Yitzhak Shamir, who was determined to continue constructing new settlements, even at the cost of the guarantees Israel requested from the US to finance the absorption of immigrants from the Soviet Union.

In the election campaign of 1992, Labor candidate Yitzhak Rabin presented a distinction between "the security settlements," which he justified, and "the political settlements," built adjacent to Palestinian population centers, which he opposed. Rabin favored the separation of the two populations and with the Oslo Accords led the way to the establishment of Palestinian autonomy, but he insisted that all settlements remain in place until the permanent arrangement. He evacuated no settlers from their homes, and even laid the political foundations for continuing expansion of the settlements.

The guarantees agreement Rabin reached in August 1992 with President Bush allowed Israel to complete the construction of projects that had already started, and recognized the "natural growth" of existing settlements in the Jerusalem region and the Jordan Valley.[6] This

arrangement ultimately aroused significant controversy and subsequent administrations tried to retreat from it, claiming that Israel abused the loopholes of "natural growth" and "project completion" to undertake massive expansion of construction in all the settlements.[7]

During Rabin's tenure, the prevailing norm was that as long as there was an active political process with the Palestinians, Israel enjoyed a respite from international pressure to halt its settlement activities. This was also true during the tenures of Ehud Barak and Ehud Olmert (after the Annapolis conference). By contrast, in times of a slower or frozen political process, external criticism of Jewish settlement in the territories would increase. In practice, these pressures served the Americans as a means of encouraging Israel to negotiate with the Palestinians. This is also the reason that – ironically – accelerated settlement construction occurred specifically under left leaning governments, and not under right wing governments that identified ideologically with the settlement residents.

A month before he was assassinated, Rabin presented his political legacy to the Knesset for approval in the form of the interim agreements with the Palestinians (Oslo 2). At its center were changes in the border of the West Bank, including: "the security border of the State of Israel [which] will be located in the Jordan Valley, in the broadest meaning of that term; changes which will include the addition of Gush Etzion, Efrat, Beitar and other communities, most of which are in the area east of what was the Green Line, prior to the Six Day War; the establishment of blocs of settlements in Judea and Samaria, like the one in Gush Katif."[8] The distinction Rabin made both in his election campaign and in his last political speech between two kinds of settlements rested on the manner in which the settlements evolved. Like any residential system, these settlements developed according to their distance to Israel's economic and employment centers. Settlements established relatively close to Tel Aviv and Jerusalem that afforded residents easy access to places of employment and commerce expanded much more than the settlements on hilltops near Ramallah and Nablus, which provided no ready sources of income.

The stance that Israel would present in negotiations over the permanent arrangement was thus formulated during the Rabin years. At its center was determining a border that would leave the settlement

blocs on the Israeli side, and evacuating the settlements on the other side of the line.[9] The principle was "most of the settlers on the Israeli side, most of the settlements on the Palestinian side," and the differences between the proposals touched only on the scope of territory to be annexed by Israel, in return for which the Palestinians would receive alternate territories and free access between the Gaza Strip and the West Bank.

During Barak's term, two contradictory processes competed with one another: the settlement effort to establish facts on the ground by erecting dozens of outposts around the older settlements, through tacit agreement with the government that supplied them with basic services and defense; and a political effort toward a permanent arrangement with the Palestinians. The outposts had no success in altering the demographic reality, and they remained points embraced by an ideological minority. The political process did not produce an agreement, but embedded the pattern of a future arrangement in international consciousness, an arrangement that would rest on the annexation of settlement blocs to Israel.

The future of the settlements was the focus of internal debate in Israel during Sharon's tenure and in particular during his second term. In his ministerial functions in the past, Sharon was the promoter and political patron par excellence of Israeli settlement in the territories. As prime minister, he confronted a wave of Palestinian suicide terrorism and was under intense American pressure to contain settlement development as well as growing internal pressure to demonstrate some movement on the political front. In consequence, Sharon made a series of decisions. The most important of them were the construction of the separation fence on the West Bank, following a demarcation line that left the settlement blocs west of the barrier, and the disengagement plan, which called for the evacuation of all the settlements from the Gaza Strip and the demolition of four settlements in northern Samaria. The Palestinians and their supporters in Israel and in the international

> Olmert realized his promise to strengthen the settlement blocs, but failed in the primary mission he presented when elected, namely to determine a border for the West Bank, either by agreement or as a unilateral move.

community, who viewed the separation fence as a de facto border, have conducted legal and diplomatic battles to modify the route so that the smallest possible segment of land is included east of the Green Line. The settlement residents and their supporters conducted a fierce public and political struggle against the disengagement that failed to stop the plan but ensured extensive financial compensation for the evacuees.

Sharon strove for an understanding with the American administration that would allow Israel to build as it wished in existing settlement blocs if it undertook to avoid settlement expansion east the fence. He viewed President Bush's letter of April 2004 as American recognition of Israel's annexation of the settlement blocs in any future arrangement. Sharon also promised – though he failed to fulfill the commitment – to evacuate the outposts, i.e., settlements erected without government approval after Sharon became prime minister. The Bush administration turned a blind eye or satisfied itself with mild remonstrations regarding new construction in the settlement blocs. However, the Americans prevented Israel from developing the planned E-1 neighborhood between Ma'ale Adumim and Jerusalem, out of concern that it would threaten the establishment of a Palestinian state with territorial contiguity on the West Bank.

The Fence as a Border

Ehud Olmert, who replaced Sharon in January 2006, viewed the division of the land and separation from the Palestinians in order to achieve a Jewish majority as "the lifeline of Zionism."[10] At the heart of his election campaign lay the convergence plan, the idea of establishing a border on the basis of the separation fence, evacuating the settlements that remained east of the barrier, and expanding and developing the blocs.[11] The escalation of security issues in the Gaza Strip and the Second Lebanon War removed the convergence plan from the public agenda, and the question of the settlements was relegated to the margins of Israel's internal debate. Supporters of the settlements saw the rocket attacks from Gaza and the war with Hizbollah as proof that Israeli withdrawals only aggravate the security situation. In late 2007 the Annapolis process was launched, meant to formulate an agreement of principles between Israel and the Palestinians. However, it aroused

little public interest because of the prevailing assessment that nothing would come of it.

There were several components to the policy conducted by Olmert and Minister of Defense Barak in the settlements:

- The planned demarcation route of the separation fence became the "litmus test" for building permits in the settlements. As a rule, Olmert and Barak allowed tenders and construction plans only west of the fence, and thereby strengthened its status as a de facto border.[12] While the Sharon government averred that the barrier "is solely for defense purposes and does not represent any kind of political border,"[13] the moment it was erected as a physical obstacle on the ground, a clear distinction was created between the two sides.

- Since the Annapolis conference, building plans for thousands of housing units in the settlement blocs have been approved, in particular around Jerusalem and in Jerusalem neighborhoods over the Green Line. These decisions were censured as impediments to the political negotiations, but the criticism was faint and Israel has ignored it. The settlements east of the fence have continued to develop at an insignificant pace and due to local initiative, with the government turning a blind eye.[14] They continue to enjoy all public services, and no decision has been made to abandon or shrink them. The construction of the separation fence has slowed down, apparently due to budgetary considerations, and has been frozen in areas of political controversy such as the "Ariel fingers."

- The government has almost entirely avoided forced evacuations from outposts and has tried to arrive at understandings with the settlement leaders regarding evacuations of the outposts and the transfer of their residents to established settlements. Israel made a commitment to the American administration to evacuate 26 outposts; by the summer of 2008, three such outposts were evacuated by agreement, and a fourth outpost, Hazon David in Kiryat Arba, was evacuated and reestablished several times. The IDF has also prevented the resettlement of the destroyed settlement of Homesh near Jenin but has allowed visitors there, though they are barred from erecting residential structures.

- In the negotiations with Palestinian Authority president Abu Mazen over the "shelf agreement" that is to determine the principles for a permanent arrangement, Olmert presented the isolated settlements as bargaining chips. He suggested drawing up an agreed-upon border, and then evacuating the settlements to its east in two stages: first, a voluntary evacuation in return for compensation, and later on, once the entire arrangement is implemented, a forced evacuation of the remaining settlements. In return, the Palestinians were required to agree to no limits on Israeli construction west of the border to be determined, even if the execution of the arrangement were postponed.

Olmert proposed annexing 7-8 percent of the West Bank to Israel and compensating the Palestinians with alternate territory of some 5 percent and the passage from Gaza to the West Bank. By the summer of 2008 this proposal was not accepted by Abu Mazen, who has expressed willingness to Israel's annexing some 2 percent of the West Bank on the basis of land exchanges. Thus Olmert realized his promise to strengthen and support the settlement blocs, but failed in the primary mission he presented when elected, namely, to determine a border for the West Bank, either by agreement or as a unilateral move. During his tenure, mainly through the construction and development policy in the territories, the separation fence became entrenched in Israeli and to an extent in international consciousness as well as the de facto border. Dealing with the outposts and the settlements east of the fence was postponed.

Both Tzipi Livni, who was elected to succeed Olmert as Kadima party leader, and leading rival Shaul Mofaz have espoused similar outlooks. Livni has said that the separation fence is the point of reference for dividing the land,[15] and Mofaz has spoken about including the settlement blocs within Israel.[16] The differences between them concern the pace of negotiations more than the location of the border.

A Socioeconomic Apparatus

Assuming that the large settlement blocs – around Jerusalem, Ma'ale Adumim, the Etzion bloc, Modi'in Illit, and western Samaria – have absorbed a critical population mass to ensure their future annexation to Israel, it can be argued that Israel has already succeeded in moving its

border east of the Green Line in any future political arrangement. The effect of a larger population in these blocs on the political arrangement is negligible, if at all existent. Accordingly, expanding construction in the blocs at this time is meant to realize other national goals, first and foremost the easing of a social problem: providing housing for middle class and poorer populations outside the areas of high demand in the Dan region (greater Tel Aviv) and Jerusalem. Above all, this policy is meant to assist the ultra-Orthodox.

The government channels ultra-Orthodox populations to settlements near the Green Line. Two of the largest settlements in the territories are the ultra-Orthodox towns of Modi'in Illit and Beitar Illit; their growth rate is also the highest. According to the Central Bureau of Statistics,[17] the population of Modi'in Illit numbered 37,800 at the end of 2007, while the population of Upper Beitar was 31,900, representing a 9.6 percent increase over the preceding year. The third ultra-Orthodox community in the territories, Immanuel, has failed to attract residents to the extent of the settlements closer to the Green Line. In late 2007, its population was only 2,700. In total, the three ultra-Orthodox towns represent one quarter of all Jewish residents in the West Bank. The ultra-Orthodox segment of the total settlement population is likely to grow because of the accelerated pace of expansion of the ultra-Orthodox communities in comparison with the other settlements. For example, the population of Ma'ale Adumim was 33,000, and grew at a rate of 3.8 percent in 2007. In Ariel, the population numbered 16,600, having grown by only 1.2 percent.

The Ministry of Construction and Housing, in charge of developing public construction, has placed the provision of housing solutions for the ultra-Orthodox sector high on its list of priorities. Based on Ministry statistics,[18] there are 600,000 ultra-Orthodox in Israel, and this sector grows at an annual rate of 6 percent. Aside from in Jerusalem and Bnei Brak, ultra-Orthodox have found housing in Modi'in Illit and Beitar Illit, and within the Green Line in the ultra-Orthodox town of Elad and in the ultra-Orthodox neighborhoods of Beit Shemesh and Ashdod. According to the Ministry, "in most of the ultra-Orthodox communities, with the exception of Modi'in Illit and Beitar Illit, almost all potential housing options have already been realized." In addition,

there are plans for construction for the ultra-Orthodox within the Green Line, for example, in Harish.

The policy of directing the ultra-Orthodox to the settlement blocs was reflected in two construction tenders published by the Housing Ministry in recent months: to build 286 housing units in Beitar Illit, and 350 apartments in Agan Ha'ayalot in Givat Ze'ev. The tenders were explained as "a response to the urgent needs of Jerusalem's natural growth, given the lack of solutions within the city for young couples of the ultra-Orthodox community."[19]

Settling ultra-Orthodox communities beyond the Green Line provides a response for the needs of a particular self-isolating population, willing to live at a relative distance from the employment, commerce, and entertainment centers of Greater Tel Aviv. The State of Israel is thus fulfilling the goals of dispersing the population and taking advantage of barren lands on the slopes of the Judean hills, without adding to the density and demand for housing in the Tel Aviv and Sharon regions where the secular population of the country is concentrated. This arrangement is convenient for both the ultra-Orthodox and the secular, two groups preferring to live apart from one another.

Construction in the settlement blocs also allows the state to give new housing to the poor (in this case, ultra-Orthodox) population, or to middle class secular and traditional families who would find it difficult to buy an apartment in areas of high demand. This is amply evident from the socioeconomic survey undertaken by the Central Bureau of Statistics,[20] which divides the settlements into three groups based on the settlement's socioeconomic status. The ultra-Orthodox towns are poorer: Beitar Illit is ranked in cluster 1 (the only Jewish settlement in the lower cluster), and Modi'in Illit and Immanuel are ranked in cluster 2. Ma'ale Adumin, Ariel, and Efrat, where there was extensive public construction, are ranked in the middle class (clusters 5-6). The mid to high scale (clusters 7-8) include Givat Ze'ev, Elkana, Oranit, and Alfei Menashe.

People close to Olmert have presented another argument for the large scale building plans approved in recent months in the settlement blocs. According to them, the new apartments are intended to supply housing for some of the residents of settlements from the east side of the fence who will be evacuated in the future under the voluntary

evacuation compensation plan. In this way, the government achieves the concentration of settlement residents within the existing settlement blocs, but not far from the places they will be leaving.

The Crux of the Matter

At the heart of the traditional debate over Israeli settlement in the West Bank lies the claim that continued settlement represents an obstacle to dividing the land between two states, Israel and the Palestinian state. The opponents of the settlements caution about undermining the legitimacy of Israel as a Jewish state and are concerned about the future of the Zionist endeavor should the mixing of the populations in the territories continue. The Israeli left is also critical of the immorality of occupation, although this argument has almost disappeared from the Israeli public debate in recent years. Residents of the settlements and their supporters view settlement beyond the Green Line as the ultimate expression of living Zionism and the basis for Israel's security in the long run, and warn that dividing the land will destroy Zionism.

Today, however, this argument seems anachronistic and misses the mark. In practice, Israel conducts itself as if the settlements west of the separation fence have already been annexed to its territory, develops them freely, and uses them to solve social problems under the aegis of broad political consensus. Settlements beyond the separation fence are being left in place as bargaining chips for the political arrangement, or until a government arises that is not afraid to assume the risk of an internal confrontation over dismantlement of settlements and compensation for the evacuees.

Notes

1. Ministry of Defense data.
2. Menahem Ussishkin, "Our Program," cited in Shalom Reichman, *From Outpost to Settled Land* (Jerusalem: Yad Ben Zvi Press, 1979), p. 124.
3. Literally, "Tower and Stockade," collective settlements built overnight during the British mandate.
4. State Comptroller Report No. 34, "Construction and Development Activities in Judea and Samaria," pp. 81-104. The report lists in detail all government decisions on establishing settlements until 1983.
5. Ariel Sharon with David Chanoff, *Warrior: An Autobiography*, 2nd ed. (New York: Simon and Schuster, 2001), pp. 356-71.
6. *New York Times*, July 21, 1992.

7. The 2001 Mitchell report and the 2003 Roadmap require a freeze on construction in the settlements, "including natural growth."

8. "Ratification of the Israel-Palestinian Interim Agreement," October 5, 1995, http://www.mfa.gov.il/MFA/MFAArchive/1990_1999/1995/10/PM%20 Rabin%20in%20Knesset-%20Ratification%20of%20Interim%20Agree.

9. The first plan to determine a demographic border that would leave Israel with 11 percent of the West Bank, and include all the large settlements, was the proposal by Yossi Alpher in 1994, "Settlements and Borders: Paper No. 3 on Issues Concerning the Permanent Arrangement," published by the Jaffee Center for Strategic Studies. The map drawn by Alpher is very similar to the outline of the separation fence approved about a decade later.

10. Olmert's speech as he presented his government to the Knesset, May 4, 2006.

11. Olmert presented the convergence plan in interviews with the three major daily newspapers, *Haaretz, Yediot Ahronot*, and *Maariv*, March 10, 2006. He also told the leaders of the United States, Britain, and France about it. However, the plan never went beyond general principles and was never translated into a detailed program.

12. The outstanding exception is the approval for twenty homes in Maskiyot, in the Jordan Valley Regional Council, *Ynet*, July 24, 2008.

13. Government decision of October 1, 2003, http://www.mfa.gov.il/MFA/ Government/Communiques/2003/Cabinet+Communique+-+1-Oct-2003. htm.

14. According to a report by the Foundation for Middle East Peace, based on data from Peace Now and the Ministry of Construction and Housing, there were 44 homes under construction east of the fence and 560 to its west from January until July 2008. The large gap between the two sides of the fence is obvious even in publications of left wing organizations that have an interest in emphasizing overall settlements growth and expansion.

15. *Haaretz* supplement, December 29, 2006.

16. *Yediot Ahronot*, August 8, 2008.

17. Population in settlements with 1,000 or more residents, temporary data of December 31, 2007.

18. Press release about the establishment of the ultra-Orthodox town of Harish, August 5, 2008, http://www.moch.gov.il/NR/exeres/6CAED619-3D14-4914-B9A9-C2E9EDFAD1D0.htm.

19. Press release, May 21, 2008.

20. The Central Bureau of Statistics, "Characterizing Local Authorities and Categorizing them on the Basis of the Population's Socioeconomic Status, 2003," published in 2006. The Central Bureau of Statistics survey, which categorizes all authorities on a scale of ten socioeconomic clusters, serves as the basis for allocation of social services.

Two States for Two Peoples: A Vision Rapidly Eroding

Zaki Shalom

The Present Situation

Without fanfare, drum rolls, or extensive public and media attention, a new (some would say old) reality is taking root regarding Jewish settlement in the West Bank. One primary index is the impressive growth in the area's Jewish population. According to the Central Bureau of Statistics, a total of 261,600 Jews lived in Jewish settlements in the West Bank in 2006. By the end of 2007, this number rose to 275,200. The Jerusalem Institute for Israel Studies reports a total of 184,300 Jews living today in Greater Jerusalem outside the Green Line. The annual growth in recent years (2001–2005) of the Israeli population in West Bank settlements was 5.5 percent. High birth rates among the local population and continued relocation by Israelis from sovereign Israeli territory to the settlements account for this extremely high rate. In comparison, the annual general growth rate of the overall Israeli population during these years was 1.8 percent.[1]

The Jewish settlement movement in the territories has continued over four decades, since the end of the Six Day War. It has known highs and lows, changes in its numbers and its geographic disposition, but over the years it has consistently enjoyed direct or indirect government support. Sometimes support was intensive and broad; sometimes it was given to a lesser degree and through relatively low profile measures. Most of all, however, the key agents behind the settlement enterprise in the West Bank are the Yesha Council [the umbrella organization of Jewish settlements in the West Bank and the Gaza Strip] and associated

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groups. For years, the Yesha Council was the dominant body in shaping Jewish settlement in the territories – sometimes in conjunction with the government, sometimes not. Since the 2005 disengagement from Gaza and four settlements in northern Samaria, signs of internal rift have emerged among the community of settlement residents. The radical wing, made up primarily of young people, seeks to fulfill the vision of settling the Land of Israel at any price, including resistance to and circumvention of state institutions.[2] More established circles seek to continue the settlement enterprise through coordination and broad understandings – as much as possible – with the political-security establishment. These two camps are far from monolithic and encompass a range of opinions.

At first glance, this division within the right seemingly undermines the power of those who support continued settlement. In fact, however, it seems that both sides complement one another and are actually boosting the scale of construction in the settlements. The longstanding leadership continues with the construction endeavor based on formal agreements and permits, while more radical activists are unilaterally going out and creating new facts on the ground. In this way they further the construction enterprise that is based on official permits.

This phenomenon is creating more and more territorial facts with far reaching strategic implications. If it continues at its present pace, let alone broadens beyond today's projection, prospects will begin to collapse for realizing a political accord between Israel and the Palestinians in the spirit of President Bush's vision of two states for two peoples, which in recent years has also been embraced by Israeli governments. In late August the secretary-general of Peace Now underscored, "The Green Line has been almost totally blurred, and settlement blocs are swallowing up the isolated settlements. Israel is expanding the settlements and turning the longed-for separation from the Palestinians (through the establishment of a Palestinian state) into an impossible task."[3]

This essay examines the nature of Jewish settlement in recent years beyond the Green Line, the factors that shape its dimensions, and its political-strategic implications. The primary question is whether and to what degree the continuation of Jewish settlement in its current format is likely to foil the establishment of two states for two peoples.

