

DOMESTIC POLITICS AND CONFLICT IN THE CASES OF ISRAEL, PALESTINE AND LEBANON

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International Affairs Institute (IAI, Rome)
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*and written by
Daniela Pioppi . Nathalie Tocci . Karam Karam*



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Executive Summary

When analysing conflicts from either academic or policy perspectives, conflict parties are often treated as monolithic 'black boxes'. Analysis tends to be centred on relations between principal parties and third party actors both in phases of conflict and of peace. In turn, attention is often focussed on the day to day evolution of relations between conflict parties, at the expense of the underlying long-term drivers of conflict and peace, which often lie within conflict parties themselves. This is particularly true in the Middle East, where the succession of crises in the region often leaves analysts and policy-makers little time to reflect upon the structural root drivers of conflict.

Stemming from this premise, this report draws out some of the main structural, interest-based and ideational domestic drivers within three conflict parties in the Middle East: Israel, Palestine and Lebanon. On the basis of this analysis, this report examines the extent and manner in which these domestic drivers have impinged upon the ensuing inter-connected conflict hubs in the region; namely the conflict between Israel and the Palestinians, between Israel and Lebanon and Syria, and between Syria and Lebanon. This report also discusses how external parties and most importantly EU actors have affected these conflicts by operating – deliberately or not – on their respective domestic drivers. In turn, we conclude by drawing out alternative policy approaches that could aid the EU pursue its oft-quoted objective to contribute and promote peace in the region.

In the case of Israel, two long-term ideational goals have shaped the conduct of Israeli policy, impinging upon Israel's relations first and foremost with the Palestinians as well as with Lebanon and Syria. Daniela Pioppi recounts how the domestic goals of territorial expansion and demographic control and the inherent tension between them have played a key role in shaping the historical evolution of Israel's conflicts in all their successive stages, and most critically before, during and after the Oslo process. Yet in order to understand the significance of these national goals, appreciate their changing conceptualizations, and grasp their permanency despite their seemingly contradictory nature, the structural features characterizing Israel's domestic politics and polity must be scrutinized. This chapter reveals how far from being a 'one-man show', Israel's policy has been determined by a complex balance between different state institutions, their underlying interests, as well as the demographic make-up of the Israeli polity. Hence, while charismatic politicians of either 'hawkish' or 'doveish' inclinations may partially redirect and re-package policy, underlying structural drivers often remain unchanged and have largely explained the long-term continuity of Israeli policy. Only once these drivers are fully grasped, it is possible to comprehend the impact of external parties on the conflict and the reasons why third parties have failed to meaningfully alter long-term conflict dynamics in the region.

In Palestine, Nathalie Tocci focuses on structural and ideational factors which have shaped the Palestinians' conduct in the conflict with Israel. Structural factors such as the duality between the PA and the PLO, the decline of the secular Fateh movement, the exclusion of the Islamist factions from the PLO (and until recently the PA), and the rise in popular appeal of Hamas have all had specific effects on the development of the conflict with Israel. Interests and ideologies within both the secular and the Islamist camps, as well as in the loosely defined 'civil society' sector in the Occupied Territories have also had discernible and often negative effects on the conflict. Yet more so than in other principal parties, the conflict itself has had a key impact on internal Palestinian drivers, giving rise to tangled circular causal relationship between the inside and the outside. This chapter concludes by analysing the impact of EU policies towards Palestine, explaining how more often than not they have exacerbated the domestic Palestinian drivers of the conflict by inducing differentiated empowerment between different sets of domestic actors and their respective political platforms.

Karam Karam examines the case of Lebanon, analysing the sectarian political structures in the country and their ensuing modus operandi and inbuilt incentives. He explains how these on the one hand have impinged upon relations with both Israel and Syria, and on the other hand have stalled the process of domestic reform in Lebanon itself. Yet as in the case of Palestine, one cannot neglect the effect that relations with Israel and Syria have had on domestic politics in Lebanon, exacerbating dynamics of conflict and confessionalism rather contributing to transcend these. The author in particular takes the cases of the Syrian withdrawal in 2005 and the Israeli war in Summer 2006 to examine how relations with these two neighbours have impinged upon domestic dynamics in Lebanon. Finally this chapter turns to third party involvement, principally in the form of UN resolution 1559 in 2004, arguing that far from promoting a deconfessionalization of politics in Lebanon, third parties have tended to either consolidate confessional structures, or risk exacerbating internal polarization and inducing renewed sectarian conflict in the country.

The report concludes by drawing some of the major lessons learnt from the three case studies and the manner in which external actors have impacted upon their internal dynamics. These lessons are applied to outline alternative policy approaches which the European Union could endorse in order to have a more constructive and long-term influence on the structural domestic drivers fuelling these inter-connected Middle East conflicts.

Introduction

Both the Euro-Mediterranean partnership (EMP) and the European Neighbourhood Policy (ENP) have identified peace-making as one of their key priorities.¹ Indeed the South and Southeast Mediterranean is rife with old and new conflicts, whose evolution and perpetuation generate dangerous spill-over effects both within the region and into Europe. In particular the Israeli-Palestinian and the Israel-Syria-Lebanon conflicts are amongst the most salient conflict hubs in the region.

The events of the summer of 2006 forcefully remind us of this fact. The reoccupation and destruction of the Gaza Strip, coupled with and in the shadow of the Israeli invasion of Lebanon stand out as a tragic reminder of the saliency and inter-connectedness of these two conflict hubs.

However, while policy makers and analysts tend to focus on the day-to-day analysis of unfolding events, less attention is paid to the long-term structural conflict dynamics, thus dangerously neglecting the root-causes of conflict.