Government Positions

From the Olmert government's perspective and based on official statements of key figures, the policy on construction in the territories comprises several basic elements. In the first place Israel has made it clear that it is not establishing new settlements. At the same time, it is not prepared to commit to refrain from expanding existing settlements. The government has confirmed that it initiates public construction based on defined criteria, which generally involves construction within the boundaries of the security fence, i.e., in the settlement blocs that are considered to be within the consensus of Israeli public opinion. Israeli officials generally claim that these criteria are compatible with the understandings previously reached with the Bush administration before the implementation of the disengagement plan and highlighted in President Bush's letter to Prime Minister Ariel Sharon on April 14, 2004.[4]

Government spokespersons also stress that the process of expanded construction in the West Bank is a function of practical constraints: fortifying the Jewish presence in the large settlement blocs (in accordance with the understandings reached with the American administration) and meeting the needs of settlement residents based on natural growth. Informal statements have also acknowledged a hidden agenda: the need to appease right wing circles in the government, mainly Shas, so as to preserve coalition stability. At any rate, government spokespersons stress that Israel is careful not to build on land expropriated from Palestinians, and government authorities have tightened supervision over private construction.[5]

> If the settlement enterprise continues to flourish, prospects will begin to collapse for realizing a political accord in the spirit of President Bush's vision of two states for two peoples.

Government spokespersons insist that Israel is a law abiding state and is adamant in ensuring that its laws are enforced. Any settlement erected unlawfully will ultimately be dismantled. In practice, however, the government is in no hurry to implement this principle. Here and there it has flexed its muscle regarding the pinpoint handling of a particular illegal outpost. According to a statement on Kol Yisrael radio by Eitan Broshi, the defense minister's advisor for settlement affairs, 26 illegal outposts were

established and home to 1,500 people. Of these outposts, three have been evacuated. Peace Now data charts 102 unauthorized outposts in the West Bank, 50 of them erected since March 2001 (the date specified by the Roadmap). During the year 125 buildings were added in illegal outposts.[6]

Government spokespersons stress that unlike the past, Israel is not acting secretly on this issue with the aim of circumventing external and internal parties. Israel operates in the West Bank with all its cards on the table. The settlements, stress government representatives, will not stand as obstacles to an Israeli-Palestinian peace agreement. The Israeli leadership has insisted that Israel is working honestly and in good faith to achieve a political solution with the Palestinian Authority. In the past, Israel perhaps engaged in dialogue with the Palestinian Authority primarily for the purpose of pacifying the American administration and the EU as well as left wing circles in Israel. The goal was to stage a peace process that was alive and well. Then it was possible to discern foot-dragging in negotiations with the Palestinian Authority, since in reality there was no effort to advance negotiations toward concrete decisions.[7]

Today, government spokespersons urge, a different trend prevails. Israel now has placed on the negotiating table the core issues dividing Israel and the Palestinians: borders, refugees, and perhaps even the status of Jerusalem. Had Israel wanted the negotiations to drag on, it could have insisted that these issues be debated only when agreement was achieved on less complex questions. This is how previous Israeli governments tended to maneuver. Moreover, Israel is no longer demanding, as it used to, that the Palestinian Authority fight terror infrastructures as a condition for the continuation of negotiations.

According to the first stage of the Roadmap the Palestinians committed to implement reforms in government and hold elections for their political institutions, wage a fight against terror, and prepare a sustainable state infrastructure. In his speech at the Herzliya Conference on December 16, 2004, Prime Minister Sharon explained he had reached an understanding with President Bush: "In accordance with the Roadmap – any steps towards realizing the political outlook offered to the Palestinians first obligates them to take genuine action against terror until it is eliminated and stopped, advance real reforms and stop teaching hatred towards Israel." Had the government of Israel insisted on fulfillment of these terms, the Bush-led American administration

would have been hard pressed to contest this condition. Certainly much time would pass until a beginning of any concrete political process. The fact that Israel is not opting for this course implies it has no intentions of hindering the political process, and in fact is eager to bring it to its successful conclusion.[8]

Representatives of the Israeli government argue that the ultimate future of the settlements will be based on borders agreed upon by Israel and the Palestinian Authority. Israel also affirms that no unilateral action on the part of any of the sides may prejudice the outcome of negotiations. Israel has already proven its ability to disengage from territories it controlled (e.g., southern Lebanon) and to evacuate thousands of people (as in the 2005 disengagement plan) – even without compensation and not as part of an arrangement. All the more so would Israel be able to do this within the framework of a peace arrangement. At a press conference with US Secretary of State Condoleezza Rice, Foreign Minister Tzipi Livni said:

> While negotiating the final status issues, the borders and the territory of the future Palestinian state, we clearly showed, especially in the disengagement plan from the Gaza Strip, that settlements were not obstacles … when there was a need for Israel to withdraw and to send a message of peace, we dismantled the settlements… . Israel is going to implement its obligations according to the Roadmap. There is no new construction of new settlements according to Israeli government policy. Israel stopped confiscating new land from Palestinians for purposes of building settlements or expanding settlements… . I can assure you that Israel has no hidden agenda. Our idea is to reach an understanding, to find a way to define the future borders of the Palestinian state while, of course, giving an answer to Israel's security needs and other issues that are part of our concern, including the need to end the conflict by defining the future Palestinian territory.[9]

Israel's positions with regard to the settlement project are also dictated by its sense of the endeavor as an expression of longstanding ideological norms in Israel; an awareness of its influence on the future determination of Israel's borders; and its being a potential solution for the socio-economic hardship of various population groups in Israel, since housing east of the Green Line is generally cheaper than to its west. On the whole, the current Israeli government stresses that in principle it does not view itself as opposed to the settlement endeavor; on the

contrary. Even so, it seeks to establish a more defined framework than in the past and draft clearer criteria for continued settlement activity.

At the same time, the positions of all Israeli governments concerning the settlement project have also been dictated by political considerations. The settlement enterprise is an expression of the aspirations, beliefs, and interests of powerful political-economic forces in Israel. These forces represent a wide range of decision-making loci, including in the Israeli government and the Knesset. The fact that the settlement enterprise continues and has even gained momentum, including under left-leaning governments not overly sympathetic to the cause, is indisputable proof of this.

Currently one of the government's major dilemmas concerning settlement stems from the fact that a certain portion of this project is being carried out by political bodies and by individuals acting in disagreement with and perhaps even contrary to parameters acceptable to the government. Specifically, there are reports of new illegal outposts, unauthorized expansion of existing settlements, takeover of land belonging to Palestinians, and violence against Palestinian residents. This situation confronts the government with difficult challenges and undermines its internal credibility – and vis-à-vis the American administration and the Palestinian Authority – as able to effectively control the country. The continuation of this phenomenon may well jeopardize the option of Israel separating from the Palestinians and the realization of the vision of two states for two peoples, particularly as long as there is no strong, highly authoritative government capable of taking and implementing a bold decision in settlement evacuation.

Despite the Israeli government's awareness of this phenomenon, it has broadcast, at least since the evacuation of Amona in February 2006, its desire not to destroy relations with the settlement population. The dominant trend among state authorities has thus been to arrive to the greatest degree possible at understandings with the settler leadership and to avoid as much as possible a physical confrontation over the scale of construction, its location, and its timetable. The assumption is that such understandings can prevent a serious physical conflict with the more radical groups opposed to any compromise on settlement. In justifying their flexible stance regarding the enforcement of the law, those responsible for the settlement enterprise argue that there is a need

to be patient. So long as the issue isn't on the agenda and no concrete decision is necessary, it is senseless to take radical actions. Aggressive activity would only increase tensions and, practically speaking, it is doubtful whether it would bring about the stated objectives, namely, permanent removal of illegal outposts that would not be rebuilt.[10]

This policy is also dictated by a sober recognition of the limitations of power in all matters connected with removing settlements. It is clear to the decision makers in Israel that the IDF is the only force in Israel capable of implementing the task of massive evacuation of settlements and their residents. No other organization in the country, including the police, has this ability. However, the prevailing atmosphere among senior IDF circles opposes assigning responsibility to the IDF for this task. According to various reports, senior echelons in the IDF, at least since Gabi Ashkenazi assumed the post of chief of staff, have expressed reservations over the policy of involving IDF soldiers in settlement evacuations.

Following the evacuation of Gush Katif and the removal of Amona, the prevailing assessment within the IDF stresses the increasing difficulty of including soldiers in direct evacuation activity – as distinguished from providing indirect support for that activity. This attitude stems from the sense that the IDF's massive involvement in the disengagement did not help its image as a body that exists above the country's political disputes. It may even have harmed the process of preparedness for military battles. According to the Winograd Commission:

> The IDF fulfills a variety of secondary roles in Israel and is not only a fighting force. However this should not blur the fact that the first and primary role of the IDF is to be prepared for war in order to defend the country and its inhabitants and to achieve victory. Some of the flaws found in the IDF's actions in the Lebanon War were connected to the fact that alongside this central purpose, the IDF was also engaged for ongoing actions unconnected to real fighting. This is true for policing and security actions in Judea and Samaria, for some aspects of the war against terror, and for actions such as accompanying the disengagement in summer 2005.[11]

Reservations over using the IDF to evacuate settlements were recently expressed by Maj. Gen. Elazar Stern, former head of the IDF

Human Resources Directorate, upon his retirement from army service: "The evacuation of settlers," he said, "should not be imposed upon the IDF, but if such a task is imposed on us in the future we will carry it out fully. Even then [during implementation of the disengagement] I thought this was not an IDF mission and I still think so today." This comment embodies the prevalent mood of the IDF senior command. Clearly these reservations will not be the factor that ultimately determines whether or not the IDF sends forces to evacuate settlements. The IDF is subordinate to the political level; if that echelon decides to evacuate settlements and imposes this task on the IDF, the IDF command must fulfill it, even if it is not inclined to do so. Presumably no senior IDF officer would convey potential resistance decisions of the political echelon.

Still, the IDF has proven in the past that beyond the formal parameters of subordination, it does not ordinarily act as a passive body that awaits political decisions. The IDF is a body that involves itself actively and intensively in strategic decisions reached by the political echelon. Thus the particular IDF mindset described above is regularly brought to the attention of members of the government. It certainly constitutes a compelling force, though its extent is difficult to estimate, in the (non) restriction of building in the territories and within the context of future decisions on the evacuation of settlements and their residents.[12]

After the harsh events that accompanied the evacuation of Gush Katif and Amona, and due to serious fears of even more violent responses in similar future events, it is apparent that the IDF senior command is loath to enter an extensive confrontation over one illegal outpost or another, especially since in some cases, groups have returned and restored evacuated outposts within a relatively short time.[13]

The American Administration

The administration possesses detailed information on developments in the settlements and all aspects of new construction, even on the most limited scale. Nonetheless, in recent years the American administration has essentially turned a blind eye to construction activity in the settlements. From time to time it has criticized events, demanded an explanation from Israel, and protested the violation of international law and steps that it often termed as tantamount to obstacles to peace. Hence, for example, on a recent visit to Israel Condoleezza Rice

contented herself with a mild statement about settlement activity: "What we need now are steps that enhance confidence between the parties, and anything that undermines confidence between the parties should be avoided." In practice, such statements generally remain at the rhetorical level and are not backed by practical steps that lend them any real substance.[14]

Though the American administration has assumed this posture for quite some time, it is especially poignant now that the Bush administration is in effect a lame duck government. A study of the administration's policy regarding settlement activity reported Rice's acknowledgment that in the eight years of the Bush administration "U.S. remonstrations to Israel about settlement construction go no further than 'pressing the case' – the long-standing pro forma effort to convey to Israel that the U.S. views settlements as problematic and that 'it is in Israel's interest to do everything that it can to promote an atmosphere of confidence.'"[15]

Apparently from Israel's point of view, the American administration is not imposing stringent constraints on the continuation of the present settlement policy. The Israeli government thus assumes that barring a dramatic development, this policy will continue at least until the end of the current administration's term. The administration's positions on the issue of the settlements, especially since the beginning of Olmert's term as prime minister, can be explained as follows:

1. Settlement activity generally proceeds along the lines of understandings with the American administration, as expressed for example in the letter of President Bush to Prime Minister Ariel Sharon in April 2004. So long as the main flow of settlement activity is confined within settlement blocs and west of the security fence, the administration has no interest in taking Israel to task and getting into a serious conflict over the issue. The administration is aware that settlement activity also trickles beyond those understandings, but at this stage, doesn't view this as a process of massive construction that could drastically change realities on the ground.[16]

2. The administration understands that construction in the settlements is approved by coalition considerations, something nearly unavoidable for every government in Israel. This is certainly true for Ehud Olmert's government, which was generally viewed by

many as unstable. The administration was likely to have assessed that real pressure on the government to cease construction would result in a coalition crisis, the toppling of the government, elections, and perhaps the rise of a much more hawkish leadership. Even with the election of Tzipi Livni as head of Kadima, it appears there are still fears in the administration that massive pressure on Israel over settlements would strengthen right wing circles in Israel, enabling them to form a government following a victory in general elections or via other coalition arrangements.

3. The fear of humiliation and loss of credibility: if pressure is exerted on Israel to halt construction in the settlements, the administration will have to intensify its threats if Israel doesn't comply with US demands. It is almost certain that the president himself would have to put his personal prestige on the line in order to spell out to Israel the great importance the administration attributes to the issue. Under such conditions the administration must assume that ultimately and against its will, construction in the settlements will continue; if this occurs, it will become evident that the administration has no maneuvering room or effective tools to force Israel to halt construction. Such developments are liable to harm the leverage of the administration and the president over the Israeli government.

4. Israel has taken upon itself to fulfill the basic principles agreed upon at the Annapolis summit: (1) to engage in vigorous, ongoing, and continuous negotiations with the Palestinian Authority; (2) to be willing to discuss core issues, with the exception perhaps of the particularly sensitive issue of Jerusalem; and (3) to make an effort to arrive at an agreement before the end of 2008. Under these circumstances, the administration presumably feels that some sort of agreement between the sides may be achieved. It is possible the administration shares the declaration made by the prime minister: "Never have we been so close to an Israeli-Palestinian agreement." If an agreement is reached, it is obvious that Israel will have to dismantle settlements that have been erected; and Israel has already proven it is capable of implementing moves for withdrawal and evacuating settlements. Therefore in the administration's view it is perhaps senseless to pressure Israel right now; it would be better to await the results of the dialogue: "The issue here is to try to get

back to a place that there is some confidence that Israel's settlement program is not an effort, in some way, to dictate or prejudge the final status issue and to prejudice the final status outcome."[17]

5. On the administration's agenda are issues far more critical to Israel-US relations, particularly Iran and the possibility of a military option, the issue of terror, and others. The settlements have been an issue for almost 40 years and can wait a few months until the picture become clearer vis-à-vis burning issues on the agenda, such as Iran. That being the case, it is not worthwhile as far as the administration is concerned to waste energy and resources on relatively marginal disputes that might sabotage the achievement of more urgent objectives.[18]

The Palestinian Authority

From the perspective of the Israeli government, the Palestinian Authority is a fairly comfortable party for continuing the existing framework of Israel's settlement activity in the territories. The Palestinian Authority has made it clear it severely opposes the continuation of Jewish settlement activity in the West Bank. Nevertheless, the revolutionary zeal that once characterized the PA's activity during the term of Yasir Arafat and more than once led to heavy international pressure on Israel on the issue has almost completely faded away. PA protestations over settlement activity are feeble and in any case not effective. The agreement by the Palestinian president to frequent meetings with the prime minister, which have assumed a celebrity if not cordial character, cannot but help create the impression: the Palestinian Authority is, at least at this stage, choosing not to break down its dialogue with Israel, despite its awareness of processes evolving on the ground.

> The disengagement process proved that political-military and internal Israeli circumstances can bring about dramatic decisions on radical changes in the Jewish settlement map in the West Bank.

It is quite possible that the positions of the Palestinian Authority are dictated by its appraisal that it has no real option, and that its maneuvering room is quite narrow in its struggle against construction in the territories. The PA's status and authority as a governmental body are weak and unstable, given the fear of a Hamas takeover of the West Bank. The Palestinian Authority

is undoubtedly well aware that Israel's massive actions against Hamas and Islamic Jihad in the West Bank are to a large extent the factor that neutralizes the danger it faces. It is almost certain that if Israel has to withdraw by virtue of an agreement, the threat to continued Palestinian Authority rule in the West Bank would increase.

It is possible, then, that the Palestinian Authority views the current government in Israel and its policy as the least undesirable option. It fears that intensifying the tone of protest as well as pressures on Israel might possibly destabilize the current government and lead to the establishment of a government reliant to an even greater degree on right wing elements, which is liable to change the existing West Bank settlement reality dramatically. A clear expression of the moderate character of the Palestinian Authority's attitude to the issue of the settlements was given recently by Nabil Abu Rudeina, Abu Mazen's spokesman, when he made the familiar but unimpressive declaration: "The settlements represent a true obstacle to peace," calling on Israel "to take responsibility for the faltering negotiations." Rudeina claimed: "We are committed to agreements; but Israel is interested in additional territory and in establishing further settlements." In this situation, when the main victim of the settlement phenomenon does not raise any real cry, it is obvious that the impetus for other parties to act, among them the EU, the Arab League, and others, has lessened.[19]

Conclusion

Three years after the implementation of the disengagement plan, which many hoped, would be followed by similar move in the West Bank, a settlement reality has become further entrenched. If the present reality continues along its existing lines, and certainly if it assumes wider scope, it will likely have far reaching implications for the option of an Israeli-Palestinian arrangement, primarily for the vision of two states for two peoples. The continued existence of this reality is conditional, among other things, on the following key factors:

1. Awareness on the part of the settlement leadership and their supporters of the limitations of force and the need to maintain as low a profile as possible regarding construction activity and settlement expansion, while making sure not to press the establishment too far. Just how much this leadership is able to guarantee this stance,

both among the established settlement population and among the more militant circles opposed to a pragmatic and compromising policy, is unclear.

2. The degree of progress in the Israeli-Palestinian dialogue over the main points on the agenda, and certainly on the issue of borders, refugees, and the status of Jerusalem. The prime minister declared: "We are closer than ever to an agreement. We still have a number of very fundamental disputes, but I believe we will be able to overcome these disputes within the set framework of time for negotiations, which is, we hope, by the end of the year." If this is indeed the case, it is obvious that achieving an accord will necessitate an essential change regarding current construction and settlement trends.[20]

3. The character of the new government: it is very possible that a new government will adopt a different line of action on the issue of construction in the settlements. Nevertheless, the maneuvering room available to any government in Israel concerning the expansion or reduction of settlements is not wide. The most striking proof is that the process of settlement expansion has continued throughout the years, even when the leadership was composed mainly of dovish figures.

4. The US presidential elections, and the meteoric rise of Barack Obama: Obama has criticized the lack of more active involvement on the part of the administration in the Israeli-Palestinian peace process. With Obama elected, it is possible he will decide on a policy of massive involvement in the fashioning and materializing of an Israeli-Palestinian accord. In this context a dramatic change could very well occur in the positions of the administration on the issue of settlements. This change would likely have far reaching implications for the settlement enterprise.[21]

In conclusion, if no dramatic changes occur in the forthcoming period and the existing policy on continued construction in the West Bank continues, it will have broad strategic implications beyond the internal political-social aspect. Currently being built on the ground is an array of settlements that will almost certainly receive increasing legitimacy as time passes, on an internal Israeli level and to a large extent on the international level. History has shown that the international community in general and the American administration in particular tend to come

to terms with "facts" created on the ground, even when begun to their original displeasure. Rice herself admitted that President Bush's letter to Ariel Sharon in April 2004 recognized "acknowledged population realities" in the West Bank, although the American administration decried the settlement endeavor from its start, routinely declaring it as an obstacle to peace.[22]

As opposed to what supporters of the settlement enterprise might hope for, this reality is not irreversible. The disengagement process explicitly proved that political-military and internal Israeli circumstances can bring about dramatic decisions on radical changes in the Jewish settlement map in the West Bank, and in this regard, massive evacuation of settlements and their residents. Even the negotiations underway with Syria take into account the need to evacuate the Jewish settlement on the Golan Heights. Though those settlements are home to a much smaller number of residents than in the West Bank, they enjoy a much wider national consensus, and their evacuation will probably be faced with a wide scope of opposition.

Still, a continuation of existing trends in the sphere of settlement will intensify the difficulties involved in changing it – if concrete change is necessary for the purpose of achieving an Israeli-Palestinian accord. The solidity of this settlements framework calls into serious question the realization of the vision of two states for two peoples that has accompanied the American administration and Israeli governments for several years.

Acknowledgment of the shrinking prospects for realizing the vision has permeated the ranks of various figures on the Israel side and on the Palestinian side: "I greatly support this solution [two states for two peoples]," says Sari Nusseibeh, the man who for years, along with Ami Ayalon, spearheaded the two-state vision. "But when you discover that it is no longer practical, you begin to think of alternatives. A chasm has opened between the situation on the ground and the peace process. This isn't a problem of synchronization between negotiations and reality, but rather a marching in two totally opposite directions. People say that if we are interested in a two-state solution, both sides must hurry up. In practice, in Israel and in the occupied territories, we are getting further away from this solution."[23]

Notes

1. Data of the Central Bureau of Statistics. According to a Peace Now report, there are currently 250,000 Jewish residents of the West Bank, with approximately an additional 190,000 in Greater Jerusalem beyond the Green Line. Indeed, the area over the Green Line with the most extensive construction consists of the Jewish neighborhoods of East Jerusalem: "the level of government activity related to construction in East Jerusalem has increased dramatically. Tenders have been published for thousands of housing units…The number of tenders in East Jerusalem has increased by a factor of 38 in comparison to 2007," http://www.peacenow.org.il/site/he/peace.asp?pi=62&docid=1498. According to Yesha Council data, about 300,000 Jews currently live in the West Bank. This year 15,000 residents were added to settlements there; see http://www.myesha.org.il/. Data of the Ministry of Interior's Population Administration also indicates that the population in the territories grew by 15,000 in the past year, Rotter.net, July 24, 2008. According to Peace Now, settlement construction officially occupies less than 3 percent of the area of the West Bank, but in fact the area that settlements command is more than 40 percent. Similar data can be found at http://www.btselem.org/Hebrew/.
2. For radicalization among settlers see Uri Glickman, "Daniella Weiss to Soldiers: 'Refuse to Evacuate Settlements," NRG, January 3, 2005. See also Yishai Hollander, "They're Burning Pictures of Olmert and Sharon," Galei Tzahal, May 15, 2006.
3. http://glz.msn.co.il/NewsArticle.aspx?newsid=26572.
4. "As part of a final peace settlement, Israel must have secure and recognized borders, which should emerge from negotiations between the parties in accordance with UNSC Resolutions 242 and 338. In light of new realities on the ground, including already existing major Israeli populations centers, it is unrealistic to expect that the outcome of final status negotiations will be a full and complete return to the armistice lines of 1949, and all previous efforts to negotiate a two-state solution have reached the same conclusion. It is realistic to expect that any final status agreement will only be achieved on the basis of mutually agreed changes that reflect these realities." Letter of President Bush to Prime Minister Ariel Sharon, April 14, 2004, http://www.whitehouse.gov/news/releases/2004/04/20040414-3.html. His positions were approved by Congress.
5. Roi Nachmias, "Olmert to Abdullah: Israel is Not Expanding Settlements," Ynet, May 15, 2007. According to a Peace Now report, there was construction in settlements beyond the fence as well. Dror Etkes and Hagit Ofran, "Summary of 2006 in the Settlements – One Year into Olmert's Term," Peace Now website. See also Eliel Shahar, "Olmert: We Won't Establish New Settlements," Galei Tzahal, November 19, 2007.
6. Peace Now website http://www.peacenow.org.il/site/he/peace.

asp?pi=62&docid=1498. See also Galei Tzahal, "Settlers Erase the Green Line" at http://rotter.net/forum/scoops1/18668.shtml.

7. On the extent of construction in the territories see Aluf Benn, "The Olmert Legacy in the Occupied Territories: Strengthening the Settlement Blocs," *INSS Insight* No. 65, July 27, 2008.

8. Sharon's speech at the Herzliya Conference, http://www.pmo.gov.il/PMOEng/Archive/Speeches/2004/12/speech161204.htm.
See also Knesset Library, Issues on the Agenda: The Roadmap; http://www.knesset.gov.il/library/heb/docs/sif027.htm

9. Joint press conference with FM Livni and US Secretary of State Rice, May 4, 2008, http://www.mfa.gov.il/MFA/About+the+Ministry/Foreign+Minister+Livni/Speeches/interviews/Joint%20press%20conference%20with%20FM%20Livni%20and%20Secy%20Rice%2004-May-2008. See also Reuters, "Livni: 'Israel Must Evacuate More Settlements,'" March 13, 2008. See also Prime Minister Sharon's declaration at the Aqaba Summit stating that "no unilateral actions by any party can prejudge the outcome of our negotiations."

10. Interview with Eitan Broshi, Defense Minister's Advisor for Settlement Affairs, Kol Yisrael, August 20, 2008. On the Ministry of Defense policy on understandings with the settlers, see Guy Varon, "Barak and the Settlers Reach an Agreement on Voluntary Evacuation," Galei Tzahal, March 6, 2008.

11. Report of the Winograd Commission, http://www.vaadatwino.org.il/.

12. Yehoshua Breiner, "Major General Stern: 'The IDF Shouldn't Evacuate Settlements,'" Walla, July 17, 2008. See also Maj. Gen. Elazar Stern, "The IDF – An Army in a Jewish Democratic State," Education and Youth Corps website, June 2003; and Haggai Huberman, "When the Chief of Staff Refused an Order to Evacuate Settlers," *Hatzofeh*, July 18, 2008. On the effect of IDF involvement in the evacuation on recruits volunteering for combat units see Ilan Marciano, "The Chief of Staff: The Amona Outpost Will Be Evacuated Next Week," Ynet, January 24, 2008. On the decision to establish a parliamentary commission of inquiry, see Arik Bender, "Amona: Parliamentary Commission of Inquiry into the Evacuation," NRG, February 8, 2006. On conclusions of the commission of inquiry into Amona see Amit Segal, "The Amona Report: Olmert Misled Us," Galei Tzahal.

13. Amos Harel, "Assessment: Severe Violence if Outposts are Evacuated; The Security System: The Violence in Amona is Just 'Low Level,'" *Haaretz*, December 20, 2007. On the role of the police in evacuating settlers see "Minister Hanegbi: The IDF Must Evacuate Settlers," Ministry of Interior website, August 17, 2004. See also: "The Police in Amona Acted as in a War," July 10, 2008, Rotter.net; and Nadav Shragai, "The Deterrent Effect of Amona," *Haaretz*, May 27, 2008.

14. See Ethan Bronner, "Rice in Israel, Criticizes Surge in Settlement Construction," *New York Times*, August 27, 2008; Barak Ravid, "Rice: Settlement

Construction has 'Negative Effect' on Talks," *Haaretz*, June 15, 2008. See also Anat Tzuberi, "The U.S. Renews Pressure for Evacuating Outposts," O'media, October 31, 2007.

15. Geoffrey Aronson, "Where Will the Palestinian State be Established?" Report on Israeli Settlement in the Occupied Territories, Volume 18, no. 4.

16. In mid-2008, one thousand buildings containing 2,600 housing units were under construction in the settlements. Fifty-five percent of construction, an increase of 1.8 times, is taking place in settlements east of the separation fence; Channel 10, NANA, "Peace Now Report: Significant Boost in Construction in the Settlements," August 26, 2008.

17. Condoleezza Rice to reporters on June 15, 2008, quoted in Aronson, Israeli Settlement in the Territories.

18. Rice: "Construction in Har Homa is not Helpful to Negotiations." The secretary of state met with Foreign Minister Livni in Brussels and criticized the plan to build approximately 300 housing units in the Har Homa neighborhood of East Jerusalem. She said, "construction like this…doesn't help to build confidence between the sides," Ynet, December 7, 2007.

19. Yasir Abd Rabo: "If Construction in the Settlements Continues, Negotiations will be Halted," Rotter.net, November 23, 2005; Nir Yahav: "Israel Drags its Feet in Negotiations," July 5, 2008.

20. Statements by Prime Minister Ehud Olmert and British Prime Minister Gordon Brown, Ministry of Foreign Affairs website, July 20, 2008.

21. "Obama: Settlement Expansion Unhelpful, JTA, July 26, 2008. On the positions of Barack Obama and John McCain concerning the issue of settlements see Limor Simhony and Roni Bart, "John McCain and Barack Obama: The Middle East and Israel," *Strategic Assessment* 11, no. 1 (2008): 52-59.

22. Aronson: Israeli Settlement in the Territories.

23. Akiva Eldar, "No Room for Two: Sari Nusseibeh, the man who brought us (together with Ami Ayalon) 'The People's Voice' has despaired of the solution of two states for two peoples. It has no chance, he says; one country and that's it." *Haaretz*, August 16, 2008. See also Meron Benvenisti, "A Fruitless Discussion," *Haaretz*, August 21, 2008, and "The Moment of Truth: The Final Political Battle over the Two-State Principle," Reut Institute, August 2008.

Russia in the 2008 International Arena

Oded Eran

The August 2008 war between Russia and Georgia highlighted two key aspects of Russian foreign policy: Moscow's political goals in the former Soviet space and the parameters for the achievement of these goals; and the broader context – how post-Soviet Russia sees itself in the international arena, particularly its relations with the Western alliance. The following essay examines these two issues.

This coming December will mark seventeen years since the disintegration of the Soviet Union. Even now it is still impossible to examine Russia's external behavior since that time without mentioning the unrealistic expectations of the leaders of first the Soviet Union and then Russia concerning the international theater in the years preceding and immediately following the collapse. Gorbachev, his successor Yeltsin, and Yeltsin's circle of advisors based their foreign policy on premises that quickly proved entirely mistaken. Their idea was that once nuclear strategic parity between Russia and the United States was achieved and maintained, Russia's international status as an equal to the US would be guaranteed, even in an era without global confrontation. The Strategic Arms Treaty-1 (START-1), signed days after the unsuccessful August 1991 coup d'état in the Kremlin – four months before the Soviet Union collapsed – re-codified the strategic parity between the two superpowers, even after a mutual deep cut in their respective stockpiles of nuclear weapons. In this vein, Kozyrev, Yeltsin's foreign minister until early 1996, promulgated a vision of Russia and the US constituting the joint leaders of the new world order.[1]

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He was greatly mistaken. Following the Soviet collapse, the Russians woke up to find themselves in a completely different international reality. Although Russia remained "the only country in the world capable of destroying the US,"[2] when all the other power indicators were factored in, Russia was relegated to fourth or fifth place among global power players, and certainly below the US, the European Union (EU), and China. Thus, in the absence of any significant likelihood of a global military confrontation, and due also to the downward spiral of the Russian economy (to a GDP total of $250 billion in the early 1990s),[3] Russia's claim to be a great power seemed rather pathetic.

Russian leaders quickly grasped that the international reality departed from what the founding fathers of post-Soviet Russia had envisioned. The ideologue of the revised evaluation was Yevgeny Primakov, who replaced Kozyrev as foreign minister in 1996. In his memoirs, he explains that before he assumed his position, Moscow had already accepted the idea that Russia's relations with the US would resemble the model of US relations with Germany and Japan following World War II, when these defeated nations became Washington's junior allies. According to this concept, Russia would become a US international ally of secondary importance. In Primakov's view, such a partnership between Russia and the West was totally unacceptable,[4] and Russian foreign policy became more assertive under his leadership. While the new way of thinking recognized that Russian interests to a great degree coincided with those of the US, it also held that there were areas in which the interests of the two countries diverged significantly.[5]

Over the past seventeen years the new direction in Russia's foreign relations has led to a tendency to interpret Russia's foreign policy as a contest between two conflicting trends vis-à-vis the international arena. The theory was that following the elimination of the totalitarian Communist system, Russia was busy searching for its new identity as a nation and hesitated "between East and West."[6] The aggressive Russian response to the Georgian offensive in South Ossetia gave rise to a sharp public debate on the question of whether Russia and the West were on the verge of a new Cold War.

It is now increasingly apparent that the concept of Russian policy as vacillating between opposing orientations is flawed. To some degree, this view is itself a remnant of an interpretive perspective from the Cold

War – it smacks of concern about threats that are no longer real – and reflects a lack of understanding of the actual circumstances. Indeed, most of the Russian people do not regard Russia as an integral part of the West, and have neither any natural feeling of belonging to "the family of Western peoples" nor any aspiration to be included in it.[7] The feeling of alienation and suspicion towards "the West," especially the US and its intentions, has always been common among Russians and is still so today. Despite the fact that the Euro-Atlantic alliance has made several generous gestures towards Russia (for example, inclusion in the G-8; the cooperation agreement between Russia and NATO; inclusion in the Quartet; financial assistance, albeit considered by the Russians to be inadequate; and others), it has never regarded Russia as a prodigal son. For understandable reasons, full Russian membership in NATO and the EU is not under consideration for the foreseeable future, and the feeling of alienation is probably mutual.

It is possible to attempt to understand the given situation from a several hundred years' historical perspective, when Russia was doubly alienated from Western Europe, beginning with the split between the Catholic and Orthodox churches and exacerbated by the Tatar-Mongolian conquest of Russia from the thirteenth to the fifteenth centuries. A psychoanalytically oriented theory, which focuses on the humiliated Russian ego of a great nation that was victorious in World War II but defeated in the second half of the twentieth century by its major rival, the US, is admissible as well.

There is of course a great deal of truth in these analyses, but it is also important to understand what happened after the collapse of the Soviet Union and grasp Russia's disappointment *in the current generation* following the brief episode of a real though perhaps bizarre attempt to integrate into the Western camp. The new guiding principles of Russian behavior in international affairs were established against this background, and have already been in operation for over a decade. In fact, they constitute the only real change in international strategic doctrine in Moscow since 1991. Obviously the years have on occasion seen other nuances and behavior (for example, Putin's consent to a "temporary American military presence" in Central

> The concept of Russian policy as vacillating between opposing orientations of East and West is flawed.

Asia, under the assumption that the battle against terrorism originating in Afghanistan is also a significant Russian interest). However, the paradigm established five years after the disappearance of the Soviet Union has remained the cornerstone of the official Russian view of the external world to this day. Putin has never questioned the validity of the 1996 assumptions. It is an irony of fate that as Russia's economic situation improved dramatically in the current decade, what perhaps appeared to be somewhat pathetic behavior in the second half of the preceding decade suddenly appears possible, and even effective, with Putin at the helm.

Overall, then, starting in the second half of the 1990s, the prevailing view among top Russian international policymakers never denied the existence of a defined area of common and even identical interests and values among Russia and the West, such as the struggle against international terrorism and the proliferation of weapons of mass destruction, and never included a vision of Russia as a country hostile to the Western alliance. However, since Russia does not belong to this camp, it has developed a feeling of severe unease with respect to the dominance of the US and its allies in the global theater. This is based on the belief that in a number of regions, especially in the sphere of the independent states that belonged to the former Soviet Union, Western goals and the Russian interest diverge significantly.

Russia and the Territories of the Former Soviet Union

Even though the collapse of the Soviet empire was an enormous blow to the Russian national ego, today it is hard to find any significant longing among the Russian political class for "yesteryear's days of glory," when Moscow's hegemony stretched from the Elbe River in Germany to Bulgaria in southern Europe. Those who still dream of renewing Russia's imperial ownership of this region probably number a few marginal elements. On the other hand, non-acceptance of the loss of a solid governing grip on the western republics of the Soviet Union (particularly Ukraine), the Caucasus, and in Central Asia is quite intense and has not ebbed at all. The Russians still feel the loss of these territories as a national disaster of the highest order and have never accepted it, either emotionally or intellectually. Putin once said that he regarded this development as a disaster of historic proportions,

and referred to it as a "catastrophe" (the Russian word is a synonym for "holocaust").[8] Indeed, the dissolution of the Soviet Union was far from peaceful: it included five civil wars (in Moldova, two in Georgia, between the Armenians and the Azeris, and in Tajikistan). One hundred thousand people were killed, a half million wounded, and millions rendered homeless.[9]

At every opportunity Russia repeats explicitly that the eleven republics of the former Soviet Union (Ukraine, Belarus, Moldova, Georgia, Armenia, Azerbaijan, Turkmenistan, Uzbekistan, Kazakhstan, Kyrgyzstan, and Tajikistan) are of the highest priority in its national interest. The Baltic countries, which are not members of the Commonwealth of Independent States (CIS), are not included on this list, at least not openly.[10] In any event, where political behavior is concerned, Moscow's attitude to the newly independent republics is quite pragmatic in the sense of refraining from the pursuit of unrealistic goals. Even in the recent war with Georgia over control of South Ossetia, the Russians were adept at exploiting the miscalculated and unwise measure taken by the president of Georgia; they unleashed a military offensive and recognized the independence of the region, but at the same time avoided the occupation of the capital city of Tbilisi and extensive Georgian territories. Such an occupation was undoubtedly within their grasp, but would have constituted a crossing of all international red lines in military and political terms. Indeed, reconstituting a united federation along the lines of the Soviet Union is not an operative goal of the Kremlin, and has not been one since the end of the Soviet empire.

At the same time, the assumption among Moscow policymakers has always been that due to the relatively small size of the newly independent republics and their territorial proximity to the Russian giant, they will not have many political and economic options, and consequently a judicious and calculated carrot-and-stick policy will force their return to the Russian sphere of influence. In this manner, Russia will be able to continue its political, military, and economic hegemony in the former Soviet territories. This obviously presumes that realistic alternatives and offers presented to them by outside parties – offers that Russia regards as aimed at preventing these countries from returning to its embrace – can be eclipsed. Thus since the Soviet Union was liquidated, Russia has consistently acted as best it could to promote its regional

interests and thwart courtship of the newly independent countries by Western powers, particularly the US.

Thus, the area of the former Soviet Union has now become the main point of friction between Russian interests and American goals. For Russia, the proposed plans for Ukraine and Georgia to join NATO are akin to waving a red flag in front of a bull. In official documents, Moscow defines its interests in clear and unmistakable language: preservation of political stability and prevention of takeovers by Islamic jihadist groups, close relations with Russian ethnic populations in the region (numbering an estimated 19 million), and important economic and military interests. To this day Russian military experts regard the old Soviet border as the Russian security perimeter, which they believe justifies continued military deployment of Russian forces in these countries (as of 2008, in the area between the Russian border and the old Soviet border, Russia maintains over ten military installations and bases, tens of thousands of soldiers, and an additional 20,000 technicians[11]). In his speech before the annual forum of Russian diplomats in July 2004, Putin stressed the supreme importance to Russia of the former Soviet territories, and stipulated that Russia had every right to intervene in these regions and to employ all the means at its disposal, including military force, for the purposes of settling disputes, preserving stability, and defending Russian citizens residing there.[12]

In general, Russia's behavior with regard to this area is based on two guiding principles. The first is "integration" (Moscow deliberately refrains from using the terms "reintegration" and "return of the territories to their owners," due to their imperialistic connotations). Like its predecessors, "The Foreign Policy Concept of the Russian Federation" published last July makes clear that any political orientation of the new countries other than a joint effort to continue their rapprochement with Russia, the mother country, is unacceptable. At the same time, the document avoids any mention or debunking of other options.

The second guiding principle is international legitimacy. From the very beginning, Russian leaders have striven consistently to attain external legitimacy, even if only nominal, for every strategic measure taken to defend their interests in these regions. The need for recognition by the international community has led Russia to employ a variety of operational methods. In the first days of Yeltsin's presidency, there may

have been those in Moscow who believed that the West would allow Russia a free hand in its policy towards Central Asia and the Caucasus, because Russia constitutes Europe's defensive wall against extremist Islam and the political instability originating from these regions.[13] Today, it is clear that Russia has no chance of obtaining a blank check on these matters. In at least one case, however, that of supervising the ceasefire in the conflict between Armenia and Azerbaijan, Moscow succeeded in obtaining international recognition of its leading status: the international peacekeeping force in Azerbaijan is for all intents and purposes a Russian military unit operating under the auspices of the UN, the Organization for Security and Cooperation in Europe, and the Minsk Group. The international community recognized that the Russian national interest in this matter was quite strong, and that Russia would therefore be the most effective party in accomplishing the mission.

Nevertheless, multilateral and bilateral agreements with the independent countries have thus far served as the main basis for Russia's leading status in this theater, and have provided various forms of legitimacy for its intervention in these regions. For example, it can be asked why Russia attaches such great importance in its official documents to the CIS (it is mentioned over ten times in the new "Concept"), when the CIS has proven to be a loose multilateral body and a completely ineffective tool for enforcing Russian hegemony over the eleven former Soviet republics. However, since the CIS was formed in 1991, it was designed above all to provide an alternative legal basis for the Soviet structure – for a continuance of Russia's military and economic presence and its leading status in these countries. In Russian eyes, therefore, in the absence of any other document signed by the eleven new countries, the CIS treaty constitutes a legitimate basic and legal document. In addition, in order to exert its military and economic influence in certain CIS member countries more effectively, Moscow uses two other multilateral organizations: the Collective Security Treaty Organization (CSTO), which coordinates joint military policy between Russia and Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan, Armenia, and Belarus; and the Eurasian Economic Commonwealth (EEC), which promotes economic integration between the six member countries and Russia. Joining this web of multilateral agreements are bilateral agreements and treaties with governments of individual countries

(such as the treaty with Kazakhstan on Russia's use of nuclear missile testing and outer space launching facilities in Baikonur and the treaty with Ukraine on the Russian fleet's use of the naval base in Sebastopol in the Crimea).