This report aims at partially filling this gap by focusing on *long-term structural internal dynamics within three conflict parties: Israel, Palestine and Lebanon*. The major contention advanced and explored in this report is that domestic dynamics represent principal factors determining the evolution of relations between conflict parties and thus of the conflicts themselves, namely Israel-Palestine, Israel-Lebanon/Syria and Lebanon-Syria. This is not to deny an inverse causal relationship, whereby conflicts impinge critically upon domestic dynamics, giving rise to an inevitable circularity in the causal relationship. It is precisely for this reason that, while retaining a focus on domestic determinants, this report will also delve into the inverse causal relationship. Furthermore, the premise underlying this report is also that while external factors are often critical for the evolution of conflicts, their importance is precisely given by the manner in which they interact with internal dynamics. We will therefore also assess the impact of external policies on the three conflict parties and their domestic drivers, devoting special attention to the policies of the EU. In turn, a final part of the report is devoted to policy recommendations aimed at influencing these domestic dynamics, which can lead to a more effective EU peace-making strategy in the region.

Research outline

This report is organized in three principal chapters, analysing domestic dynamics in Israel, Palestine and Lebanon, their impact on the resulting conflicts and the external influence on those domestic dynamics. Each chapter provides both a mapping of the domestic political scene as well as an analysis of its changing dynamics over time. In explaining the drivers of domestic change and their ensuing impact on the conflict we have attempted to provide long-term factors underpinning domestic change or lack thereof over time.

In the case of Israel, Daniela Pioppi explains how two relatively stable domestic drivers in Israeli politics, namely the drive for territorial expansion and that for demographic control have played a key role in explaining the different stages of the Israeli-Palestinian conflict, both in the Oslo and post-Oslo contexts. She then explains how external involvement has by and large accepted Israeli policy and action, opting not to influence Israel's underlying domestic drivers.

Nathalie Tocci focuses on the case of Palestine. She focuses on structural domestic factors such as the PA-PLO duality, the decline of Fateh and the exclusion of the Islamist factions, as well as on underlying Palestinian interests and ideas, and the way these have influenced the conflict with Israel. She then turns to the inverse causal relationship, assessing the impact of the conflict on those key domestic drivers. Finally, she concludes by analysing the impact of external policies of conditionality towards Palestine, which have largely aimed to empower one set of domestic actors over another.

Karam Karam analyses the case of Lebanon tackling first the domestic confessional political structures and then the impact of recent events such as the Syrian withdrawal in 2005 and Israeli war in the summer of 2006. Evaluating the recent international involvement in Lebanon since UN resolution 1559, Karam highlights the risk of internal polarisation and renewed sectarian conflict.

The report concludes by drawing some of the major lessons learnt from the three case studies and the manner in which external actors have impacted upon their internal dynamics. These lessons are applied to outline alternative policy approaches which the EU could endorse in order to have a more constructive and long-term influence on the structural domestic drivers fuelling these inter-connected Middle East conflicts.

1 Commission of the EC (2004), *European Neighbourhood Policy Strategy Paper*, Brussels, COM(2004) 373. p.3 and p.6. Online available at HTTP: <http://www.ec.europa.eu>.

The research was organised in a time span of 6 months, January-June 2006. As the starting point of the research, four survey papers were commissioned to regional experts focussing on domestic drivers of conflict in Israel (Ilan Pappé, University of Haifa), Syria (Salam Kawakibi, Independent Syrian Scholar), Palestine (Yazid Sayigh, King's College London) and Lebanon (Karam Karam, LCPS Beirut).² The survey papers are in the appendix of this report. The research benefited also from a research trip to Israel, Palestine and Lebanon in May 2006, during which interviews were carried out with officials, scholars and political activists on internal developments and conflict dynamics.

² Two of the above papers were published as: Y. Sayigh (2006), "Changing Dynamics in Palestinian Politics", *The International Spectator*, vol. XLI, no. 2, pp. 69-86 and K. Karam (2006), "Post-Syria Lebanon: Internal and External Determinants of a Crisis", *The International Spectator*, vol. XLI, no. 2, pp. 51-68.

This chapter aims at analysing the Israeli domestic drivers of conflict and their evolution over time. The analysis focuses on two central issues in Israeli politics: (1) the policy of territorial expansion and (2) the so-called ‘demography’ question or the basic Zionist tenet to preserve Israel as a Jewish State. This choice rests on the fact that both territorial expansion and demography are at the core of the Israeli-Palestinian colonial conflict, which in turn is at the core of Israel conflict-ridden relations with its neighbours.

As far as territorial expansion is concerned, the international community has long condemned the acquisition of territories by force³ and recognised the unlawfulness⁴ of Israeli settlements in the Occupied Territories (OTs), as well as their being one of the major impediments to a peaceful resolution of the Israeli-Palestinian conflict. This is testified by the fact that any peace proposal has, for the past two decades, always called for an end of military occupation and a removal of settlements as the condition for establishing cohesion in the Palestinian economy and society, enabling viable Palestinian governance, and, thus, allowing normalisation of Israel’s existence in the region.

Notwithstanding the official international stand, the expansion of Israeli settlements has continued on a sustained pace since 1967, with the greatest expansion having taken place after Oslo and more so in the last decade. Today, Israeli settlers in the OTs are about 425.000 of which more than 175.000 in the area of East Jerusalem.⁵ The appropriation of land for Israeli settlements, bypass road and related infrastructures, the seizure of vital resources such as water and, more recently, the construction of a Wall through the West Bank, have had a devastating effect on the fundamental rights of local Palestinian population and have, as of today, seriously undermined the prospects for the establishment of a viable Palestinian state. West Bank settlements are not small outposts that can be easily removed as sometimes they are portrayed nor are they built and expanded at the initiative of zealot individuals and minority groups, rather they are State planned full-scale cities, that include adjacent industrial zones and are linked to a huge road and an infrastructure network. A superficial look at these vast social infrastructures and to their encroachment in the land is enough to reveal the real weight of this issue in determining the evolution of the conflict.