While officially Russia defines the actual dangers to this area as international terrorism and extremist Islam (while the drug trafficking route from Afghanistan and illegal immigration might join the list), the threats not spelled out in the Russian documents are those stemming from foreign influences and attempts by outside parties at economic, political, and military penetration of the new countries. In the early years of Yeltsin's presidency, attention focused on Turkey, which was believed to be trying to carve out a status for itself among the Turkish-speaking peoples in Central Asia and the Caucasus. Very quickly, however, it became clear that this "threat" was not a serious one. For a while, it also seemed that Iran might try to export the Islamic Revolution to the Muslim republics, but Moscow later saw that Iran was willing to cooperate in achieving a ceasefire and political agreement to end the civil war and stabilize the situation in Tajikistan.

In Russia's eyes, two main factors still pose a threat to Russia's hegemony in the bordering territories: China (especially in Central Asia) and the Western alliance (in the entire area, but particularly in the Western republics and above all Ukraine and Georgia). Indeed, China shows great interest in Central Asian countries, primarily as a source of energy, but also because the volume of its foreign trade and its diplomatic relations with them are highly significant. The annual volume of China's foreign aid to these countries amounts to about $1 billion. Nonetheless, at least as of now, there are no signs that China plans any attempt to push Russia out of this region.[14] Thus as Russia sees the challenge posed by the US and NATO to its influence in the area, while realizing that it is incapable of dealing alone with all the political dynamics there, Moscow has chosen to collaborate with Beijing in order to preserve stability in the region. The formation of the Shanghai Cooperative Organization (SCO) in 2001, whose members currently include Russia, China, Kazakhstan, Uzbekistan, Tajikistan, and Kyrgyzstan (based on the Shanghai Five from 1996) was designed to enable Russia and China, the two regional powers, to set the regional agenda and act jointly to block Western involvement, which was already

visible at that time. Over the past three years, Russian policy has indeed registered a number of significant achievements in Central Asia: the withdrawal of American forces stationed in Uzbekistan under pressure from the SCO, and the return of Uzbekistan to Mother Russia's fold, following several years of hesitation between East and West.

The situation in the western republics is more complex. Four countries aspire to various degrees of separation from Russian control: Georgia, Ukraine, Azerbaijan, and Moldova (GUAM). Russia possesses effective means of influencing them, since all of them suffer from serious "birth defects" in the form of significant cracks in their national unity (Ukraine suffers from a deep split between the ethnically Russian population and the Ukrainian population that underwent Russification on one side and the nationalistic Ukrainian majority, while Georgia has two rebellious minorities in its territory – the Abkhazis and South Ossetians). Russia is capable of exploiting these complexities, as it did in this past summer's Russia-Georgia conflict. Russia does not hesitate to use all the means at its disposal, military force included, to protect what it regards as its interests. Nevertheless, even though the Kremlin believes in the effectiveness of constant pressure on the former Soviet Union countries, it behaves more cautiously towards the republics in the western territories because it is aware of the strong interest in these areas by the Euro-Atlantic bloc countries. The success of the "colored revolutions," in Georgia (2003) and Ukraine (2004-2005), as well as the possibility of the future inclusion of these two countries in NATO, constitutes a severe and troublesome headache for Russia, which consistently tries to intervene in their internal affairs in order to thwart these developments. Yet since this tireless activity by Moscow has to date not yielded a significant result, it can be assumed that Russia is well aware of its political limitations in blocking Western influences. Actually, the parameters of Moscow's military action in the Russia-Georgia war illustrate the pains taken by Russian leaders not to overstep accepted bounds, beyond which they would enter an irreversible conflict with the Western alliance.

Russia and the Western Alliance: The Balance of Power

Russia is now an undisputed superpower in the energy sector. It has huge reserves of hydrocarbons, and the world's largest natural gas

reserves (33 percent of global gas reserves are on Russian territory; 55 percent, if the reserves of the nearby republics are included). Russia currently provides 40 percent of the natural gas consumed in Eastern and Western Europe, and this proportion is expected to reach 75 percent in twenty years.[15] Russia was the leading crude oil producer in 2006, even though it is only eighth in global crude oil reserves. The Russian treasury's daily revenue from energy sales was estimated in 2007 at $530 million, amounting to nearly $200 billion (in 2007 dollar values) for the year.[16] No other sector of the Russian economy is even close to generating this level of revenue in foreign currency. Nevertheless, a comparative analysis of the Russian economy with respect to the other giant national economies shows that the Russian economy is fairly small. Russia's GDP totaled about $1.42 trillion in 2007, approximately half the size of Great Britain's $2.84 trillion and France's $2.68 trillion, a little more than one third of Germany's $3.43 trillion, and still significantly smaller than Italy's $2.22 trillion.[17] By this calculation, the combined GDP of the US and the EU countries (about $30 trillion) dwarfs the Russian economy, where the GDP is less than 5 percent of the Western total,[18] not to mention that Russia has already trailed far behind China ($3.94 trillion) for a number of years, and even more so, Japan ($4.96 trillion).[19]

Not surprisingly, the picture changes slightly with regard to military power. Since 1972, strategic parity between the Soviet Union (and now Russia) and the US has been recognized by the Strategic Arms Limitation Treaty (SALT-1). In 2008, Russia's strategic offensive arsenal contained 3,113 warheads,[20] slightly less than the American arsenal, and is close to the permitted level determined by START-1 in 1991. The 2002 Strategic Offensive (weapons) Reduction Treaty (SORT), which deals with the number of strategic missiles that can be operationally deployed and not with the size of the nuclear arsenals maintained by the two sides, also carefully maintained the principle of equality between the two powers. Ostensibly, therefore, Russia had reason to be satisfied with its status as the world's second largest nuclear power.

Nonetheless, indications are that Russia is quite disturbed by what it regards as an unstable balance of power. Russian policymakers are aware of the huge financial resources at the disposal of the US, which could enable the latter to create a strategic gap that would leave Moscow

behind vis-à-vis the pace and extent of American military power buildup. In fact, American defense spending totaled $480 billion in 2008, i.e., almost fifteen times the $35 billion Russian defense budget.[21] Senior Russian officials in the foreign policy and defense establishments have admitted more than once that one of Moscow's main considerations in entering into negotiations and eventually signing a nuclear arms control treaty was above all the desire to prevent a renewal of the nuclear arms race, in which Russia would again be liable to find itself with capabilities inferior to those of the US, and even more so to bind the Americans to a commitment to limit the construction of their strategic capability.[22]

This perspective currently poses two main problems for Russian leaders. The first is that the nuclear weapons control regime, whose cornerstones are the START-1 and SORT treaties, will soon expire: START-1 ends at the end of 2009, and SORT in 2012. In order to establish a follow-up regime, it will be necessary to enter bilateral negotiations between the two powers, and Moscow is by no means sure that Washington has any interest in doing so. After all, the outgoing Bush administration entered the White House seeing no need to negotiate additional strategic weapons control agreements with Moscow. Moreover, as far as is known, the Russian nuclear arsenal is aging rapidly and will soon be out of date.

The second problem is Russian dissatisfaction with the dynamics of the emerging military situation in Europe following the withdrawal of Russian forces from Germany and the other East European countries. On a number of occasions, key Russian leaders have complained that before Soviet/Russian forces were actually withdrawn in the early 1990s, a number of prominent Western leaders promised that NATO had no intention of exploiting the advantages generated by Russia's military evacuation of Central and Eastern Europe.[23] In spite of this, Russia now finds itself in a new military situation, in which all of its former satellites, the former Warsaw Pact countries, are included in NATO. NATO planes patrol the airspace of the Baltic countries and US soldiers are slated to be stationed in Romania and Bulgaria for the foreseeable future, not to mention the planned stationing of anti-missile batteries in Poland and anti-missile radar in the Czech Republic. The moratorium proclaimed last December by Russia on the Conventional Forces in Europe Treaty (CFE) reflected on the one hand the Russian

assessment that this treaty is antiquated and anachronistic, based on the former Soviet reality and not the new European structure that emerged after its collapse. The moratorium is also an attempt (whose success remains to be seen) to expedite the beginning of renewed negotiations for a comprehensive revision of the balance of conventional forces in Europe.

Nonetheless, Moscow is not purely on the defensive where military buildup is concerned. The difficult economic situation and political weakness that characterized the first decade following the disappearance of the Soviet empire masked the imperialistic impulses and ambitions that have consistently characterized Russian leaders, while causing an almost total halt in the process of building Russia's conventional and strategic power. In those lean years, all branches of the Russian military refrained from making new procurement orders for weapons, and the defense industries cut their production volume to about 10 percent of capacity.[24] This changed with the reversal in Russia's economy. During Putin's administration (and particularly during his second term as president) when huge reserves of petro-rubles began to accumulate, Moscow regained its confidence. It was able to return Russia to the route of military buildup and development. In 2007, Putin approved a $200 billion seven-year plan to modernize strategic and conventional forces, including the construction of five aircraft carriers.[25] The Russian air force renewed the routine flights that it had conducted during the Cold War, when Soviet strategic bombers patrolled the oceans, and talk began of renewing the Russian fleet's presence in the Mediterranean and the full use of the base at Tartus in Syria.[26] Thus in recent years, Russia has indeed been working hard at flexing its military muscle in accordance with its self-image as a great power intent on remaining one. This occurs in conjunction with an ongoing monitoring of the rapid strengthening of American military force, especially in order to ensure that Russia maintains its status as a military and political factor to be reckoned with. That is precisely the state in which Russia would like to find itself vis-à-vis the next American administration on issues such as new nuclear arms control agreements and the future of regions in which Russia believes it has essential interests, not only in the former Soviet Union but also in other not too distant regions.

A New Architecture of International Relations

All aspects of diplomatic relations with Western countries, not just their military dimensions, are currently extremely worrisome to Moscow policymakers. From an economic standpoint, over half of Russia's foreign trade is with the EU.[27] When the Partnership and Cooperation Treaty (PCA) was signed in 1997, a senior Russian official described it as no less important than the START-1 treaty. For Moscow, the main problem in this area is the political expansion and strengthening of the Euro-Atlantic military alliance to the west of Russia, led by the US. This alliance is currently much stronger in all aspects than it ever was during the Cold War. For its part, NATO leadership, which is well aware of the concern in Russians caused by the two rounds of expansion of the alliance agreement and the inclusion of the new countries in the organization (in 1997 and 2002), initiated a number of measures designed to assuage Russian concerns. A joint council was set up first in 1997 and then in 2002 for coordination and cooperation between NATO and Russia, called the NATO Russia Council (NRC), although in practice the existence of the NRC only slightly relieved the Russian feeling of estrangement.

As mentioned, not long after the Soviet Union collapsed, Russia recognized that it was unrealistic to expect its full inclusion in the Western alliance as an organic partner, and that it would have to forge an independent path in the international arena. In recent years, a new term in the Russian political lexicon has been used to refer to Russia: "sovereign democracy." With regard to foreign policy, this concept distinguishes between Russia and other European countries, which Russia regards as subordinate to the US to some degree, rather than being completely independent.[28] This is a key point in understanding the current Russian concept of the external world. Moscow feels ill at ease with the existing Western military and political superiority. Furthermore, surprising as it may be, the Russian leadership feels that while the Cold War is over, Western containment towards Russia has not ended. Where Russia is concerned, the US and NATO continue to see the world in terms of inter-bloc politics, and regard Russia as foreign to them for all intents and purposes.[29] This is the root of Russia's crude opposition to any use of force by the US and its allies anywhere in the world without the official authorization of the UN Security Council. The

determined rejection of the Bush administration's use of force against Saddam Hussein in 2003 and of possible American (and Israeli, for that matter) military action to block the Iranian nuclear project, stems from this attitude. Indeed, seventeen years have passed since the end of the Cold War, and Russia still refuses to accept the leading role of the West in the global arena.

This explains why for over a decade the guiding principle of Russia's external policy has been to seek checks and balances to Western hegemony and align itself with international parties that create a counterweight to Western power. During Putin's regime, however, the drive has become prominent and consistent, particularly following the revolution in the energy market at the beginning of the current decade. Russia now pins its hopes on what it sees as two international developments capable of challenging Western dominance in the foreseeable future. One is the "Troika" – Russia's establishment of a joint political bloc with India and China. In addition, the BRIC countries – Brazil, Russia, India, and China – are all non-Western and possess the world's fastest growing economies. This Russian mode of thinking is reflected in the concept of a "new architecture of international relations" surfacing recently among foreign policy circles in Moscow and in official Russian documents. This perspective is also reflected in the somewhat bizarre proposal submitted to NATO last July by Russia calling for an overhauling of the "outdated" joint European security system, and its replacement by a new multilateral security system stretching "from Vancouver to Vladivostok."[30] The proposal is reminiscent of propagandistic Soviet proposals during the Cold War calling for a reorganization of the European security system.

In the course of time, this line of thinking may well prove an exercise in self-deception. Sino-Russian relations, for example, are currently quite good, particularly after both countries settled the border disputes between them, but this partnership is liable to prove unstable in the medium and long terms, given the accelerating growth of China's power and the existence of a number of potential conflicts, currently dormant, between the two countries (such as those relating to Central Asia and the Russian Far East). It is also not clear to what degree Russia can rely on friendly relations between India and China in the context of tripartite cooperation against the West. In any case, there is no certainty

that any substance exists in coordination of anti-American policy among the BRIC countries. This can also prove to be a false maxim.

Thus on the threshold of the second decade of the twenty-first century, Russia is severely frustrated by the new world order that emerged after it lost its imperial status and the assets derived from that status. The vision of joint hegemony with the US proved illusory, the possibility of organic merging with the Western peoples is problematic in the current situation, and Russia has no other natural allies in the international arena. For this reason, Russia has become a country dissatisfied with its situation, and is confused about its real place in the family of nations.

Russia in the Middle East

The end of the Cold War reduced somewhat the strategic importance of the Mediterranean and what is called in Russia the "Near East." Nevertheless, for two key reasons the region has not significantly declined on the Russian scale of priorities. The first reason is its geographical proximity to the Russian border and its neighboring regions. The second reason is that due to the Persian Gulf's wealth and business importance, new economic opportunities have opened up to post-Soviet Russia. Even though Russia's interests in this area do not completely coincide with those of the Western countries, there is a wide sphere of common goals. In contrast to the Soviet Union, which for a number of decades during the Cold War had a special interest in undermining the existing political stability, particularly in countries with pro-Western regimes, the basic Russian interest today is to promote regional stability. Russia has even become a status quo power in the Middle East. The supreme priority of preserving stability in the region was clear already in the first post-Soviet years, and has remained Russia's goal since. As a country itself composed of hundreds of ethnic groups and bordered to the south and southwest by a large variety of ethnic populations and religions, Russia feels threatened by any demonstration of national tension or religious extremism. The fear is that instability, even in neighboring regions beyond the border, is liable to spread into Russia itself.

In this sense, Russia has indeed come a long way since the heydays of Soviet involvement in the Middle East. For example, since

Gorbachev's term as president, despite entreaties from Syria, Moscow has consistently refused any attempt to change the balance of military forces between Israel and Syria and has focused on strengthening Syria's defensive capability, rather than building its offensive capability.[31] As far as is known, Moscow did not alter this attitude even during President Asad's visit last August. In other words, Moscow believes that high intensity in the Arab-Israeli conflict is not in its interest. For this reason, Russia's inclusion in the Quartet, which authored the Roadmap for an Israeli-Palestinian settlement, is consistent with Moscow's Middle East policy and lends Russia what it has always wanted: international recognition of its status as a power in the region. At the same time, such participation did not prevent Russia from strongly opposing the American military incursion into Iraq five years ago, which it regarded as fortifying American supremacy in the region and in the international theater in general. Beyond this, Russian policy also differs from previous Soviet policy, since the absence of the Communist ideology that characterized Moscow's policy during the entire Cold War has generated new opportunities for expanding commercial ties with other countries in the Persian Gulf (in addition to Iraq and Kuwait) in weapons sales and development of trade and energy cooperation.

Furthermore, one of the factors with the greatest impact on Russia's policy in this region that has completely changed since the Soviet period is the question of Islam. From a secondary constraint, it has become a key policy consideration from an internal and unquestionably from an external Russian standpoint. Given their extremely high fertility rate, the Muslim minorities in Russia are expected to account for 42.4 percent of the population in 2050, compared with 46.4 percent ethnic Russians.[32] This numerical increase joins the issue of growing attraction among these minorities to fundamentalist religion. The current Russian leadership is well aware of the problems posed by this internal Russian situation as well as the considerable status enjoyed by the Muslim countries in the international sphere, and thus the challenges posed by these minorities have become an issue in Moscow's international relations. For example, Saudi Arabia was the external party that proffered the most financial aid to the Chechen rebels, and the most severe critic of the Russian military's operations in the Caucasus. At the same time, Riyadh supported Russia's request for observer status

in the Organization of Islamic Countries (OIC). Thus Moscow is very interested in its connection with this organization and attaches great importance to positions in the internal and external Muslim world regarding its policies towards the Middle East, Israel, the Israeli-Palestinian conflict, and other regional issues.

The most perplexing Russian position regarding the Middle East concerns the Iranian nuclear project. On the one hand, there is no reason to doubt the sincerity of the alarms sounded by Russian leaders regarding the prospect of Iran obtaining nuclear weapons.[33] On the other hand, the volume of Russia's trade with Iran, which includes both weapons sales and other economic deals and extends to official and private commercial involvement in parts of Tehran's atom project, is significant. It is obvious that Russia faces a serious dilemma here. It is anxious about a nuclear Iran, but at the same time and to the same degree, it is truly anxious about a unilateral American (or Israeli) attack on nuclear facilities in Iran. Given its inability to choose between the two options, and probably also on the basis of an intelligence evaluation that the point of no return for the Iranian project is not overly imminent, Russian policymakers have chosen not to decide. They are dragging their feet on the issue of stiffening the UN Security Council's sanctions, out of concern that this direction will eventually generate momentum for unilateral American action. They are thereby avoiding dealing with the need for effective preventative measures. It appears that the Russian position on this issue is replete with embarrassment and indecision.

Notes

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Military Action against Iran:
The Iranian Perspective

Ephraim Kam

There is no doubt that Iran has grown anxious about the possibility of a military strike against its nuclear facilities. It has tried to demonstrate self-confidence and assert that military action in Iran is not expected because the United States and Israel understand very well that such a strike would fail when pitted against Iran's determination and response capability. However, the intensity of Tehran's preoccupation with this issue, the ongoing threats it voices against the US and Israel, and its preparatory measures to preempt military action all indicate that Iran is eyeing this scenario with great consternation.

Iran's Anxiety over a Military Strike

Since the early 1990s, Iran has considered the US threat as the most severe of the threats it faces, particularly once the threats presented by Iraq and Russia receded in those years. The Iranian leadership has steadily feared that the US is acting to overthrow the Islamic regime in Tehran, prevent it from strengthening itself strategically, weaken it economically, isolate it politically, and challenge the Islamic revolution. The regime fears that in order to achieve these goals, the US will not be deterred from undertaking a military action against Iran, especially against its nuclear facilities, given its clear inferiority in the balance of forces between the two countries.

The US military interventions in Iraq and Afghanistan had a major impact on Iran's perception of the American threat. On the one hand, these interventions brought about the deployment of large American forces on Iran's borders, and Iran saw the forceful overthrow of the

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regimes in these two countries as a message aimed also at itself. The Bush administration announced repeatedly that it did not rule out a military option against Iran if other options failed to halt its nuclear program. The administration also from time to time deliberately leaked reports regarding preparations and plans for military action against Iran. As a result of its anxiety about an American strike, Iran suspended the military component of its nuclear program in 2003. On the other hand, several factors have alleviated Iran's concern. The US entanglement in Iraq has restricted its freedom of military action against Iran and provided the Iranian regime with some response capability against American forces in Iraq and Afghanistan. Added to this are statements by senior officials in the American defense establishment objecting to a military strike against Iran.

Together with the American threat, the Israeli threat is also preoccupying the Iranian regime. Iran regards Israel as a regional power with major military strength, strategic capabilities, and a long arm (though with obvious weaknesses) supported by the US and liable to do the unexpected. In Tehran's view, Israel is determined to prevent Iran from achieving regional hegemony by cooperating with the US and encouraging the latter to confront Iran. At the core of the threat lies the Iranian fear of an Israeli military strike, coordinated or in cooperation with the US, against the nuclear facilities in Iran. The Iranian concern about a strike by Israel is fed regularly by explicit statements made by senior Israeli leaders concerning the necessity of halting the Iranian nuclear program, including through military action, if the diplomatic efforts to stop it prove unsuccessful.

Iran is heavily stressing the deterrent aspect of its capabilities, since it is too weak militarily to rebuff an attack on its nuclear facilities.

Against this background, and in part as a function of mixed signals over whether such an action was being planned, the level of Iranian concern about military action by the US or Israel has fluctuated. In general, it appears that the concern about a US strike peaked in 2003 and thereafter gradually faded, mostly due to the effect of the Iraqi campaign on the American administration. It can be assumed, however, that recently Iranian fears of a military strike – perhaps more by Israel than the US – have increased again. There are several reasons for this:

- The many contacts over the past year between Washington and Jerusalem at the most senior levels reached an unprecedented extent (two visits to Israel by President Bush and two by the Chairman of the Joint Chiefs of Staff, and visits by the Israeli prime minister, minister of defense, and chief of staff in Washington). It is clear that the Iranian issue was a major subject in these talks.
- The successful attack on the nuclear facility in northern Syria in September 2007 was likely regarded by the Iranian regime as a harbinger of a strike against Iran. Indeed, President Bush declared explicitly that this operation was also a message to Iran. In addition, the Iranians were apparently disturbed by the fact that very few countries – not even Arab and Muslim countries – condemned or objected to the strike.
- Additional signs indicated preparation for a military operation in Iran, such as the reports of a comprehensive exercise by the Israeli air force in the Eastern Mediterranean, assumed to be practice for an attack against Iran.

Iran's Deterrence Measures

Owing to these concerns, Iran has taken a number of steps in recent years, some practical and some rhetorical, in order to deter the US and Israel from attacking Iran militarily. The challenge is immense: how to deter a superpower like the US and an advanced military regional power like Israel from a military strike, should they decide on one, especially since the US has carried out extensive missions in Iraq and Afghanistan in recent years. Iran's problem is compounded by the fact that the Iranian military, despite its size – the largest in the Middle East in terms of manpower and the number of divisions – has rather limited conventional military capabilities. Its Achilles' heel is the quality of its weapon systems, many of which date back to the shah's regime and are quite outdated. The US and European countries have not supplied Iran with significant quantities of arms since the Iranian revolution. Russia and China supplied relatively up-to-date weapon systems to Iran, but the weapons transactions contracted with them since the mid-1990s have been limited. The Iranian military industry is expanding impressively, but most of its products are not of high quality.

Due to its weakness, Iran lacks sufficient capacity, from a purely military standpoint, to rebuff an attack on its nuclear facilities. It can respond to such an attack, but its retaliatory capability is limited, and should it attempt to hit American targets, it is liable to suffer much more from the American response.

Given these problems, Iran is heavily stressing the deterrent aspect of its capabilities. The message it is trying to deliver through senior officials is double-edged. On the one hand, the probability of a military attack is very low: the US knows that it will pay a high price for an attack, for which it needs Israel, and Israel is highly vulnerable due to its small size and location within the range of Iranian missiles. On the other hand, if Iran is nevertheless attacked, it is possible that the attack might delay Iran's nuclear activities, but for a very short time, due to Iran's self reliance and the scattered nature of its nuclear facilities, as well as its indigenous scientific and technical capabilities. In any case, Iran's response will be comprehensive, rapid, and crushing, and will also include the use of hitherto unreported capabilities.[1]

Iranian officials have spelled out what their response will comprise if attacked.[2] A key element will be the extensive use of missiles and rockets against both Israel and American bases and vessels in the Persian Gulf. Iran is also capable of attacking Israel with warplanes and plans to do so, but it will not limit its response geographically, and will attack the interests of its attacker all over the world. If the US is the attacker, Iran will hit American forces stationed in Iraq and Afghanistan; for that matter, all the American bases in the Middle East are within the range of Iranian missiles. If Israel is the attacker, the Muslim world (and specifically the Shiite world, through Hizbollah) will deliver a severe blow against it. Iran will take action, including suicide attacks, to close the Straits of Hormuz, disrupt the flow of oil from the Persian Gulf, and send the price of oil soaring to $250 a barrel. Iran will act against any country allowing the US to use its territory for an attack on Iran. If the US attacks Iran, Iran will also attack Israel.

> Iran will respond to a military strike against it. The Iranian regime cannot afford not to respond to an attack on its nuclear facilities.

A central element in creating the Iranian answer to an enemy's military operation is the "Passive Defense Organization." The regime

emphasizes that in recent years Iran has developed asymmetric capabilities in order to neutralize its enemies' technological capabilities, as well as their aerial, electronic, and intelligence superiority. Although Tehran assumes that the likelihood of an American ground incursion into Iran is low, it takes into consideration that the US will try to effect a change of regime in Tehran by attacking strategic infrastructures and installations, destroying essential facilities, disrupting routine life, and causing unrest among the population, thereby destabilizing the regime. For this purpose, the US will use long range smart weapons and precision guided munitions, mostly by air and sea, powered by its forces stationed in countries near Iran. In response, the regime formulated a comprehensive emergency plan under the umbrella of the Passive Defense Organization. The plan is considered a national project, for which the government has allocated hundreds of millions of dollars The goal of the plan is to use non-military means in order to protect the stability of the regime, defend the sensitive strategic installations against attack, continue to administer on the civilian level and provide civilian services, and wage a propaganda campaign to prevent unrest among the public.[3]

In order to bolster its deterrence and response potential, Iran recently announced that it has taken a series of measures to improve its capabilities:[4]

• Iran is acting to improve its missile system, including extending the range of its missiles beyond the current 2,000 kilometer range, developing new missiles of various types, and reorganizing an independent missile unit under the command of the Revolutionary Guards. The commander of the Revolutionary Guards announced that Iran had tested a new naval missile, the only one of its type in the world, with a range of 300 kilometers.

• Iran is endeavoring to improve its air defense capability. It has obtained the Tor system from Russia, but it is not yet clear whether it will receive the more advanced and effective S-300 system and if so, when. The report from East European sources that Iran is testing the performance of its air defense system with the help of Russian advisors, following the failure of the Syrian system during the attack on the nuclear facility in northern Syria, is also noteworthy.

Nevertheless, there is no doubt that in more than a few cases, Iran exaggerates and falsifies its potential by attributing to itself capabilities that it does not have. The most recent examples of this are a doctored photograph of the firing of a missile in August 2008, the misleading information published by Iran concerning its test of a satellite launcher, and its claim that it has warplanes with a range of 3,000 kilometers without the need for air refueling.

How Iran is Liable to Respond

There is a vast difference between Iran's threats to respond to a military strike against it, which are designed primarily for purposes of deterrence and intimidation, and the actual realization of those threats. Some of the threats cannot be carried out – or cannot be carried out on a large scale – due to Iran's limited military capabilities. Other threats can be carried out, but it is doubtful whether Iran would do so on a significant scale because of counter-considerations. In any case, the following must be assumed:

- Iran will indeed respond to a military strike against it. It is hard to believe that the Iranian regime can afford not to respond to an attack on its nuclear facilities, as Saddam Hussein failed to respond in 1981.
- The response is expected to begin immediately, yet certain moves are liable to be spread over time.
- There would be a difference between an Iranian response to an attack by the US and an attack by Israel, because the Iranian regime would not want to become entangled in a large scale confrontation with the US.
- The Iranian regime would consider the US and Israel partners in an attack, even if only one of them attacks. For this reason, if the US attacks Iran, Iran will presumably respond against Israel as well. It is less clear whether Iran would respond strongly against American targets if attacked by Israel, because of its fear of becoming involved in a conflict with the US, unless the Iranians are convinced that the US was an active partner in the attack.

Iran has several possible ways of responding against Israel. The first is massive Iranian missile fire against Israeli territory, which would probably be the preferred and immediate action by Iran. Indeed,

Iran explicitly states that it will launch a large scale missile attack in response to an attack by Israel. Iran has a few hundred Shehab missiles in its arsenal, with a range that covers all of Israel's territory. This missile is inaccurate, but Iran is expected to use it against large targets, mostly cities, and perhaps also in an attempt to hit the nuclear reactor in Dimona. Israel has a reasonable response to missile fire in the form of the Arrow system, which is designed to intercept most Iranian missiles. Assuming that the Arrow works as expected, the Iranian missiles might cause painful damage and casualties, yet their strategic impact is expected to be relatively limited. Iran also has chemical and biological warfare capabilities, and if it has developed chemical or biological warheads for its missiles, their use against Israel cannot be ruled out.[5] Whether the Iranians would dare to use weapons of mass destruction against a country that they believe possesses nuclear weapons is an open question. Saddam Hussein did not dare to do so in 1991.

A second measure is the use of Hizbollah's rocket system against Israel. The commander of the Iranian Revolutionary Guards spoke explicitly about putting southern Lebanon into action in response to a military operation by Israel, and it may do so. Iran's problem is to what degree Hizbollah would be willing to pull out all the stops in using its rockets, when it is clear that its interest since the Second Lebanon War has been to maintain the prevailing lull out of fear of a massive Israeli response against it.

Iran might opt to undertake showcase terrorist attacks against Israel through Palestinian organizations. It is reasonable to assume that Iran will try this, but it is already doing all it can to encourage terrorism against Israel, primarily through Islamic Jihad and Hamas. It is doubtful how far these organizations, which are not dependent on Iran and Hizbollah, will agree to do Iran's bidding, when it is currently in Hamas' interest to continue the lull. Alternatively, then, Iran might choose a wave of massive terrorist attacks against Israeli and Jewish targets outside Israel, such as the two attacks in Argentina in the 1990s, using an intelligence and terrorist infrastructure deployed in various Shiite communities and elsewhere around the world. This is liable to be one

> It can be assumed that Iran's responses to a military strike, while painful, will not be strategically significant or extreme.

of Iran's chosen recourses. As always, the Iranians will make an effort to conceal any signs of a connection between them and a terrorist attack.

How is Iran liable to respond to a US attack against it, assuming that such an attack is limited to its nuclear facilities and perhaps a few other strategic targets? Iran has several possible choices for its response.

The first is an attempted missile strike against American forces in Iraq, Afghanistan, and the Persian Gulf, including naval missiles against American ships. Iran is also expected to conduct terrorist attacks against American forces in Iraq through Iraqi Shiite militias that receive aid from Iran, or even by Iranian groups. Iran is liable to carry out terrorist attacks against American targets outside the Middle East, while concealing its involvement. It is reasonable to assume that Iran will respond in this way, but will be careful to limit its response out of concern about a sharp response by the US. It is also unclear how much the Shiite militias in Iraq are willing to accommodate Iran's preferences when their interests do not coincide with those of Iran.

The second option involves Iran's threat to close the Straits of Hormuz and disrupt the flow of oil from the Persian Gulf in response to an attack by the US. This, however, is an extremely dubious option for Iran. American intelligence believes that Iran is capable of disrupting the flow of oil from the Gulf for only short periods, because it would lead to American and international action to open the Straits and renew the flow of oil, including through the use of military force.[6] More importantly, Iran would be the main loser if the Straits are closed, because its own exports of oil and imports of refined oil products would be affected. Former Iranian president Ali Akbar Hashemi-Rafsanjani already commented on these problems in 1983 during the Iran-Iraq War, when he said, "We will block the Straits of Hormuz when we cannot export oil. Even if they damage half of our oil, it would not be in our interest to block the Straits of Hormuz. When we don't have oil, when we are unable to export oil, the Persian Gulf will be of no use to us…This is the situation in which we would enter the scene and act as we wish, even if I am convinced that such a situation is very unlikely."[7] While Rafsanjani's statement 25 years ago is not binding on the regime today, it at least shows Iran's considerations in this matter. In any case, even if Iran does not try to disrupt the flow of oil in the Persian Gulf, it

can be assumed that an attack on Iran will cause a rise in oil prices, at least in the short term.

The third option involves Iran's threat to attack American allies in the Persian Gulf theater that cooperate in the attack, particularly if they allow the US to use their territory for the attack. Again, such action is possible, but questionable. An attack against the oil infrastructure and tankers of the Persian Gulf countries is liable to lead to a similar response by the US against Iranian oil assets, and Iran is liable to prove more vulnerable. The US is also liable to strike against the Iranian fleet in the Persian Gulf and cause it severe damage.

The fourth option involves an Iranian response against Israel on the above-mentioned format in case of a US strike. The character and extent of Iran's response are liable to depend on the degree of Israel's involvement in the American action, as assessed by the Iranians.

Concluding Remarks

The bottom line is that Iran has a range of possible recourses in the event of a military strike against it. There is almost no doubt that it will respond, and will not follow the examples of Saddam Hussein in 1981 and Bashar Asad in 2007, who refrained from retaliating when their nuclear facilities were destroyed. However, due to Iran's limited military capabilities, the problems latent in the potential actions, and the constraints applying to the country, it can be assumed that Iran's responses, while painful, will not be strategically significant or extreme.

Although Iran's current ability to respond to a military strike against its nuclear installations is not far reaching, there is significant anxiety on the part of many governments concerning the severe consequences of such an action, and this anxiety has limited willingness to become entangled in Iran. Several factors contribute to this anxiety:

- There is concern in the Western world about a chain reaction of responses and counter-responses to a strike – in the military sphere and in terrorism – that are liable to harm stability in the region, particularly when it can be assumed that a military strike will open a long term account with Iran. The West is also worried that an attack will prompt anti-Western unrest in the Muslim and Arab worlds.

- Iran has the image of a country ready to undertake excessive responses. This reputation is fed by its blatant threats against those who would try to attack it.
- If the attack against the nuclear sites in Iran fails, the consequences will be graver than those of restraint.
- In any case, it can be assumed that an attack and the responses to it will spark a rise in oil prices of unforeseeable duration.

Other possible consequences have motivated many governments to object to a military strike against Iran, beyond the wish not to damage relations with it. Many assume that a military action will probably not halt Iran's efforts to develop nuclear weapons, but will only postpone this development, and even confer international legitimacy on its efforts after Iran is attacked. Such an attack is also liable to increase support of the Islamic regime among the Iranian public, at least in the period following the strike, and strengthen the radical trends in Iran and the Muslim world.

Notes

1   "IRGC Commander Warns of Very Quick Crushing Response," Dialog, Jam-e-Jam, Tehran, 2.7.2008.
2   Iranian News Agency, Tehran, August 28, 2008; AFP, Tehran, August 30, 2008; MEMRI, August 19, 2008, Special Dispatch 2029; MEMRI, November 25, 2007, July 21, 2007.
3   MEMRI, July 7, 2008; "IRGC Commander Warns of Very Quick Crushing Response," Dialog, Jam-e-Jam, Tehran, 2.7.2008.
4   Iranian New Agency, Tehran, February 28, 2008 and June 29, 2008, www.sigint.co.il.
5   See Danny Shoham, "How Iran Would Retaliate Against an Attack on its Nuclear Facilities," *Nativ*, January 2008, pp. 29-32.
6   "The Last Resort: Consequences of Preventive Military Action against Iran," Patrick Clawson and Michael Eisenstadt, Washington Institute for Near East Policy, *Policy Focus*, 84, June 2008, pp. 16-19.
7   FBIS-SAS-83-201, October 17, 1983.

It's a Long Road to Peace with Syria
From the Second Lebanon War to Peace Overtures in Ankara

Eyal Zisser

Introduction

Since the end of the Second Lebanon War between Israel and the Hizbollah organization, Israel-Syria relations have fluctuated between concern over the outbreak of a confrontation and hope for renewing the peace process between the two countries, with possibly achieving a breakthrough.

The choice of the Second Lebanon War in the summer of 2006 as a significant milestone in Israel-Syria relations is not random. Many believe that the war served as the beginning of a new era in the relations between the two countries. After the war, which Damascus saw as a Hizbollah victory and a failure by Israel, Syrian president Bashar al-Asad felt confident enough to threaten Israel that if it did not withdraw from the Golan Heights, he would consider military action, or at the very least adopt the option of resistance (*muqawama*) based on the model successfully implemented by Hizbollah on Israel's northern border with Lebanon.

These threats, which were accompanied by unprecedented Syrian military deployment in advance of a possible confrontation with Israel – as well as IDF deployment against the Syrian army – generated an atmosphere of tension and sense of impending war. Moreover, they were enough to upset the equation that had existed between the two countries until then, and enable Bashar to try to create new rules of

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the game from a position of strength. These revised rules threatened to curtail significantly the freedom of movement that Israel had hitherto enjoyed vis-à-vis Syria.[1]

Against a backdrop of tension if not expectation of an Israeli-Syrian confrontation, Israeli Air Force (IAF) jets attacked northern Syria on September 6, 2007. This attack, which targeted a Syrian nuclear facility built with the help of North Korea, helped to restore the balance to Israel-Syria relations, rehabilitated Israel's deterrence against Damascus, and most of all, exposed Bashar's war threats since the end of the Second Lebanon War as empty rhetoric.[2] Syria refrained from reacting and even from blaming Israel following the assassinations of Hizbollah military commander Imad Mughniyah on February 12, 2008 in the heart of Damascus, and Muhammad Suleiman, Bashar al-Asad's close military advisor, in the Syrian coastal town of Tartus on August 1, 2008. In addition, less than three months after the Israeli air strike, Syria decided to participate in the Arab-Israeli peace summit at Annapolis, albeit at low political levels, and in April 2008, two months after the attack on Mughniyah, it announced renewal of contacts with Israel, albeit as indirect talks with Turkish mediation. Damascus thereby signaled its preference for a political option.

The intelligence and security community in Israel pressured Olmert to try to advance the political process with Syria, based on the belief that this could help sever the ties between Tehran and Damascus, and in any case harm Hizbollah.

Yet despite the renewal of indirect peace talks between Israel and Syria, there are no signs of a breakthrough that will lead to a peace agreement between the two countries and direct them away from the path of confrontation they have pursued for generations. The difficulty in achieving such a breakthrough stems first and foremost from a lack of a genuine vision of peace, along with determination, persistence, and most of all personal and political strength among Syrian and Israeli leaders, as well as in the US administration Indeed, while the Syrian president has made many lofty statements about his wish for peace with Israel, it is questionable whether Bashar al-Asad has the will and the determination to execute a significant political process with Israel, with all that entails, as did Egyptian president Anwar al-Sadat.

In other circumstances one could have expected Israel and the United States, the other partners in the political process, to compensate for Bashar's shortcomings or inabilities. Even if Bashar turns out to lack the drive to spearhead a peace process with Israel, he has said he would be ready to participate in such a process and, should the appropriate circumstances arise – namely, the fulfillment of his demands, even sign a peace agreement. Moreover, in recent years Bashar has more than once called on the Israeli government to begin peace talks with him, even though he stipulated particularly rigid conditions for the renewal of such talks. However, for a long time the Israeli government under Ehud Olmert, for internal political reasons, recoiled from furthering a peace process between Israel and Syria. Once Olmert did decide to take this mission upon himself, it seems the decision came too late. As for the Bush administration, it did not conceal its reservations and even its objections on conceptual and ideological grounds to any negotiations between Israel and Syria that could strengthen Bashar, without the receipt of anything in return from the Syrian leader, whether in Lebanon, the region, or the international arena.

Thus in light of the difficulty of advancing a real political process between Israel and Syria, the two continue to invest their efforts in preserving the fragile calm that seemed especially tenuous in the wake of the Second Lebanon War and was re-established following the Israeli attack in Syria on September 6, 2007, though one may assume it will be tested again in the foreseeable future.

Following the War: Calls for Peace and Preparations for War

On August 15, 2006, one day after the war ended, Syrian president Bashar al-Asad hurried to claim for himself and for Syria what he alleged as a victory against Israel. In a speech in Damascus to the Syrian journalists' convention, Bashar held a gun to Israel's head and presented it with a choice: renew the peace process with Syria and sign a peace agreement with Damascus that includes an Israeli withdrawal from the entire Golan Heights to the shores of the Sea of Galilee or, alternatively, run the risk of a new confrontation on the Golan Heights, similar to the confrontation between Israel and Hizbollah. According to Bashar, Syria will not sit by idly and wait indefinitely for the return of the Golan Heights to its possession. Instead it might adopt the military

option, or more precisely, the option of resistance (*muqawama*), in other words, a strategy of terror and guerilla warfare against Israel that eventually forced it to withdraw from southern Lebanon in May 2000 without anything in exchange.[3]

Bashar al-Asad's speech ushered in a new era in relations between Israel and Syria, characterized by the increasing fear of a confrontation between the two countries in view of the belligerent threats from Damascus, as well as in view of unprecedented large scale and intense military preparations on both sides of the border. Meanwhile, as if in contrast, activity intensified both in Jerusalem and Damascus regarding the possibility of renewed talks between Syria and Israel. Syrian spokespersons and particularly President Asad declared repeatedly that Syria was interested in renewing negotiations with Israel and was even willing to sign a peace agreement with it, if it met Syrian conditions. In Israel, experts and commentators called for considering a renewal of Israeli-Syrian negotiations in view of what appeared to many to be a worsening of Israel's strategic situation following the war in Lebanon.[4]

Will War Break Out in the Summer?