The second question at the centre of our analysis is the basic Zionist tenet of Jewish statehood – understood as the perceived need to maintain a permanent Jewish national control over institutions and governance within a territorial state. As underlined by Ilan Pappé in his research report for this project,⁶ the need to maintain a large Jewish majority within Israel is the thread unifying Israeli politics over time both internally, with respect to the Arab citizens of Israel, and externally, in the historical policy of annexation of as much land without people as possible and, more recently, in the ‘separation’ drive.

In this chapter we argue that the policy of territorial expansion and the ambition of maintaining Israel as a Jewish state - especially when pursued together - impede a peaceful resolution of the conflict, not least because of the existence of a fast-growing Palestinian population of 1.3 million inside Israel (almost 20% of the population), of more than 3 million and a half in the OTs and of more than 2,5 millions of Palestinian refugees registered with UNRWA outside the OTs.⁷

In the following paragraphs, after a concise overview of the Israeli institutional and political domestic scene, we will give an account of how territorial expansion and demography have been dealt with in Israeli politics, starting from Oslo and the Labour decision to embrace ‘the 2 state solution’ until the recent unilateral ‘disengagement’ plan.

Both the policy of territorial expansion and the demography question have been constant in Israeli history. The reason for that is that they are embedded in the ideology, programmes and even the design of state institutions, including the ministries, most parties, and the Jewish-national-state agencies (the Jewish Agency, the World Zionist Organisation, the Israel Lands Authority and the Jewish National Fund). A major reconfiguration of those questions in Israeli politics would imply not merely a change of government or policy, but a much deeper reconsideration of the nature of the State and of the basis of its identity. Such key reconsideration has never been seriously attempted in Israel history, nor have the international actors involved in conflict mediation seriously pursued it.

The Israeli domestic scene has been dominated up to 1967 by the Zionist Labour movement (Mapai) to such an extent that the platform and agenda of Labour could be said to be that of the State of Israel. The Labour movement embodied the *national Zionist consensus* that could be described in simple terms as the wish to create a democratic Jewish State over

Part I ISRAEL

by Daniela Pioppi

1. The Israeli drivers of conflict: the unremitting Policies of Territorial Expansion and Demography

1.1 The Israeli domestic scene

most of Mandatory Palestine. Mainstream Zionism was shaped ideologically from the start by the idea of restoring a Jewish national land in which Jewish people from all over the world could create a Jewish society embracing all field of work and culture. To be truly Jewish in character, such a society required a permanent and overwhelming Jewish majority, a condition that necessitated 'cleansing' the land of its majority Arab population.⁸

In 1950, soon after the foundation of the State of Israel, the 'Law of Return' granted all Jews the right to live in Israel as citizens of the new Jewish State. The principal factor in the absorption of the immigrants and the creation of a common Israeli citizenship beyond cultural and socio-economic differences was a strong identity-building effort based on the main Zionist tenets, implying also the adoption of modern Hebrew as a common language. This was done mainly through the institutions created by the first Jewish immigrants' community and elaborated by the Israeli State, in particular the educational system, the Mapai-dominated army, the Mapai-dominated trade-union (Histadrut) and the political institutions of the new republic.

Between 1948 and 1989 Israel created the most powerful state system in the Middle East. As late as 1982, 50% of the GNP went to the government in taxes and because all external assistance and financial flows - from which the country was highly dependent - passed through the government's hands and/or the various state agencies', the state had an absolute dominant position, also controlling 92 % of the land through the National Land Authority.

Despite the cultural-ideological and socio-economic efforts to create a homogeneous and equal society, the task of absorbing 1.75 million migrants between 1948 and 1989⁹ was overwhelming and inevitably produced profound socio-economic inequalities and cultural cleavages, particularly between the economically and politically dominant Ashkenazi Jews of European origin and the Oriental or Sephardic Jews from Asia and Africa,¹⁰ not to mention the second class status of the non-Jewish citizens of Israel, heirs of the Palestinians living in the territories annexed in 1948.¹¹

Domestic cleavages are reflected in the absence of a national consensus on the role that religion should play in the modern state of Israel. The tension between religious and secular influences pervades all aspects of politics and society, such as the party system, the educational system, the way ethnic groups are dealt with and so on. As a result Israel does not have a written constitution, nor it has ever defined its territorial boundaries, leaving open both questions of the founding nature of the State and of its territorial correlation with the Biblical Jewish Kingdoms (Greater Israel).

Growing internal inequalities and ethnic fragmentation coupled with the effects of two Arab-Israeli wars (1967 and 1973) contributed to the erosion of the early Zionist-Labour consensus and to the gradual rising of the Zionist-right, more effective than the Ashkenazi-dominated Labour in attracting marginalised Oriental Jews.

During the first twenty years of Israel's existence, Oriental Jews voted for the Labour Party, even though Labour's ideological blend of secular-socialist Zionism conflicted sharply with the Oriental Jews' cultural heritage, which tended to be more religious. With growing economic inequality and marginalisation, resentment of Labour's cultural, political, and economic hegemony increased as it did the Zionist-right appeal.¹²

Already in the pre-1948 period, to the right of the mainstream Zionist-Labour establishment was the Revisionist Zionist Movement, which rejected Ben Gurion's support for the 1947 UN partition plan of the Mandatory territory into two separate entities, calling for a more aggressive policy towards the Arabs and the British and claiming all of Mandatory Palestine and Transjordan as the promised land of Israel (Greater Israel).¹³

The revisionist aspirations seemed closer to achievement when after the 1967 war, Israel occupied the Gaza Strip and the West-Bank. In 1973, Ariel Sharon, who had just left the Israeli Defence Force, established a new right-wing party, the Likud, upholding the traditional revisionist focus on Jewish national security, preservation of the land of Greater Israel and rejection of Palestinian national claims. Breaking the monopoly of Labour since 1948, the Likud came to power in 1977 with Menachem Begin, then again in the eighties with Yitzhak Shamir and later with Netanyahu and Sharon.