Following the Second Lebanon War, it seemed that the room for maneuver between Israel and Syria was shrinking. Between 2000 when Bashar assumed the presidency and 2007, Israel attacked Syrian targets on several occasions. In April and July 2001, the air force attacked Syrian positions in Lebanon in response to Hizbollah attacks on IDF outposts. Twice, in October 2002 and June 2006, IAF jets flew over Bashar al-Asad's palace in his hometown of Qardaha in northern Syria. The first time was in response to Hizbollah activity along the Israeli-Syrian border, and the second time was in response to the kidnapping of IDF soldier Gilad Shalit by Hamas. In October 2003, Israeli jets attacked an abandoned Palestinian training camp at Ein Sahab near Damascus, in response to the suicide bombing at the Maxim restaurant in Haifa, which was carried out by a female member of the Islamic Jihad, a Palestinian terror organization whose headquarters are located in Damascus. While on each of those occasions there was no response from Syria,[5] Israel carried out these operations with the knowledge or at least the working

premise that both sides had enough room to maneuver to enable them to weather such events without their leading to escalation.

For its part, Syria undertook activities hostile to Israel, among them providing Hizbollah with advanced arms, including during the Second Lebanon War, and hosting the Hamas and Islamic Jihad headquarters in Damascus. Thus Bashar too apparently took for granted that there was room for both sides to maneuver against the interests of the other without concern that this could lead to full scale confrontation. However, in the wake of Second Lebanon War, this field of maneuver appeared to have vanished, so that the sides were no longer willing or able – in terms of the heightened rhetoric and tension, as well as the increased military deployment – to accommodate the other's mistakes, not to mention the other side's provocations. As such, any incident on either side of the border, including the most limited, could lead to large scale escalation, even if this outcome was unintended.

This new reality largely favored Syria, and it seemed that Bashar even managed to create new rules of the game based on the new balance of power generated by the Second Lebanon War. In other words, a balance of power that reflected decisive Israeli supremacy and afforded it generous freedom of movement yielded to a balance of power that conveyed Israeli caution and even fear of a confrontation that could end in failure, as did the confrontation with Hizbollah. This balance of power essentially reduced Israel's room for maneuver.

September 6, 2007: Bashar's Moment of Truth

Against this complex reality that formed the backdrop of Israeli-Syrian relations in the year following the Second Lebanon War, the Israeli Air Force carried out an air strike in the northeastern region of Syria in the early morning hours of September 6, 2007. For a long time Jerusalem refrained from officially referring to the operation. Apparently Israel's leaders sought to avoid humiliating Bashar al-Asad or pushing him against the wall, which would have forced him to react to the Israeli operation in a manner that was liable to lead to all-out war.

For its own reasons, Syria decided to publicize the attack. It seems that Bashar preferred not to wait for an Israeli announcement that – based on previous experience – was liable to embarrass if not humiliate the regime. Nevertheless, the Syrian statements about the attack were

at best confused and partial. The announcement made by the Syrian military spokesman, released in Damascus at midday on September 6, 2007, claimed that while the Israeli jets had entered Syrian air space, they were quickly forced to retreat by Syrian air defense units and therefore forced to dump their ordnance in an uninhabited region without causing any fatalities or damage to property.[6] Several days later Syrian president Asad admitted that Israeli jets had indeed attacked a target inside Syria, but claimed that the target was of no military importance.[7]

In April 2008 the US administration decided to expose what occurred in northern Syria the previous September. On April 24, 2008, the White House spokesperson announced that the United States had proof that Syria had worked to develop nuclear weapons, and in the following days, on April 26 and 27, CIA officials presented to the House of Representatives and at a press briefing the story of the nuclear facility that Syria sought to establish in the north of the country with the aid of North Korea, which was destroyed by Israeli fighter planes on September 6, 2007.[8]

Either way, when the Israeli attack became common knowledge, all attention was directed to Damascus and Bashar al-Asad's expected reaction. Would he respond militarily, as intimated by his threats several times during the year, or would he prefer to ignore the provocation, as for years he was wont to do, certainly before the 2006 war. As time went by, it became clear that Syria was not looking for an escalation, and certainly not for all-out war. A clear indication of this emerged in an interview given by Bashar to BBC TV when he said: "When we talk about responding or retaliating this does not necessarily mean launching missile for missile, or dropping a bomb for a bomb. We have our own means of responding, for example a political response and perhaps also by reacting through other means and ways. Clearly we have the right to respond, but if we respond militarily, we would be following the Israeli agenda, which is something we have no interest in doing." Later in the interview, however, Bashar added that "a response is an option we always have."[9]

Moreover, on November 27, 2007, a few months after the Israeli air strike deep inside Syrian territory, an Arab-Israeli peace conference was held in Annapolis, Maryland. Syria was invited to this conference,

and after characteristically prolonged deliberations, Damascus decided to accept the invitation and send Deputy Foreign Minister Faisal Miqdad as Syria's representative to the conference. Syria's hesitation stemmed from the fact that the conference was convened primarily to help advance Israeli-Palestinian negotiations, with the Syrian issue constituting only an insignificant footnote.[10]

Bashar's decision not to react to the September 6 attack bought him some largely justified credit for the restraint he displayed as a sign of political maturity. Nevertheless, the fact that Bashar was willing to collaborate with North Korea in the nuclear field in the first place indicates defective reasoning and the lack of good judgment that have characterized his actions repeatedly during his presidency. Bashar was ready to drag his country into a nuclear escapade that could have brought him to the brink of a confrontation with Israel, the United States, and the greater international community. This decision smacks of the hastiness and lack of prudence typical of Bashar's behavior that time and again brought him to a crisis point in his relations with Arab states and with the international community, led by the United States. Examples of his shortsightedness include his support for Hizbollah in its provocations against Israel since October 2000 and later, his decision to provide the organization with advanced Syrian-made missiles; opposition to the US during the war in Iraq in March-April 2003; the assassination of former Lebanese prime minister Rafiq al-Hariri in February 2005; the willingness to risk – potentially to the point of complete estrangement – Syria's relations with Western Europe, particularly with France, and with moderate Arab states, led by Saudi Arabia and Egypt.

At the same time, Syria refrained from reacting to the assassination of Hizbollah military commander Imad Mughniyah on Tuesday night, February 12, 2008, at Kafar Sussa in the heart of Damascus. While spokespersons for Hizbollah, principally secretary-general Hassan Nasrallah, quickly assigned responsibility to Israel for Mugniyah's killing, Syria kept a low profile. Apparently Syria was not interested in drawing the world's attention to its ties with Hizbollah and, even more so, to

> Despite the renewal of indirect peace talks between Israel and Syria, there was no recognizable change in Syrian's posture on any of the issues in question.

its relations with Imad Mugniyah, a terrorist wanted by 42 countries around the world, led by the United States. Israel formally denied any connection to Mughniyah's killing. But, whether or not Israel was behind Mughniyah's assassination, the killing enhanced Israel's image and deterrent ability in the eyes of its enemies.[11]

Ehud Olmert and the Syrian Option

In early 2008, therefore, there was a sense in Israel that the balance of Israel's relations with Hizbollah and Syria was restored, and that the balance of power along Israel's northern border was no longer in the adversaries' favor. It seems that at this point Israeli prime minister Ehud Olmert concluded that he must act to renew the peace talks with Syria, and even try to reach a political settlement with it.

Olmert's motives also presumably stemmed from a series of political developments in Israel. Olmert survived the final Winograd Commission report on the Second Lebanon War, which refrained from calling on him to step down as prime minister. He managed to restore and even strengthen his position within the Israeli political system, both within his own Kadima party and among the coalition parties supporting his government, principally the Labor party, his main partner in the government. Ironically, the fact that Olmert was the least popular prime minister in the history of the State of Israel, a fact he himself acknowledged on various occasions, helped him promote far-reaching political moves. He felt free of the threat of public opinion and in particular, the threat of public opinion surveys that traditionally scare previous Israeli prime ministers and even paralyze them.[12]

It seems that the sense of political complacency, both domestically and externally, is what motivated Olmert to try to promote negotiations with Syria, which he believed could restore and even ensure his political future and possibly win him a venerable place in the history of the state. In addition, the intelligence and security community in Israel pressured Olmert to try to advance the political process with Syria, based on the belief that this could contribute to severing the ties between Tehran and Damascus, and in any case harm Hizbollah. Only that way, they argued, could Israel focus its efforts on the Iranian nuclear threat, the most serious threat it faced.[13] Either way, in April 2008, Olmert sent a message to the Syrian president via Turkish prime minister Recep

Tayyip Erdogan, in which he said he was ready to commit himself to the pledge made by Yitzhak Rabin in August 1993 – Israeli willingness, albeit conditional, to carry out a full withdrawal to the lines of June 4, 1967 – thereafter known as the "Rabin deposit." Transmission of the message and its contents were revealed by Syrian president Bashar al-Asad in an interview he gave to the Qatari newspaper *al-Watan* on April 24, 2008.[14]

Since the Israeli-Syrian peace process stopped in 2000, Syria has demanded that Israel commit to full withdrawal from the Golan Heights to the lines of June 4, 1967, in other words, to the shores of the Sea of Galilee, as a condition for renewing peace talks between the two countries. In an address he gave on July 17, 2007 to the Syrian People's Assembly at the start of his second term as president, Bashar detailed how he proposed to progress on this matter if Israel was indeed interested in renewing peace talks: "The first option is a public declaration of the Israeli prime minister to the Israeli public saying that peace with Syria means returning all of the land [the Golan Heights] and an Israeli withdrawal to the lines of June 4, 1967. The second option is giving a written pledge – similar to the Rabin deposit [which would guarantee, at the conclusion of the negotiations, the full return to the Syrians of the Golan Heights up to the lines of June 4, 1967]. The third option, which is the required minimum as far as Syria is concerned, is the existence of secret and indirect contacts with Israel, i.e., indirect contacts through a mediating country with a view to arriving at an acceptable approach with regard to the negotiations and their results."

Bashar added that "in these negotiations we will define the June 4 lines on the map, and it is clear that all our land must be returned. We do not believe we can hold talks with Israel as long as we do not know what they are based on, and what they are aimed at. After all, we did not have any trust in the Israelis to begin with, and therefore, they must at least provide a pledge like the Rabin deposit, or give us something in writing, so we can assure ourselves that we will not find ourselves in a situation where we are again discussing the principle of returning land [that clearly should be returned to us], but that we are discussing other issues, such as drawing

> Olmert became the fifth Israeli prime minister who committed himself to Israeli withdrawal from the Golan Heights.

the lines of June 4, 1967 on the map, security arrangements, and so on, as was the case in the 1990s."[15]

Why did the Syrians opt to publicize the promise Olmert conveyed via the Turkish prime minister? There are several possible answers. First, Syria feared that sooner or later the existence of the secret channel between the two countries would be leaked to the Israeli media, and therefore sought to preempt this possibility and not find itself in a defensive position, perceived as being in a hurry to sign a peace agreement with Israel from a position of weakness. Second and more important, it is possible that the Syrians tried to assess Olmert's seriousness and his potential ability to gain public approval for such a move. The fact that the Prime Minister's Office in Jerusalem did not deny the existence of such a message from Olmert to the Syrians constituted indirect confirmation of the report. What is clear is that the Syrians did not care about surprising and embarrassing Olmert, as helping the Israeli prime minister gain public approval was never on the Syrian agenda.

On April 25, 2008, two days after the surprising report from Damascus about Olmert's message to the Syrians and his willingness to fulfill Rabin's deposit, it was reported that the Israeli police had launched a new investigation against the prime minister. What quickly became known as the Talansky affair snowballed to the point of ending Olmert's term of office.[16] In Israel there were many who accused the prime minister of using his efforts to further talks with Syria as a means of diverting public attention from his police investigations,[17] but in fact Olmert's endeavors to further peace talks with Syria preceded the opening of this investigation, which apparently took him completely by surprise.

The police inquiry notwithstanding, Olmert continued working to advance Syria-Israel negotiations. On May 21, 2008, the prime minister made a dramatic announcement in the Knesset about the renewal of peace talks between Israel and Syria, as yet indirect and with Turkish mediation.[18] For its part, Damascus made do with publishing a laconic announcement by the Syrian news agency about the renewal of talks between the Israeli and Syrian governments.[19] From this point on, the two countries began to hold indirect peace talks in Turkey with Turkish mediation. Israel was represented by the head of the Prime Minister's

Office, Yoram Turbowicz, and his political advisor, Shalom Turjeman, and the Syrians were represented by the legal advisor to the Syrian Foreign Ministry, Riad Daoudi, who was involved in peace talks with Israel since the 1990s.[20]

Although Israel and Syria did not provide details the talks apparently focused on the respective conditions for renewing direct and formal negotiations, and possibly also on technical aspects of such future talks. Olmert conducted this interchange with total autocracy, notwithstanding across-the-board objections to his moves on the part of senior ministers in the government, particularly Defense Minister Ehud Barak, Transportation Minister Shaul Mofaz, and Vice Prime Minister and Foreign Secretary Tzipi Livni. The latter even publicly admitted that she was not involved in the contact with Syria, and that she believed it was not right to renew talks with Syria and thereby reward Damascus without its altering its conduct and its attitude towards Israel.[21]

Indeed, despite the renewal of indirect peace talks between Israel and Syria, there was no recognizable change in Syrian's posture on any of the issues in question. Syria continued to act to strengthen its strategic pact with Iran, and Bashar al-Asad even visited Tehran in early August 2008 to ease Iranian concern over a possible change in Syrian's stance.[22] Syria continued to supply advanced weapons to Hizbollah, and it also continued to display antagonism towards Israel. An indication of this reserved and even hostile attitude occurred at the summit of the heads of Mediterranean states in Paris in July 2008. The Syrian president went to the summit as a highly desirable guest who enjoyed widespread support. After all, two months earlier he had helped advance the Doha agreement that ended the two year-long political crisis in Lebanon. In addition, he earned a certain legitimacy given the indirect peace talks with Israel. Nonetheless, during the summit discussions Bashar openly shunned fellow participant Ehud Olmert, avoiding meeting him or shaking his hand.[23]

Yet Bashar expressed a willingness to reach a peace settlement with Israel, and it appears that this willingness was backed by a wide consensus within the Syrian public that emerged during the 1990s, according to which an Israeli-Syrian peace agreement is in Syria's interest.[24] However, Bashar's willingness did not reflect determination and certainly not a hunger for peace, and it is even possible that making

peace with Israel is beyond his capability and demands attributes he does not have, including creative and proactive thinking, willingness for dramatic and groundbreaking moves, and a correct understanding of Israel's internal reality. Furthermore, over a long period and certainly immediately following the war in Lebanon, it appeared that Bashar felt he was in a position of strength, and therefore had no need to make any concessions to Israel with regard to conditions for peace talks or a future peace settlement. The result was that like his father, Bashar did not display any willingness to take confidence-building steps that would make it easier for the Israeli leadership to muster support within the Israeli public for a peace process with Syria and primarily for the price Israel would have to pay for a peace agreement, full withdrawal from the Golan Heights.

In addition, Syrian willingness to achieve peace with Israel did not and still does not indicate a desire for change in Syrian regime policy, in terms of foreign policy – relations with the Arab world, Western Europe, and the United States – or in terms of the regime's domestic social and economic policy. The peace initiative of Egyptian president Sadat in November 1977 was part of a more comprehensive change in the policy and approach of the Egyptian president. In making peace with Israel, Sadat was looking to bring about a change in Egypt's internal and external reality, yet the aim of the Syrian regime – led by Hafez al-Asad and subsequently his son – is the exact opposite: to maintain the Syrian status quo, and thereby ensure the continued existence of the Baath regime led by members of the Asad family.

End of the Olmert Era: The End of Peace Talks with Syria

On July 30, 2008, Ehud Olmert announced that he would not be a candidate for the position of prime minister in the September 17 internal Kadima party elections. This effectively ended his current political career and put an end to the contact he was looking to maintain with Syria.[25]

It seems that for now Syria is the winner from the renewed dialogue with Israel. First, the Syrians have won legitimacy and sanction, helping them improve their international standing and to some extent even freeing themselves from their isolation of recent years. Second, Syria seems to have managed to extract from Prime Minister Olmert

a commitment to a complete Israeli withdrawal from the Golan Heights, to the lines of June 4, 1967, as a condition for starting indirect dialogue with Israel. Thus, Olmert became the fifth Israeli prime minister – preceded by Rabin, Peres, Netanyahu, and Barak – who committed himself to Israeli withdrawal from the Golan Heights. This commitment will presumably be presented to any future Israeli prime minister seeking to renew negotiations with Syria. All this is without Syria having given Israel anything in return: Syria has not severed ties with Iran, stopped supplying arms to Hizbollah, or tempered its hostile attitude towards Israel.

What emerges from Ehud Olmert's attempt to advance the Syrian option? First, it appears that Syria has an interest in advancing the political process with Israel. This interest is based and even contingent on recognition among the Syrian leadership, but also among public opinion in Damascus, that a peace agreement with Israel is likely to serve Syrian interests, particularly recovery of the Golan Heights, and therefore it should not be ruled out. This is a significant difference between Damascus and Hamas, Hizbollah, or Iran, who are not interested in negotiations with Israel, let alone a political settlement with it. Indeed, in an interview to *Der Spiegel* in September 2006, Bashar al-Asad explained his position by saying, "I do not share the view that Israel should be wiped off the map. After all, we want to make peace with it. I believe that any time is the right time for making peace, especially following a war. Syria and Israel can live side by side in harmony and recognize each other's existence. We held talks in the 1990s, and we do not conduct negotiations with a country only in order to wipe it off the map afterwards."[26]

> Syria continues to stand firm and refuses to take any confidence-building steps that could convince the Israeli public that its desire for peace is sincere.

Second, and notwithstanding this stance, Damascus has not exhibited any real hunger for peace or shown determination or strong political desire to reach a settlement with Israel. Syria makes do, therefore, with a display of interest, even though it sometimes seems confined to the theoretical, in examining the possibility of advancing the peace process with Israel.

Third, the Syrian terms for achieving a peace agreement were and still are stiff and uncompromising. Syria is demanding the return of

the Golan Heights in their entirety, as well as the Sea of Galilee shore that the Syrians held until 1967. Exaggerated assessments in Israel on Syria's possible willingness to demonstrate flexibility on this issue have been shown time and again to have no basis in reality. Moreover, Syria has not shown willingness to commit clearly and unambiguously to distancing itself from the axis of evil and from its pact with Iran and Hizbollah. At most it has been hinted that Damsacus would be willing to cool these ties, which one might assume would in any event occur once Syria signed a peace treaty with Israel.

Fourth, the Syrians continue to stand firm and refuse to take any confidence-building steps that could convince the Israeli public that their desire for peace is sincere. The picture of Syrian president Bashar al-Asad turning his back on the prime minister of Israel in Paris in July 2008 during the summit conveys this better than a thousand words.

In this context one should mention the interview given by Bashar al-Asad to al-Jazeera on July 14, 2008, in which he explained that: "From our point of view, the word 'normalization' does not exist. We have talked about normal relations (*aadiya*) from the start of the peace process. You [the interviewer] can call them natural relations, or use the term 'normalization' (*tatbi*). It really doesn't matter. It is of no substance. We are talking about normal relations. What is meant by normal relations? This means relations like those that exist between two countries. There are embassies, there are relations, there are agreements. Relations can deteriorate and alternatively they can improve. They can be warm or cold. This relates to the sovereignty of every country. Thus we call these relations normal relations."[27]

Finally, it is clear that without active American involvement in Israeli-Syrian negotiations it will be difficult for the sides to progress. After all, the Americans are the ones who are supposed to cover the peace costs, as well as exert pressure on the sides to soften their positions during the process. However, President Bush's position on the Syrian-Israeli negotiations is fundamentally negative. One can assume that Bashar al-Asad's declarations of support for Russia during the crisis in Georgia in mid-August 2008 did not help to change this negative attitude. The position of the next US administration will emerge only after it is established and formulates its policy during the first half of 2009.

This means that Syria is not expected to go out of its way to advance a peace process with Israel, and that it is the Israeli prime minister who will have to bear the brunt of advancing the negotiations. This is based, of course, on the assumption that s/he believes in the importance and contribution of an Israel-Syria treaty to Israel's security. Needless to say that such a move without public backing, and to the unconcealed displeasure of the United States, appears a foretold failure.

Against this backdrop it seems that regardless of who is Israel's next prime minister, it is hard to see who under these conditions will be able to advance a peace process with Syria. A breakthrough in negotiations with the Syrians, therefore, needs a move similar to that made by Sadat in his historic visit to Jerusalem in November 1977 – of which Bashar al-Asad is not capable – and, alternatively, American or Israeli determination to achieve a breakthrough for peace, a determination that does not appear to be on the horizon.

Notes

1. See Gabriel Siboni, "The Military Campaign in Lebanon," in Shlomo Brom and Meir Elran, eds., *The Second Lebanon War: Strategic Perspectives* (Tel Aviv: Yediot Ahronot, 2007), pp. 61-76. See also forecasts of an expected war during 2007 in *Haaretz*, December 22, 2006, and *Maariv*, December 29, 2006.
2. See *Haaretz*, September 7, 9, 2007; *Yediot Ahronot*, September 7, 9, 2007. See also SANA (Syrian Arabic News Agency, Damascus), September 6, 2007.
3. See SANA, August 15, 2006, and *Tishrin*, August 16, 2006.
4. See al-Jazeera (Saudi Arabia), March 19, 2007, and an interview given by Bashar al-Asad to *Der Spiegel*, September 24, 2006. See also *Haaretz*, December 22, 29, 2006, and see position paper "Is There a Syrian Option? Thoughts on the Future of Israeli-Syrian Relations," New Horizons, Berl Katznelson Foundation, November 2006, www.ofakim.org.il.
5. See Eyal Zisser, *Commanding Syria*: *Bashar al-Asad and the First Years in Power* (London: I. B. Tauris, 2006), pp. 148-71; see also Reuters, April 17, July 1, 2001; *Haaretz*, October 17, 2003.
6. See SANA, September 6, 2007.
7. SANA, September 17, 2007. See also an interview given by Bashar to the Tunisian newspaper *al-Sharouk* (Tunisia), October 11, 2007.
8. See Reuters, April 24, 26, 27, 2008; *Haaretz*, April 26, 2008.
9. See an interview given by Bashar al-Assad to BBC TV, October 1, 2007.
10. See *Haaretz*, November 26, 29, 2007.
11. See *Yediot Ahronot*, February 14, 2008, August 3, 2008; *al-Khayat* (London),

February 14, 2008, August 5, 2008.

12. See *Yediot Ahronot*, April 4, 11, 2008; *Haaretz,* March 7, April 4, 2008.

13. See *Yediot Ahronot*, April 25, May 23, 2008.

14. See *al-Watan* (Qatar), April 24, 2008; see also al-Jazeera, April 13, 24, 2008.

15. SANA, July 17, 2007; see also *Tishrin* (Damascus), July 18, 2007.

16. *Yediot Ahronot* May 9, 11, 2008.

17. *Haaretz*, April 25, May 22, 2008.

18. *Yediot Ahronot*, May 22, 2008.

19. SANA, May 21, 2008.

20. *Haaretz*, July 4, 2008.

21. *Yediot Ahronot*, August 1, 22, 2008.

22. SANA, August 4, 2008.

23. *Haaretz*, July 14, 2008.

24. See, for example, an article by Syrian intellectual Sadiq al-Azm, "The View from Damascus," *The New York Review of Books* 67, no. 10, June 15, 2000.

25. *Haaretz*, August 1, 2008.

26. *Der Spiegel*, September 24, 2006.

27. Al-Jazeera TV, July 14, 2008.

The PA: An Authority without Authority

Ephraim Lavie

The ongoing decline in the internal unity of the Palestinian National Authority (PA), reflected in the absence of an effective central government, the deep split between the Gaza Strip and the West Bank, and the violent internal Palestinian struggles, has given rise to a debate on questions concerning the PA's stability and survivability. In the wake of the ongoing lack of progress towards a permanent Israel-Palestinian settlement, calls by parties in the nationalist faction in favor of a one-state solution have lent these issues new urgency. In turn, the PA's raison d'être and viability are naturally coming into question.

In their struggle for control, Hamas and Fatah have contributed to the internal destruction of the PA, but at the same time they have not discarded the idea of its existence. Fatah's leadership regards the establishment of the PA on the national homeland as its chief historic achievement. Even though the absence of a political settlement is liable to generate a bi-national reality, the statements by Fatah leaders in support of dismantling the PA and a one-state solution are likely designed to pressure Israel into softening its positions and move the diplomatic process forward. The Hamas leadership also regards the PA's existence as in its interest, as it rose legitimately to power through the PA in democratic elections and aspires to assume control of the PLO and the Palestinian national institutions in the same way.

In the current, fundamentally static situation, two processes are underway in the Palestinian arena: an ongoing process of weakening of the PA and the nationalist current, notwithstanding their support by Israel and the international community, and a parallel process of

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strengthening of radical Islamic elements that enjoy the support of Iran and Hizbollah. These processes are influenced by developments in the Israel-Palestinian conflict, but are also part of the decline of secular nationalism and the rise of the Islamic religious movements in the Middle East as a whole.[1]

The weakening of the PA's institutions and the slackening of public support for it do not indicate a decline in Palestinian national territorial identity (*al-wattaniya*). Yet while the PA as a quasi-state framework (*al-doula*) embodies the national identity, the Palestinian public regards it as an unsuccessful governing apparatus. The Hamas leadership, which embraces Islamic universalism, also endorses territorial nationalism but promises more successful management of the PA than that provided by Fatah, which has already lost its exclusive leadership of the Palestinian people. The main change in Palestinian public opinion regarding Hamas is that it is no longer regarded solely as a last resort in the wake of Fatah's failure to manage the PA. Especially since the Hamas victory in the January 2006 elections, the public has gradually come to see the Hamas movement as a desirable option in its own right because it preserves national identity and promises to realize, in its particular way, the people's aspirations for freedom and political independence.

Interest in the PA's continued existence is also common to the policies of Israel, the Arab countries, and the international community. In effect, the PA has become a receptacle that each party wishes to fill with its own content, whether to establish its control through it or to exercise its influence on it. The official end of Abu Mazen's term as president in January 2009,[2] which until now has appeared to be devoid of internal and external achievements, and forthcoming political changes in Israel and the United States, are likely to spawn various scenarios that influence the level of stability and future character of the PA but do not challenge its very existence.

Hamas

Fatah and the Palestinian public regard the "calm" agreed to by Israel as an achievement of the Hamas leadership and a slap in the face to the PA and the pragmatic political option pursued by Fatah. The agreement is still maintained by the Palestinian factions – and for the moment is preventing any large scale military operation by Israel in the Gaza Strip

– even if Hamas has not yet realized its immediate goals: complete removal of the economic embargo, opening of the Rafiah border crossing,[3] and the release of prisoners. Hamas has partially but steadily circumvented the embargo, established its status as a legitimate ruling party, and tightened its control over the Gaza Strip. Although Hamas has not yet gained recognition from the international community as a legitimate negotiating partner, the negotiations taking place between it and Israel through Egyptian mediation, the renewal of contacts with Hamas initiated by King Abdullah of Jordan almost a decade after the leadership was exiled from Jordan, and the contacts of various European parties with Hamas indicate that the movement is gradually emerging from its isolation. So far, then, Hamas has succeeded in using the calm to achieve at least some of its goals.

The violent confrontation with the Hilles and Durmush clans in the Gaza Strip and the force used to suppress the strikes in the education and health sectors reflect the belligerent policy prevalent in Gaza, dictated by Hamas military arm. These events have exposed the internal tension between the two faces of the Hamas leadership. On the one hand, it wishes to appear as allowing democratic activity, while on the other, it is driven by its hostility to Fatah and in order to consolidate its rule, aims to debunk its main rival and take over the power centers and institutions in the Gaza Strip, such as the energy and water authorities. As far as the armed elements in Hamas are concerned, after "the first victory" (the June 2007 takeover of the Gaza Strip) the Fatah movement in the Gaza Strip, which to a large extent was represented by the Hilles clan, was considered a potential threat. Consequently Hamas used great force to undermine the Hilles clan and declared it "the second military victory" (*al-hasam al-askri a-t'ani*). At the same time, however, Hamas was careful to portray the operations against the Hilles and Durmush clans as measures designed to quell a threat to law and order in the Gaza Strip, rather than as a settling of accounts with Fatah or any other political element. Hamas thereby sought to clarify that it did not rule out the

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existence of an opposition faction – as long as it acted in accordance with the rules of Hamas.

Hamas' leadership strives to demonstrate to the public that its management of the PA's institutions is effective and responsible, while portraying Fatah in the West Bank as a faltering group whose control of the PA is characterized by anarchy (*pucha*) and corruption (*pasad*). However, its public image was tarnished by the force it used against the striking teachers and physicians in Gaza who presented specific sector-related demands. Hamas, which emphasized that it viewed the strikes as Fatah political actions, was quick to fire striking teachers and physicians, shut down clinics, disband the teachers' union, and organize protests at the striking doctors' homes. In addition, and to counter the arrests of Hamas members in the West Bank carried out by the PA security agencies, the Hamas leadership arrested leading Fatah figures in the Gaza Strip, including Zakhari al-Ayia, Ibrahim Abu a-Lanja, and Ahmed Nasser. The Fatah leaders were released after a few days, and Hamas succeeded in establishing a deterrence whereby the arrest of its agents in the West Bank would lead to the arrest of Fatah agents in the Gaza Strip equation. Yet public opinion deemed this episode as an example of the force Hamas resorts to in order to consolidate its rule, similar to the force the PA exercises to impose its power in the West Bank, even as its popular legitimacy declines.

> The lack of a high caliber Fatah leader capable of uniting the nationalist camp and leading it even in the absence of a clear national plan is a critical matter.

Hamas portrays itself as a movement with a Palestinian nationalist-territorial identity, which is therefore a legitimate political option for ruling and managing the PA. It declares its intention to renew the national dialogue and restore national unity, and respects Abu Mazen's legitimacy as an elected president of the PA, at least until the end of his term in January 2009. Hamas wants Fatah to similarly respect its legitimacy as the elected majority in the Legislative Council. Even though the Hamas leadership is likely to accept an extension of Abu Mazen's term by an additional year (it is not preparing for presidential elections), from a tactical political standpoint, it declares that it will not recognize an extension of his term, and will demand that

the chairman of the Legislative Council, a Hamas member, assume the presidency until elections are held.

Thus far Hamas has been able to use the current lull in the Gaza Strip to realize some of its objectives. The PA's continued existence is in its interest and enables it to avoid appearing as a non-democratic military junta. Paradoxically, Hamas is thereby contributing to the preservation of stability in the PA and its institutions.

Fatah

The difficulties encountered by the Hamas leadership in realizing its goal to consolidate its political standing and expand its influence to the West Bank do not conceal the fact that the light of the Fatah leadership is fading. In Hamas, ideology, belief in the righteousness of the cause, and expectation of a promising future compensate for the absence of a prominent charismatic leader. In Fatah, however, the lack of a high caliber leader capable of uniting the nationalist camp and leading it even in the absence of a clear and adequate national plan is a critical matter. The intermediate generation of Fatah has waited for years for the Sixth Fatah Congress to be convened in order to hold internal elections that will facilitate the rise of the next generation of leaders. However, most leaders of Fatah's intermediate generation, such as Ahmed al-Dich, Fouad al-Shubachi, and Diab al-Luach, have left the region and are currently representing the PLO and the PA overseas. Leaders of al-Aqsa Martyrs Brigades, such as Jamal Abu Rub (dubbed "Hitler" because of his past deeds) and Zacharia Zbeidi in Jenin, are not politically ready to fill the leadership gap. The same is true of the younger Fatah leaders, whose success in the student council elections last year in the West Bank was limited.

Abu Mazen has continued to express interest in convening the Sixth Fatah Congress, but there is no guarantee that this congress, if and when it takes place, will lead to the renewal of the movement and the rebuilding of its crumbling institutions. It will be difficult to turn such a meeting into a pragmatic political event rekindling the torch of the national idea and capable of spearheading a political settlement with Israel. The old guard of the nationalist faction, consisting of leaders like Nasser Yusuf and Azzam al-Ahmed, is cut off from the masses, who in turn are alienated from the movement. It has exposed its limitations

in understanding the dimension of the challenge facing it, and is incapable of uniting to deal with it. The weaknesses of ideology and leadership place Fatah on a slippery slope that will end in the loss of the public's trust and the legitimacy of its rule. At the same time, the Hamas leadership is proving to be a focused and forceful political factor, sensitive to the public's feelings and needs, with a low level of internal rivalry that it manages to downplay – notwithstanding its increasingly belligerent policies dictated by the movement's military arm.

The promise by the Fatah leadership a year ago to create a new reality of proper rule and a resurgent economy in the West Bank as a model alternative to the regime imposed by Hamas in the Gaza Strip has not been kept. Many leaders feel that they have been excluded from the decision making process, and do not support Salam Fayyad's government. They dismiss it as a "government of salaries" (*hahumat al ma'ashet*), whose role is restricted to payment of wages. Implementation of the Fayyad government's three-year (2008-2011) Palestinian Reform and Development Program (PRDP) has met with many difficulties, budget and otherwise, and its beginning has been anything but smooth. The external aid is indeed being used mostly for payment of salaries.

The process of rehabilitating the security apparatus will take a long time. In the absence of operational capability and commanding spirit, these organs are not operating effectively and persistently to enforce order and governmental authority. Under these conditions, Israel is in no hurry to change its military-security policy, and is not removing roadblocks and easing restrictions on movement in order to restore normalcy to daily life on the West Bank. The attempt to make Jenin a model for rapid economic development, with Israel removing administrative and physical barriers in order to facilitate movement and access of people and goods, and international parties investing in projects yielding results within a short time has been copied hesitantly in other areas at a disappointingly slow rate.

Dread of Hamas on the part of the leaders of the Palestinian security apparatuses has neutralized their ability to block the Islamic movement's strengthening in the West Bank. Israel's efforts to damage Hamas' organizational infrastructure in the area have also not been effective. The Hamas leadership is scoring propaganda points among the Palestinian public by portraying the operations against its members

and institutions in the West Bank cities, which are considered enclaves of Palestinian sovereignty, as a joint coordinated effort by Israel and Fatah.

The Fatah movement retains its hold in the West Bank, thanks to the hopes pinned on Israel's willingness for positive gestures in the framework of the dialogue with Abu Mazen, such as the release of prisoners, and the power "loaned" it by virtue of Israel's presence in the area. Many in the Palestinian public regard the PA and the elements in Fatah in the West Bank as doing Israel's bidding. They see no benefit in rule under Israeli auspices when the idea of two states for two peoples has gone nowhere. The Palestinian public interprets the gaps in the positions of the two sides on the core issues, which make it impossible to reach a political settlement, and the continued construction of settlements in the West Bank as evidence of failure of Fatah's political agenda.

Thus, although potential for change ostensibly exists (the younger educated generation in Fatah has shown signs of recovery by restoring to itself control of several student councils over the past year), the credit given by the public to Fatah as the leader of the Palestinian people is dissipating with the passage of time. Fatah is perceived as unable to achieve its vision.

The Fatah leadership is unwilling to admit the failure of the PA enterprise, since this would be tantamount to recognition that its path has proven an abysmal failure. At the same time, there is increasing commotion within the pragmatic nationalist camp given the sense that the two-state solution is a fading political option. Leaders in the national camp (e.g., Abu Ala, Sari Nusseibeh, Dr. Ali Jerbavi, and Hani al-Matzri) have spoken about the abandonment of negotiations for a two-state solution and return of responsibility for the territories to Israel. Yet their statements are primarily designed to pressure Israel into making progress in the diplomatic process and do not imply a program that genuinely interests the Fatah-led PLO. Some of these figures are exploring the idea of redirecting the PA from cooperation with Israel to pressure on Israel and the United States for more flexible

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Israeli positions. Thus when the Sixth Fatah Congress is convened, it will presumably adopt a platform that includes the path of resistance (*al-muqawama*) combined with the political struggle, as recently proposed by Marwan Barghouti from his prison cell in Israel, not the liquidation of the PA and promotion of the idea of a single state.

Survival of the PA and the Struggle for its Soul

The situation described above does not advance the strategic goals of any of the parties involved. At the same time, it does not obligate them to act, which would require concessions by each party on matters concerning narrow special interests in favor of achieving long term strategic goals. The increasing signs of disappointment among the pragmatic national faction and its supporters over a political settlement based on the principle of two states for two peoples render it unnecessary for the Hamas leadership to make its positions more flexible and prove the validity of its political course. Fatah leaders continue to maintain the PA in the West Bank under Israeli auspices in the hope of achieving political gains in the negotiations, but show no ability to reinvigorate their movement. They recognize that without internal support and legitimacy, its days are numbered, since it is increasingly regarded as an interest group that is collaborating with Israel and enforcing its control on the public through Israel, or at least with Israel's assistance. Their frustration with the diplomatic process has prompted the idea of complementing the political process with the struggle (*al-muqawama*). Israel is evading decisive international decisions required by the negotiating process and for the end of the occupation as long as the core issues have not been settled and while the PA continues to demonstration its functional weakness.

In the current stagnation, the PA remains standing but is weak and steadily declining. The expiration of Abu Mazen's official term as elected president, the end of the agreed six-month lull, and the changes in administrations in Israel and the US are likely to leave their imprint on the PA's level of stability and future character, but not on its existence. Various scenarios in this context are possible, beginning with the result of deliberate action by one or more of the parties, perhaps in combination with an external influence, that are likely to serve the

interests of Israel, Hamas, or Fatah, or constitute some combination of respective interests.

For example, a renewal of the dialogue between Fatah and Hamas and agreement on a unity government and/or general elections in January 2010 are likely to bring about a single government in the West Bank and the Gaza Strip. Such a dialogue is likely to take place with Hamas holding a position of strength. It will enable Hamas to dictate its conditions to Fatah and lead to relative stability in the PA, but will not lead to agreement on pragmatic fundamental political positions. These conditions will not be easy for Israel or conducive to promotion of the political process. In another scenario, a transition from a lull to a stable ceasefire between Israel and Hamas and the other Palestinian factions is possible, leading to gradual normalization of daily life in the West Bank. If this is accompanied by a freeze on construction in Jewish settlements as a confidence building measure by Israel, the new conditions will be suitable for continued negotiations for a permanent settlement. A firm policy towards Israel and the Palestinians on the part of the new US administration that will require the two sides to anchor matters agreed between them during negotiations in a declaration of principles towards a permanent solution is likely to contribute to this scenario. This scenario runs contrary to Hamas' interest, given the prospect of progress in the diplomatic process and the abandonment of the struggle, and Hamas will therefore try to thwart it.

Another scenario envisions Israel taking over the Gaza Strip, with or without the support of the international community, in order to eliminate Hamas' rule and transfer the Gaza Strip to the PA for a transitional period, until general elections are held and an elected national leadership assembled. Ostensibly, this scenario is likely to serve Israel's interest by strengthening Fatah, providing a basis for rebuilding the PA, and paving the way for progress in the negotiating process. However, as of now, it appears that Israel regards such action as ineffective and liable to eventually bring about the opposite result:

> Despite the geographic and political division between them, Hamas and Fatah have a common interest in maintaining the PA in the territorial framework of the two regions, rather than establishing separate entities.

weakening Fatah and the PA, strengthening Hamas in the West Bank, and also endangering Gilad Shalit.

Conclusion

Despite the geographic and political division between them, Hamas and Fatah have a common interest in maintaining the PA in the territorial framework of the two regions, rather than establishing separate entities. The two movements continue to declare their intention of renewing the national dialogue and restoring national unity. The PA continues to finance the public sector in the Gaza Strip, and is in no hurry to declare the Gaza Strip a rebellious province. As proven in the past, the Palestinian population in times of crisis is capable of adapting and reuniting behind the agreed national regime, or a regime chosen in new elections.

According to Israeli and international community perspectives, the PA's raison d'être has not evaporated. Israel regards the PA as a partner for political and security dialogue until a permanent resolution based on two states for two peoples is achieved. The international community continues to recognize the PA and is interested in promoting the rehabilitation of its civil and security institutions. The Arab world recognizes the necessity of the PA's existence and the need for reconciliation within it. The PA's fragile existence will continue to hover precariously in the foreseeable future, but to the same degree, the institutions guaranteeing its continued existence will be preserved. The main struggle between the two sides involved in maintaining the PA concerns its future character: secular-national or Islamic-national.