A further element of change on the Israeli domestic scene was the increased role of the Israeli army (Israeli Defence Forces, IDF) in politics and society due to war making and ensuing territorial occupation in the late sixties and seventies. Not only, in fact, it became

3 UN resolution 242, 22 November 1967.

4 UN resolution 465, 1 March 1980.

5 Foundation for Middle East Peace, Settlements Information, Statistics, http://www.fmep.org/settlement_info/statistics.html (accessed June 2006).

6 See I. Pappé report in the Appendix.

7 The Palestinian refugees registered with the UNRWA in 2004 was 4,186,711 including the refugees inside the West Bank and Gaza Strip (1,614,201). However figures could rise up to almost 6 millions if all the descendants of refugees now residing anywhere in the world are included.

8 See I. Pappé report in the Appendix and ICG (2004), *Identity Crisis: Israel and its Arab Citizens*, Middle East Report No. 25, 4 March. 9 The population of Israel after its foundation in 1948 was only 800,000 (including 20% Arab population).

10 Oriental Jews are today about 40 % of the population, whereas Ashkenazis about 25%.

11 See I. Pappé in the Appendix.

12 Interview with Arab-Israeli scholar, Haifa, May 2006.

13 C. Shindler (2002), *The Land Beyond Promise. Israel, the Likud and the Zionist Dream*, London: I.B. Tauris.

normal for military officers to enter politics on retiring from service, but also the main business of the state grew to be the preservation of the IDF. From 1973 to 1982 nearly 50 % of the state budget went to the IDF, thus shaping all political decisions on Israel's development. The enhanced structural prevalence of the military apparatus within state institutions contributed to the securitisation and militarisation of Israeli society. In 1975 the conscript service was increased to three years for men and two for women followed by a long period of reserve service. The army gained gradually the power to shape political decision-making with respect to the conflict, contributing to the prevailing 'security' discourse over civilian concerns.

Despite their divergences, both Labour and Likud could be defined as 'traditional Zionism', which is the ideological and cultural current underpinning "the policies and plans of all Israeli governments since the creation of the state and [...] the principal prism through which the political centre and the professional elites in Israel view the Israeli-Palestinian reality".¹⁴

More recently new tendencies, both from right and left, have challenged this 'traditional' stream. Pappé calls them respectively neo-Zionism and post-Zionism. Right-wing neo-Zionism is emerging through the fanatisation of religious groups in Israel, the Zionisation of the previously anti-Zionist ultra-orthodox Jews, the growing internal ethnic fragmentation (e.g. insulation of segments of the Sephardic Jewish community) and, generally speaking, growing economic difficulties and inequalities.

This cluster of small right-wing religious parties (mainly the Shas, but also the National Religious Party-National Union or the United Torah Judaism) gained influence under the Netanyahu and Sharon governments and aim at reconfiguring Israel as an ethno-religious theocracy. They are poised to gain significant ground in Israeli popular political thoughts. Besides religious neo-Zionism, an extremist secular right is also gaining ground as the recent electoral success of the Yisrael Beitenu (Israel is Our Home) party demonstrates. Yisrael Beitenu has a constituency among the overwhelmingly secular, largely unassimilated and generally hawkish Russian-speaking population.

Post-Zionists, on an opposite stance, criticise Israel's ethno-nationalist mission from a liberal secular position and with an emphasis on democratic values, thus also rejecting what they see as the ethnocentrism of traditional Zionism. Reacting to the violence of the occupation, post-Zionists promote a vision of Israel as a secular democratic state that should serve all its citizens (Jews and non-Jews) equally. However, the post-Zionist movement is very small and fragile, its members are often accused of national treason and, as of today, very marginal to the mainstream national debate.¹⁵

After the 1967 war and throughout the 1970s and the 1980s all Israeli governments strongly rejected Palestinian national aspiration. At the beginning of the nineties, however, a number of new international and domestic factors convinced the Israeli government to reverse their position and start a negotiation process with the Palestinians.

First, the breaking out of the Palestinian uprising in the OTs in 1987-88 not only increased the cost of Israeli occupation, but also conspicuously deteriorated Israel's international image, leading to a harsh internal debate that questioned the democratic character of the Israeli state.

Second, and no less important, the end of the Cold war and the 1991 war in Iraq created the international and regional incentives for a resolution of the Middle East four decades old conflict, driving the US administration to press in that direction.

However, the most relevant factor compelling Israeli decision-makers was domestic and 'demographic', that is to say the fear of having to take full responsibility of the occupation and, in a not so distant future, annex the Palestinian population living in the OTs. As clearly explained by Rabin in 1995: "we had to choose between the Greater Land of Israel, which means a bi-national state whose populations would comprise, as of today, 4.5 million Jews and more than 3 millions Palestinians [...] and a state in a smaller area, but which would be a Jewish state."¹⁶

It seemed thus a reasonable solution to Israeli public and decision-makers to bring back from exile the PLO leadership, capable of granting security in the territories, and to give the Palestinians the chance to organise themselves as an autonomous political entity.

1.2 The Oslo process and the 2 states solution

14 I. Pappé (2003), "The square circle: The Struggle for Survival of Traditional Zionism", in E. Nimni (ed.), *The Challenge of Post-Zionism: Alternatives to the Israeli Fundamentalist Politics*, London: Zed Books, p. 46 and 54.

15 Interview with post-Zionist scholar, Haifa, May 2006.

16 *The Jerusalem Post*, International ed., 14 October 1995, quoted by V. Tilley (2005), *The One-State solution. A Breakthrough for Peace in the Israeli-Palestinian Deadlock*, Manchester: Manchester University Press, p. 80.

However, and notwithstanding the general optimism prevailing in the first half of the nineties, the reality of Israeli policies on the ground was far removed from what was publicly declared. While the Oslo process laid the basis for the Palestinian Interim Self-Government Authority (PA), thus prospecting the gradual withdrawal of the Israeli army from the OTs, the dismantlement of settlements and the final formation of a Palestinian state, the policy of territorial expansion was never effectively interrupted. On the contrary, the settlements and related infrastructures expansion continued at an accelerated pace, the settlers population nearly doubling its size in the nineties.¹⁷ The change of government never reversed that trend: Rabin, Peres, Netanyahu or Barak, all continued to expand the settlements on the very same land that, according to the interim agreements, was going to be handed over to the PA.

This is both for structural and ideological reasons. First, settlements are not the initiative of fanatic, ultra-orthodox groups against the will of the state. Instead, all the settlements' endeavour is coordinated, funded and planned by successive Israeli governments, but also by various powerful state agencies, such as the Jewish National Agency, the World Zionist Organisation and the Jewish National Fund, which are beyond democratic control. Moreover, most of the settlements are strategically placed for scarce water resources' control and for military reasons. Common analysis greatly underestimates the economic and military enterprise that settlements entail and the enormous cost of their dismantlement.¹⁸

Second, those currents of Zionism, which hold that withdrawing from the West Bank would make no political or moral sense or would even defy the will of God, are very powerful in Israeli society and state institutions. The West Bank highlands, the biblical Judaea and Samaria, are in fact at the centre of the Zionist dream of restoring the promised land of Israel. Any precise stand on this issue or any final definition of Israeli borders excluding the West Bank would open the Pandora box of internal Zionist-Israeli contradictions around the final sense and the nature of the State itself. That is not to say that Israeli public opinion unanimously sustains settlements, on the contrary it is quite divided on this issue. But the opponents of the settlements policy lack sufficient political cohesion to affect state policies seriously or even to impose a serious national debate on the question. Moreover, the way the peace process was carried out since the outset and the absence of any real international pressure further contributed to downplay the impact of settlements on the conflict in the eyes of Israeli mainstream public.¹⁹

The Oslo process was framed since the beginning in a way to postpone final status negotiations (the status of Jerusalem, the fate of Palestinian refugees, final borders of the Palestinian state, control of water resources) and in effect never tackled the heart of the problem: the continuation of territorial expansion and the role of the governments and of the unchecked state agencies in funding, planning, expanding the settlements and related infrastructures.²⁰ Nor a debate was ever started on the consequences of maintaining Israel as a Jewish state. Moreover, Oslo enabled successive Israeli governments to begin separating the two people and to start an Israeli de-responsabilisation with respect to Palestinians, without having to end the occupation and thus the control of territory.

With all these characteristics, the Oslo process further contributed to reinforce the national Zionist consensus as it set the basis for the escalation of violence on the Palestinian side and to the relegation of Israeli responsibility to a less than secondary position. All this in a situation in which, at the end of the eighties the experience of occupation on the Israeli side and the first Intifada on the Palestinian side, could have provided the historical opportunity for a radical reconsideration of Israeli policies.

1.3 The failure of Oslo and the policy of unilateral disengagement

The Oslo process collapsed in September 2000 after the failure of Camp David II²¹ and the outbreak of a new uprising in the OTs, this time highly militarised and extremely violent.

The election in 2001 brought to power the new leader of Likud, Ariel Sharon. Whether or not the new Israeli leadership was still committed to Oslo was, at this point, not an issue. Sharon immediately took the position that no negotiations would resume until violence ended and the government (which included Labour in a 'national coalition') was spared the need to further define its political stance. By endorsing the Quartet Roadmap in 2003, Sharon in theory agreed to a platform implying a freeze on settlements, the creation of a Palestinian State and a final status agreement. But the reservations posed by the Israeli Prime Minister premised any Israeli obligation on Palestinian performance on security and political reform, thus voiding the Road Map of any significance.

The escalation of violence and the Palestinian suicide bombing campaign inside Israel created the conditions for the security discourse to prevail above anything else and further reduced the chances for an effective domestic debate on territorial expansion policies. Palestinian violence reinforced the Israeli mainstream opinion that Palestinians are incapable of governing themselves, innately violent and no partner for peace. In that situation, it was straightforward to establish as a primary goal of any Israeli policy the protection of Israel from Palestinian violence and bring the separation policy to the extreme also with the construction of the 'security barrier' within the OTs, approved by Sharon in 2002.

In this way the chances for an Israeli public sensibilisation to Palestinian deteriorating conditions in the OTs were very low. Quite differently from the situation during the first Intifada, the Sharon government had a solid national consensus on the 'security' rationale of IDF policies in the territories based on a short-term strategy of reasserting control, fragmenting Palestinian entities and applying various forms of collective punishment.

Sharon's own political initiative with respect to a solution of the conflict, was first declared at the Herzliya conference in December 2003 and implied a unilateral withdrawal from the Gaza Strip and from 4 isolated settlements in the West Bank for a total of about 8.000 settlers.

The unilateral withdrawal was carried out amidst a great media campaign and settlers opposition in August 2005. Less attention was given by the media to the unremitting expansion of settlements in other areas of the West Bank.²²

While making sure that no negotiation was imposed on Israel, Sharon was in fact starting to rationalize the Israeli presence in the OTs, pulling out from highly populated Palestinian enclaves while laying the basis for effectively annexing the majority of the West Bank.