Even though Israel and Fatah define the continued existence of the PA under secular-national leadership as a joint interest, various issues, including internal political weaknesses, make it difficult to take measures to halt the decline of the PA. The ongoing weakening processes in the PA and the national faction, accompanied by the strengthening of radical Islamic elements in the Palestinian sphere, are expected to continue as a result of the anticipated political developments in the coming months in the PA, Israel, and the US. Abu Mazen's chances of reaching a permanent settlement with Israel by the end of 2008 and presenting it in a referendum are dwindling. Under conditions of continued internal division, the Fatah leadership is likely to recognize that it has reached

the end of the road as leader of the Palestinian national movement. The Hamas leadership, on the other hand, which the Palestinian public regards as having a national territorial bent, will continue to operate from a position of strength and belief in the righteousness of its path as the bearer of the Palestinian national standard. It aims at freedom from occupation and the founding of an independent state in the first stage. It still regards the lull agreement and the possibility of renewing the national dialogue as a future means of strengthening its political status and expanding its influence from the Gaza Strip to the West Bank, and will consider its measures in light of its goal to constitute the broadest popular movement in the Palestinian arena.

The seeming stasis in the balance of forces in the Palestinian arena conceals a dynamic situation developing beneath the surface. The inability of the national leadership to achieve its vision of a political settlement based on the establishment of a country bordering Israel enhances the relevance of Hamas as an alternative. It makes it unnecessary for the Hamas leadership to prove the effectiveness of its political line, and camouflages its limitations and failures as a ruling faction. At the same time, in the absence of a political settlement or unilateral determination of Israel's borders with the West Bank, in time, a bi-national reality is liable to emerge. Such a situation is likely to recast the nature of the Israeli-Palestinian conflict from a national-political conflict to a battle over civil rights, thereby threatening the existence of Israel as a Jewish and democratic state.

Notes

1   Matti Steinberg, "Anarchical Order in the Arab World," in *Challenges to the Cohesion of the Arab State*, ed Asher Susser (Tel Aviv: Moshe Dayan Center at Tel Aviv University, 2008), pp. 41-58.
2   Hamas and Fatah disagree on this issue. Fatah legally but unilaterally extended Abu Mazen's term by one year, until January 2010. Hamas does not recognize this move.
3   The other border crossings are open, and through them goods enter the Gaza Strip. At the same time, exports from the Gaza Strip have not yet been renewed.

Iraq: Just Another Milestone in the War against al-Qaeda

Yoram Schweitzer and Gaia Sciaky

Over the past few months senior US officials have claimed that the campaign against al-Qaeda in Iraq (AQI) is coming to a successful head, thanks to more effective US military operations in collaboration with Iraqi Sunni tribesmen, generally known as the "Anbar Awakening." CIA director Michael Hayden announced the "near strategic defeat of al-Qaeda in Iraq," while President George W. Bush, assessing the progress in the Global War on Terror (GWOT), stated that recent gains in Iraq deflate the al-Qaeda myth about the inevitability of its victory, and that "defeating al-Qaeda in Iraq…will show the world that al-Qaeda is the weak horse."[1] For his part, however, General David Petraeus, the former commander of the campaign against AQI, has adopted a more cautious stance, urging that it would be best to "avoid premature declarations of success."[2]

The list of AQI's defeats, however, is not necessarily indicative of results in the struggle against the global jihad in general or al-Qaeda (al-Qaeda Central, or AQC) in particular. The impression that gains against AQI have direct implications for AQC stems from the tendency to overstate the connection between the two. In fact, the overall war against AQC extends far beyond Iraq, and thus the question is whether the cumulative success against AQI will affect the strength of AQC and its affiliates, and if so, to what degree. A close inspection of the role the Iraqi campaign plays in AQC's strategic plan can shed light on

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the weight of the accomplishment of the Americans and their allies in Iraq, and even more, on the impact these accomplishments have upon AQC.[3] Is a victory in the war against AQI a watershed in the greater war against the global jihad, or is it just one step, significant as it may be, in a longer, continuous effort to deal with the challenges posed to the West by the global jihad movement.

This essay analyzes AQC's overall strategic balance sheet in its campaign in Iraq over the last five years. It argues that AQC will continue to boast major achievements in its Iraqi campaign even if it eventually endures a sweeping defeat there. Indeed, AQC leaders placed great emphasis on the Iraqi campaign but did not invest the bulk of the organization's resources in it. Instead, they used the time to reinforce their power and infrastructure where they are now operating, primarily in the federally administered tribal areas (FATA) along the Pakistan-Afghanistan border. Thus, it is to be expected that the organization's base along this border will collaborate with Iraqi alumni and constitute an infrastructure for future terrorist activities.

AQI: Achievements vs. Failures

Claims as to the decline of AQI's power began with the first signs of its dimming popularity both in Iraq and among the wider Muslim public, and was eventually dramatized by the rebellion of Iraq's Sunni clans against AQI. Their rebellion was sparked by the brutality of AQI's showcase attacks, as well as the organization's authoritarian tack and its attempts to impose a rigid lifestyle upon the local population.

A close examination through the prism of AQI's strategic goals suggests that the organization enjoyed considerable success in Iraq alongside its failures. On the one hand, some of its long term goals in the country were attained and will remain part of the legacy of AQC and the global jihad. On the other hand, the organization's losses seriously damaged the operational capabilities of local jihadist elements as well as the efforts to champion the pan-Islamic initiative to create a Muslim caliphate in the heart of the Levant. Ultimately, though, the overall effect of the damage done in Iraq to the battle strategy of the organization as a whole will depend upon the ability of the West to build upon its success in Iraq and channel its achievements toward other areas where the organization is active, primarily the Afghani-Pakistani arena.

Al-Qaeda's perception of its struggle is that of an ongoing war, where every step forward is taken gradually and incrementally paves the way for future measures. This struggle will be protracted for generations. The US-led invasion of Iraq presented a window of opportunity that the organization seized successfully. Al-Qaeda's own perception of its recent setbacks in Iraq within the framework of its comprehensive ideology is therefore that of tactical shifts, and not one of permanent defeat. The fundamental principle of temporary adjustment to changing circumstances is based on interpretations of the Qur'an and the history of Muslims' struggles against the enemies of Islam. Muhammad's flight from Mecca, which started the Hijra, is considered the beginning of the Muslim victorious path. Therefore, the current hardship experienced by al-Qaeda in Iraq does not necessarily translate into a substantial lowering of the organization's morale or its commitment to the jihadist cause that, like in the past, has now progressed through the waging of a decades-long or even centuries-long war against Western crusaders and collaborating "apostate" Muslim regimes.

As such, the intervention of Western military forces in Iraq provided the organization an excellent opportunity to fight the "far enemy" on its home turf and revitalize the spirit of the heroic Islamic resistance that figured so prominently in the 1980s during the struggle against the Soviets in Afghanistan, in which the mujahidin defended Muslim turf from a superpower. The narrative surrounding the jihadist struggle in Iraq facilitated the recruitment of Muslim youth to fight the infidel enemy currently contaminating ancient Islamic soil, and helped both tarnish the US reputation and fuel anti-Western, particularly anti-American, sentiments within the broad Muslim public (as well as the wide non-Muslim public that took exception to the war in Iraq).

> It is to be expected that the organization's base along the Pakistan-Afghanistan border will be used by Iraqi alumni and constitute an infrastructure for future terrorist activities.

The struggle in Iraq helped the organization promote the narrative that it has attempted to impart to its supporters. During the five years of fighting in Iraq, AQC's sophisticated propaganda apparatus accumulated significant amounts of raw material for its media campaign and psychological operations. Videotaped material was translated into other media formats, mainly clips that idealize

terrorist and guerilla activity against the foreigners. AQC has tapped this raw material to weave the narrative of the heroic battle of the jihad fighters who are willing to sacrifice themselves unhesitatingly for the divine cause and defend the honor of the Islamic nation (the *umma*), which are, according to AQC, under coordinated attack by the West. Clips produced by AQC highlight both the brutality and the vulnerability of the West: coalition forces are depicted injuring innocent Muslims indiscriminately and taking over their land, and joined with images of their repeatedly suffering fierce blows from jihadist fighters. The immense amount of raw footage that has been produced in Iraq and disseminated through the organization's websites among its online supporters is one of AQC's salient accomplishments. The organization will unquestionably make major use of it so as to maximize its effect and leverage future struggles.

Moreover, even preventing the emergence of the putative Iraqi Islamic caliphate and weakening AQC's power base in Iraq are unlikely to prevent the radicalization of certain elements of the Muslim public that opposed the US-led invasion and occupation of Iraq. The chances of the US restoring its damaged reputation in the Muslim world in the near future are at best tenuous, and it seems likely that the impression left by the Iraqi terrorist and guerilla uprising will be etched deeper by an AQC propaganda campaign in an effort to ensure that it will never depart from the collective jihadist memory and will influence the movement for generations to come.

The invasion of Iraq gave AQC a chance to restore its reputation and its operational infrastructure, both of which were damaged in the 2001 invasion of Afghanistan that dealt AQC and its Taliban patrons a swift and severe defeat and denied them their operational bases. Furthermore, in addition to being a magnet for Muslim youths around the world eager to pursue the jihad actively, Iraq also commanded the attention and resources of the anti-terrorist coalition, which threw the majority of its weight into a new arena in the Middle East. This gave the AQC leadership, under the distraction of the fighting in Iraq, a chance to develop its operational

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bases in the borderlands between Pakistan and Afghanistan, where leaders of AQC took refuge. From an operational standpoint, the Iraqi arena was an important platform for AQC to train and prepare new recruits. The flexibility that characterized AQC's modus operandi gives AQI's trained operatives the opportunity to disperse and regroup in other areas if the situation in Iraq becomes untenable.

Despite the temporary success that AQI achieved in Iraq, the organization did not achieve some of its loftier goals. At this stage, control of the state has passed to the Shiite majority at the expense of Sunni hegemony. AQC's attempt to prevent the Shiite rise has failed, as has its bid to eject the American forces from Iraq though armed struggle. The declaration of Zawahiri, Bin Laden's lieutenant and chief spokesman for AQC in recent years, that AQC's purpose is to disrupt American and Iranian plans in Iraq (odd as this combination might sound, yet reflects AQC deep suspicions and resentment of Iran's ambitious pretensions), indicate that the organization did not achieve its goals, even if the Americans do end up withdrawing most of their forces.[4]

AQI, and certainly while under the command of Abu Mussab al-Zarqawi, tried to inflame the internal, ethnic fault lines in the country and intensify sectarian animosity. This further deepened the instability of the Iraqi government, making it very difficult for the coalition to operate. Consequently, there were often severe reactions against the local population with major harm sustained by uninvolved civilians, which thus estranged them from the allied forces. At the same time, while AQI made it difficult for the Western coalition and reconstruction forces to operate, this strategy backfired on the terrorist organization. Its especially violent methods, the mass killings it authored, and its attempt to impose its religious worldview on the civilian population mobilized this very sector against the organization.[5] AQI's attempt to co-opt the Iraqi resistance and establish a Muslim caliphate in the country, a move defined by CIA director Hayden as a "strategic mistake,"[6] was unsuccessful.

The Current Terrorist Threat
AQC devoted significant attention to the struggle in Iraq, given its sense that the massive numbers of foreign troops deployed in a nation

in the heart of the Arab Levant and the newly created political and security vacuum presented it with a rare opportunity and particular room for maneuver. Nonetheless, the leadership did not dispatch its leading fighters and forces to the area. It settled for remote guidance and for encouragement of AQ supporters and fighters to go to Iraq, while refraining from investing its own funds or personnel and opting to concentrate these resources in the central operations arena on the Pakistan-Afghan border.

The organization's operational infrastructure in this area was rebuilt and redeployed after the severe setbacks it suffered mainly between the years of 2001-2003. Beyond this, the activity of the organization's foreign operations division, responsible for the murderous showcase attacks that have given AQC its global reputation for ferocity, continued. Thus, along with the actions of the organization in Iraq and along with its move to entrench its infrastructure in the border areas between Pakistan and Afghanistan, AQC has executed suicide attacks such as those in Turkey in 2003 and London 2005, and tried (albeit unsuccessfully) to carry out an extensive air terrorism campaign in London in 2006. In other words, while various AQC offshoots in Arab countries, especially Iraq, suffered serious damage, this did not have a decisive impact on the terrorist threat posed by the organization to the West and its Arab allies. AQC is still capable of executing mass-casualty attacks, training new warriors in the tribal areas along the Pakistan-Afghan border, and supporting the terrorist and guerilla operations of its organizational affiliates.

Even if AQI loses its powerbase in Iraq entirely, it is now capable of effectively deploying fighters who gained experience in Iraq. Thus, Iraqi alumni are likely to disperse along the lines witnessed after the 1979-89 Afghan war.[7] Some may return to their countries of origin and will join local, fundamentalist terror organizations. Some may create ad hoc terrorist cells and will act independently, according to their reading of the global jihad. The cream of the crop will be snapped up, after careful screening, by AQC's foreign operations mechanism, to execute showcase attacks in the West. Some might gradually find their way to other jihad arenas, and the remainder will likely stay in Iraq so as to continue to undermine Shiite hegemony and attack foreigners in the area.

The Meaning of Victory or Loss in Iraq

The value of preventing AQI from acquiring further momentum and a heightened sense of triumph in the Islamic resistance camp is not in dispute. At the same time, it is important to examine critically the relevance of these achievements to the overall campaign against AQC and its affiliates. Given the role of the Iraqi arena in AQ's greater strategy, the West's feeling of triumph over AQI and hence of AQC is not necessarily matched by a sense of defeat among the ranks of the global jihad. These jihadists consider the Iraqi campaign just one of many fights, arguing that the struggle has merely been postponed and will resume in other arenas. The current defeats do not necessarily impact upon the operational potential of the Iraqi alumni who have acquired extensive combat experience as well as terrorist and guerilla warfare savvy that will accompany them in the years ahead. Likewise, they do not impact upon the central organization's determination to keep fighting.

The recent improvement in Iraq's security situation can still be reversed, and it would appear that the forces aligned with AQC retain the ability to deliver heavy blows to their opponents in Iraq, including the foreign forces. In the case of a new wave of sectarian violence, AQC could take advantage of the situation, as it has in the past. A Shiite Iraq that discriminates against the Sunni minority will continue to be a target for Sunni factions, and AQC will almost certainly cooperate with dissatisfied local elements, including those that have recently turned their backs on AQI. Thus, the central challenge facing the Western coalition remains to continue to strike AQC and its Iraqi affiliates, so as to ensure that they cannot reconstitute themselves in the country.

It may very well be too early to eulogize the activities of the organization in Iraq, or to overestimate the ramifications of its defeat in Iraq. Whether or not AQC reconstitutes its operations in Iraq or manages to export its operations to another arena, this will not suffice to undermine its strength in its current headquarters on the Pakistan Afghan border.

Notes

1. "President Bush Discusses Global War on Terror," March 19, 2008, http:// www.whitehouse.gov/news/releases/2008/03/print/20080319-2.html.
2. Rod Nordland, "Avoiding the V Word," *Newsweek,* August 21, 2008.

3. The jihadist forces in Iraq were named "al-Qaeda in Iraq" only after the official acceptance of al-Zarqawi, the leader of these forces, into Bin Laden's organization in 2005. Jihadist elements have been operating in the country since shortly before the US-led invasion in 2003, but only subsequently did they decide to join al-Qaeda officially. Today, the Iraqi jihadist network is considered one of the local branches of AQC. It is a mature network that shares AQC's Salafi ideology, supports AQC's aims and tactics (primarily suicide attacks and bombings), and receives funding and strategic guidance from the central organization.

4. Selected questions and answers from Dr. Ayman al-Zawahiri – Part 1," NEFA foundation, April 17, 2008.

5. Michael Ware, "Papers Give Peek inside al-Qaeda in Iraq," CNN, June 11, 2008.

6. "Al-Qaeda Contained," Jane's Terrorism and Insurgency Center, August 4, 2008, www.janes.com.

7. Yoram Schweitzer, "Middle East Terrorism: The 'Afghanistan Alumni,'" in Shlomo Brom and Yiftah Shapir, eds., *The Middle East Military Balance 1999-2000* (Tel Aviv: Jaffee Center for Strategic Studies, 200), pp. 121–33.

Books

Nuclear Programmes in the Middle East: In the Shadow of Iran,
The International Institute for Strategic Studies, London, 2008, 172
pages.

Noam Ophir

Very few international strategic issues attract the kind of political,
security, academic, and media attention garnered by Iran's nuclear
program. Most of the research on this topic has focused on features of the
Iranian program, the political and military ways to stop or undermine
it, and implications for the international community in general and for
Israel in particular. Recently, studies have emerged dealing with the
possible failure to stop Iran from going nuclear, and the need to prepare
for the contingency that Iran will succeed in attaining military nuclear
capability.

That other Middle East and Persian Gulf states may follow Iran's
lead and attempt to acquire nuclear capabilities is a disturbing possible
consequence. Many relate to this subject in an almost deterministic
manner, and refer to the inevitable domino effect that might move
nations such as Egypt, Turkey, and perhaps even Saudi Arabia to hurry to
acquire independent nuclear capabilities in response to Iranian nuclear
weapons, in particular as an effort to contest Iran's regional hegemony
ambitions. The implications of uncontrolled nuclear proliferation in
this region would be highly significant. For example, the accepted view
of the situation in which a large number of states – some with unstable
regimes – have nuclear capabilities depicts greater potential for error
and difficulties in ensuring deterrence.

Despite these problematic implications, the issue of the possible
proliferation of nuclear weapons among other states in the region, as a

Noam Ophir, research associate at INSS

direct or indirect result of the Iranian nuclear program, has – surprisingly – been studied relatively little. Thus a recently released publication that represents the most comprehensive treatment of the subject to date fills an important niche. *Nuclear Programmes in the Middle East: In the Shadow of Iran*, authored by the research staff of the International Institute for Strategic Studies (IISS) in London, is an attempt to examine the possibility of additional countries in the Middle East, the Persian Gulf, and North Africa deciding to launch nuclear programs of their own. Headed by Mark Fitzpatrick, a leading international expert on arms control, the research staff chose to examine the various paths that regional states may choose in order to attain nuclear capabilities, even for peaceful purposes.

The monograph is arranged on the basis of the profiles of the various states in the region. In each chapter, the authors survey the historical background of the country's interest in nuclear capability, the current state of the nuclear program if such exists, political aspects – both internal and international – of nuclear interest, and the relationship between the local nuclear interest and the Iranian issue. In preparing the memorandum, the IISS team visited the various regional states and met with government and academic personnel in order to discuss the issues on the table with them. In this context, the team held a joint seminar with researchers at the Institute for National Security Studies (INSS) in order to get the Israeli perspective on the subject.

The first nation to appear in the memorandum is Egypt, dubbed "the usual suspect" whenever independent nuclear capability comes up for discussion. The authors point to Egypt's renewed interest in developing civilian nuclear infrastructures, but contend that there is no certainty these plans will actually be put into practice. At the same time, the authors accept the claim that among all the nations in the region, Egypt is the primary candidate to follow in Iran's footsteps and develop a nuclear capability, including with possible military applications. To be sure, Egypt has excellent reasons for not developing a military nuclear capability, among them the dramatic impact such a step would have on its relationship with the United States, but Iran's going nuclear, along with similar moves on the part of Saudi Arabia and the possible abandonment of Israel's policy of ambiguity, are likely

to change the Egyptian stance that is opposed to arming Egypt with nuclear weapons.

The Gulf states currently examining various initiatives of nuclear cooperation with nations such as France also receive thorough review in the memorandum. The case of Syria too, whose clandestine nuclear program, recently in the headlines as the result of an attack attributed to Israel on a suspicious facility, is discussed in the memorandum and includes a careful analysis of that affair.

After examining the nuclear dealings of the region's states, the authors devote the last part of the memorandum to an examination of the possible implications of the proliferation of nuclear technology for peaceful purposes on regional security. While programs for nuclear energy do not lead directly to military capabilities, civilian nuclear programs in this region also have security ramifications, because as the IISS study shows, there are many ways to use the knowledge, equipment, and products of a civilian nuclear program for secret military nuclear programs. One of the central conclusions is that a state under the supervision of the International Atomic Energy Agency (IAEA) would find it difficult to move fissile materials from its civilian program to a parallel military one. In light of this, the memorandum recommends strengthening the oversight powers of the IAEA and compelling regional states to adopt the Additional Protocol of the NPT. Furthermore, the memorandum calls for transparency on the subject of nuclear capability, limits on the sale of sensitive nuclear technology, and an attempt to prevent independent enrichment of fissile materials in exchange for an international commitment to provide external sources of nuclear fuel. Other prominent recommendations include strengthening regional ties, working towards demilitarization of the region in general and the Persian Gulf in particular of unconventional weapons, and strengthening deterrence solely on the basis of conventional capabilities.

The new IISS memorandum is an important publication in the field, supplying an up-to-date review of the issue of nuclear proliferation in the Middle East and its possible implications. Even non-experts who follow the issue of nuclear proliferation are likely to find interest in this memorandum, written in a way that civilians will have no trouble comprehending.

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Memoranda, May 2006 – Present