As asserted by Dov Weisglass,²³ who has been involved in the formulation and execution of Sharon's policies as the Prime Minister's Senior Advisor, the disengagement was actually intended to prevent any peace process, consign the Road Map to oblivion, and preclude the emergence of a Palestinian State of any kind. Given the condition posed by Sharon's government on the Road Map, "Palestinians would have to turn into Finns" before any negotiation could resume, "effectively this whole package called the Palestinian state, with all that it entails, has been removed indefinitely from our agenda [...] and all this with the [US] presidential blessing and the ratification of both houses of congress".²⁴

Despite Weisglass' assurances, Sharon's plan triggered a major fracture within the Likud. To part of the Likud establishment and constituency, even a very limited withdrawal was still perceived as a major blow to the Greater Israel goal.²⁵ The split inside the Likud helped to promote within Israel as well as internationally the idea of a sudden conversion of Sharon, but, as powerfully explained by Henry Siegman,²⁶ the fracture within the Israeli right was mainly 'tactical' rather than 'strategic': the strategy remaining that of enlarging the Jewish state as much as possible.

The internal Likud fracture brought the advantage to Sharon of appearing as a moderate leader, the "Israeli De Gaulle", as Siegman put it, capable of imposing to the nation the compromises necessary for a lasting peace. Moreover, the unilateral withdrawal could be, as in fact it was, successfully marketed to a compliant international community and a securitised domestic public opinion as the only possible 'peace initiative'. And, in fact, to the surprise of Sharon's detractors, Labour gave its full support to the plan, officially as a positive precedent that would lead to further withdrawals from the West Bank.

During the nineties, the distance between the Likud and Labour had in fact gradually diminished. As put forward by a Likud member in an ICG interview:

"The Israeli public has awakened from its big dreams. The left dreamt of a new Middle East and a romantic kind of peace, the right of Eretz Yisrael Hashlema [Greater Israel]. The left woke up from its dream after the breakdown of the peace process and the violence.... The right realises that the isolated settlements will not be ours. Some 70 % of the public is in the centre. They say they are the ones who will draw up the map of the future Palestinian state".²⁷

Or, as we would rather put it, while the right had shown its pragmatic side with Sharon, the Labour had understood in the Oslo years that any serious withdrawal was impossible without putting in question the ideological and institutional foundations of the State of Israel itself. With the complete failure of the Oslo process and the crisis of the left, it was then unproblematic to find a Likud-Labour alliance and actually, the Labour party formed the backbone of Sharon's support in the Knesset for the disengagement plan, joining the two Sharon governments in 2001 and 2003.

22 D. Etkes (2005), Construction in the Settlements, *Peace Now Reports*, October.

<http://www.peacenow.org.il/site/en/peace.asp?pi=61&fid=1918&docid=1518>; Foundation for Middle East Peace, Report on Israeli Settlement in the Occupied Territories, Vol. 15 No. 6, November/December 2005, <http://www.fmep.org/reports/vol15/no6/index.html>

23 "The Big Freeze", An interview with Dov Weisglass, by A. Shavit, *Haaretz*, October 1, 2004.

24 Ibid.

25 ICG (2005), *Disengagement and After: Where Next for Sharon and the Likud?*, Middle East Report No. 36, 1 March.

26 H. Siegman (2004), "Sharon and the Future of Palestine", *The New York Review of Books*, 2 May.

27 ICG interview with Gil Samsanov, head of the Likud's Ramat Aviv branch, Tel Aviv, 15 August 2004 in ICG (2005), *Disengagement and After: Where Next for Sharon and the Likud?*, Middle East Report No. 36, 1 March, p. 5.

17 Foundation for Middle East Peace, Settlements Information, Statistics, http://www.fmep.org/settlement_info/statistics.html (accessed June 2006).

18 V. Tilley, *op. cit.*, chap. 2.

19 R. HaCohen (2006), "The Ideology of Occupation Revisited", *Letter From Israel/Antiwar.com*, 26 June, <http://www.antiwar.com/hacohen/?articleid=9178>; Interview with Israeli scholars, Tel Aviv, May 2006.

20 See for instance N. Guyatt (1998), *The Absence of Peace: Understanding the Israeli-Palestinian Conflict*, London: Zed Press.

21 See H. Agha and R. Malley (2003), "Camp David: The Tragedy of Errors", *The New York Review of Books*, 48, no. 13, 9 August.

At the end of 2005, the time was ripe for Sharon to launch a new political party in the centre of the political spectrum, which aimed at reproducing the kind of national consensus that Labour enjoyed in the early years after 1948.²⁸ The new party, Kadima (Forward) was in fact established in December 2005 and joined by many former Likud and Labour members. The sudden disappearance of Sharon from the political scene due to a serious stroke in January 2006 probably impeded in March the expected landslide victory of the party, which nevertheless came out to be the largest party on the Israeli political scene.

The new Prime Minister, Ehud Olmert, followed the path opened by his predecessor Sharon. The new word he chose for the Israeli strategy towards the OTs was in the months following elections 'convergence' (also 'realignment' or 'ingathering' from the Hebrew word 'hitkansut'), a deceiving way to describe the continuation of Sharon's policy of leaving the more densely populated Palestinian areas out of direct Israeli responsibility (but not necessarily control as recent events in Gaza demonstrate) while progressing undisturbed on the policy of annexation of large chunks of the West Bank. This policy is not only unilateral, but also very vague, as a precise map of Israel announced withdrawal in the West Bank has never been formally presented, nor has Olmert ever defined, beyond nebulous declarations to the press, where the ultimate borders of the state of Israel will be. However, what appears crystal clear looking at a map is that no viable Palestinian state will emerge from the scattered chunks of territories left in between growing settlements and their infrastructure.

After the military re-occupation and destruction of the Gaza strip and the ferocious war against Lebanon of July-August 2006, it is likely that in the next few months we will see new attempts at some forms of negotiations between Israel, PLO/PA and other regional actors. The appeal of the unilateral 'disengagement' or 'convergence' formula has received a blow in terms of Israeli public opinion support. However, this is mainly because it failed to provide security and not for a growing public awareness of the contradictions highlighted above.

The desperate situation in the OTs (see PART II of this report) and the Israeli public opinion dimmed by the security discourse do not leave much hope for the formation of an internal opposition capable of questioning the underlying logic guiding Israeli policies over time. Beyond the ups and downs of politics and the different strategic and diplomatic frameworks, the internal structural determinants of conflict remain relatively constant and undisputed. As already stated, in fact, a serious reconsideration of Israeli domestic policies and a serious withdrawal would directly question Israeli national unity, the nationalist Zionist pact or the unwritten compromise between different political currents, and would forcefully highlight the question of the identity (liberal, secular, orthodox, ultra orthodox) and of the definitive borders of the state of Israel.

At the moment, there are no domestic nor international incentives to start such a painful, however necessary, reconsideration. To this predicament is largely responsible the international community that never took, beyond declarations, a strong stance against territorial expansion or internal discriminatory policies, thus providing an external indirect acceptance to the existing Israeli policies.

In the previous paragraph we identified the main Israeli domestic drivers of conflict with the so-called 'demography' question or the main Zionist tenet to preserve Israel as a Jewish state, and with the policy of territorial expansion. We argued that both issues were never seriously reconsidered and debated in Israel, notwithstanding the apparent reversal of policies implied by the Oslo process and, more recently, by the policy of unilateral disengagement. One of the main reasons for this is the lack of serious pressures to do so coming from the international community, or at the very least the lack of an international environment generating the incentives for such a reconsideration.

Israel was recognised both by the US and by European states shortly after its declaration of independence in 1948. The country maintained throughout its history preferential relations both with the US, its main financial supporter after 1967, and the European states. This is largely due to fact that Israel is a pro-Western 'first world' country in an ideal geostrategic position for monitoring politics in the world's prime oil field. Moreover, the US and European friendship to Israel has also strong moral and cultural bases, such as fulfilling the 'historical obligation' of protecting the 'Jewish people'; standing by a 'Western' ally; or supporting the 'only democracy in the Middle East'.

Israel's close political, economic and cultural ties with the West did not impede the international official condemnation of the acquisition of territories by force and of settlements construction after 1967. UN resolution 242 was passed with the wide consensus of the international community and with the full endorsement of the US and European states. However, no political will has ever been spent on its implementation.

At the end of the eighties, a number of international and regional factors, such as the end of the Cold War, the Iraq war and the first Palestinian uprising in the OTs, convinced the US to act as the mediator of a peace process, while the EC/EU supported negotiations and provided a great amount of funding for the gradual institutionalisation of the Palestinian National Authority (see PART II of this report). Oslo was based on the famous formula 'land for peace', but no international monitoring mechanism was put in place to check the Israeli compliance with the interim agreements.

Moreover, the international actors involved in the process, namely the US and, with a mainly financial role, the EU, accepted the way Oslo was framed for 'solving' the territorial aspect of the conflict, while remaining largely silent on the Palestinian refugees issue that, together with the question of the status of the Palestinian non-Jewish citizens of Israel, directly or indirectly relate to the nature of the Israeli state and to its Jewish character.

The international acquiescence towards Israel expansionist policies and the neglect of the refugees issue, not only hampered the Oslo peace process, but also provided a strong framework for legitimising or at least acquiescing to Israeli violation of international law.

During the nineties, the gap between the policies on the ground and diplomatic rhetoric widened greatly. Despite increasing evidence that Israeli policies in the OTs were at odds with the stated aims of the peace process, international actors turned a blind eye. The EU went to the point of funding Labour NGOs for peace (such as the Peres Centre for Peace), without acknowledging that settlements expansion was also a Labour governments policy. Ironically, the international acceptance of a two states solution to the conflict grew even stronger at the end of the nineties, while settlements' expansion on the ground was seriously undermining it.²⁹

In this context of international unconditional support, all other efforts for a peaceful solution to the conflict were distorted and even counter-productive. For instance, the international and mainly EU funding of the PA was aimed at sustaining a state-building process. However, considering the lack of genuine bilateral negotiation, it contributed to a financial and moral de-responsabilisation of Israel with respect to the occupation.³⁰

With the collapse of Oslo and the eruption of violence, the international community accepted the 'security first' vision promoted by Israel, abiding to Israeli conditions for negotiations and putting the pressure mainly on the Palestinian side. No serious effort was made to halt Israeli grave violation of human rights in the OTs in the context of the 2002-2003 military operations.

In 2003, the Road Map promoted by the Quartet (USA, EU, Russia and the UN) called for a freeze of settlements' construction, but again did not provide any monitoring or enforcing system to make sure it was actually respected. Moreover, as we already mentioned, it posed all preconditions for negotiation on the PA side, leaving Israel free to pursue its policies in the meantime.

2. External Influences on Israel: the policy of unconditional support

²⁹ The EU endorsed the two states solution at the European Council in Berlin, 24-25 March 1999; the US, with the Bush speech of the 24 June 2002.

³⁰ A. Le More (2005), "Killing with Kindness: Funding the Demise of a Palestinian State", *International Affairs*, vol. 81, n° 5, October, pp.983-1001.

When, at the end of 2003, Sharon presented his disengagement plan, the US and behind it all the Quartet was ready to accept it, notwithstanding it was clearly in violation with the Road Map which aimed at reaching a negotiated two-states solutions. While the EU set out formal conditions for its acceptance of the plan, in practice it did little to enforce or encourage compliance, resulting in its unconditional acceptance of Israeli unilateralism.

The official US acceptance of the Sharon disengagement plan contained also a new element, that of hinting at the possible official acceptance of Israeli settlements in the OTs as 'new realities on the ground.'³¹ Also the EU, in a more subtle and passive form, failed to effectively respond to the Israeli interpretation of its territorial scope including the OTs in all contractual ties with the Union. This means that the EU violates by acquiescence international humanitarian law by extending its benefits to Israeli illegal settlements. Israel 'de-facto expansion' is thus determining a 'de-jure annexation' and all this with the blessing of the US and the passive compliance of the other Quartet members.

As far as the EU is concerned, the period since 2000 saw a multiplication of declarations criticizing Israeli violation of human rights.³² However, to the declaratory level didn't correspond a comparable political and/or economic action. The EU and more so some of its member states, such as Germany, are in fact very sensible to Israeli accusation of anti-Semitism and to any strain of relations with the country.

³¹ See Foundation for Middle East Peace, Resources, Official Documents: Sharon letter to US President Bush on disengagement http://www.fmep.org/resources/official_documents/sharon_letter_to_bush.html and Bush reply http://www.fmep.org/resources/official_documents/bush_letter_to_sharon.html (accessed June 2006).

³² See for instance the EU endorsement of the ruling of the International Court of Justice in 2004.

The first observation to make when analysing Palestinian domestic politics is the fact that Palestine is not a state. Linked to this, the Palestinian national movement has pursued the triple goals of liberation, democratic state-building, and the respect of both individual and collective rights. These three goals are not necessarily incompatible. Nonetheless, their concomitant pursuit and in particular the strategies employed to pursue them can and have led to contradictory approaches. All the structural and ideological issues analysed below derive from this first basic premise and from the non-state context in which the Palestinian domestic scene has evolved.

The duality between the PA and the PLO

The Palestinian Liberation Organization, established in 1964, became dominated by the secular nationalist Fateh in 1968-69 and has continued to be so since then. Despite the presence of other secular factions in the organization, such as the Palestinian Front for National Liberation (PFLP), the Democratic Front for National Liberation (DFLP) and the People's Party, Fateh has always been at the core of the PLO and of its institutions (e.g., the Executive Committee and the Palestinian National Council). The PLO leadership was based outside the occupied territories (OTs) until the signature of the 1993 Declaration of Principles. With the ensuing formation of the Palestinian Authority in 1994, the PLO Executive Committee based in Tunis returned to the OTs to establish the PA. Since then, a conspicuous duality has emerged between the PLO and the PA, with important ramifications on the evolution of the conflict.

The PA is a direct offspring of the PLO and of Israel, and of the peace process between them. Moreover the PA was meant to materialize one of the PLO's national goals, i.e., the establishment of a state in the West Bank and Gaza Strip. The mandates of the PLO and the PA thus remained distinct and complementary in principle. The PLO, as the sole representative of the Palestinian people, would conduct negotiations with Israel. The PA could not take on these tasks because it did not represent all (and not even a majority) of the Palestinian people. In addition, the PA - borne out of the peace process with Israel - was dependent on the peace process and could therefore not credibly shape it. The PA in fact renounced the use of violent resistance and would essentially provide representation and services to the Palestinians in the OTs in anticipation of a Palestinian state.

Yet over the 1990s and 2000s, the lines separating the two organizations became increasingly blurred, contributing to the fragmentation of the Palestinian national movement. The PA came to take precedence over the PLO in conducting relations with Israel. The PA Cabinet overshadowed the PLO Executive Committee, the Palestinian Legislative Council (PLC) overtook the role and functions of the Palestinian National Council, and the PA Ministry of Foreign Affairs took precedence over the PLO Political Department. Part of the reason for this rebalancing was practical - the PLO, scattered throughout the Middle East, is not easily run and democratically managed. Another reason for duplication was that the personalities involved were partly the same, and thus the need to formally and practically set out a division of labour was not considered of primary importance. The PA was de facto controlled by the elements of the PLO leadership parachuted into the OTs from Tunis.

The growing dominance of the PA over the PLO generated resentment and distancing between the Palestinians in the OTs and in the Diaspora. It also created divisions between those within the PLO who had accepted the Oslo agreements and those who had not.³³ Resentment and division became all the more acute when after 2000, PA officials who conducted relations with Israel hinted at their readiness to compromise on issues such as the right of return, despite their non-representation of the vast majority of the refugees. Track-two initiatives such as the 2002 Ayalon-Nusseibeh plan or the 2003 Geneva accords and the public outcry they generated amongst the refugee communities especially outside the OTs highlighted this fact.

In terms of impact on the conflict, this overlap cum fragmentation led to a to-ing and fro-ing on commitments made or hinted at in the context of the peace process. On the one hand, the PA leadership, who did not represent the Diaspora and whose existence hinged upon the continuation of the peace process, had accepted not to raise contentious final status issues during the Oslo process and hinted at possible concessions. On the other hand, when push came to shove (as it did at Camp David II in 2000 or at Taba in 2001), that very same leadership, inherently tied to the PLO, ultimately refused to renege on claims such as the right of return or Jerusalem. The impact this had on Israel and on the international community was a sense of betrayal and loss of faith in the Palestinian leadership and in its ability to deliver and press its public into accepting their offers.

Part II PALESTINE

by Nathalie Tocci

1. Palestinian dynamics and their impact on the Israeli-Palestinian conflict

1.1 Structural Palestinian factors and their impact on the conflict

The fragmentation and decline of Fateh

The second key change which took place since the beginning of the Oslo process, culminating after its demise, was the fragmentation and decline of Fateh itself. The PLO/Fateh leadership arrived from Tunis to the OTs, retaining control of key Fateh structures such as the Central Committee and the Revolutionary Council. Yet within the OTs a new class of indigenous young Fateh activists had emerged and consolidated particularly through first intifada. This sowed the seeds for a growing schism within Fateh itself. These trends exacerbated over the Oslo years, when the local population and Fateh's rank-and-file became increasingly disillusioned with their 'imported' leaders. Disillusionment was linked to the evolution of the peace process, which after 1996 seemed to bring with it growing Israeli colonization without tangible peace dividends. Disillusionment was also connected to the growing perception of the authoritarianism, corruption, and lack of transparency and accountability of the Fateh-dominated PA. Fateh's decline materialized soon after the start of the second intifada, partly because Fateh's shift to armed confrontation merely underlined the failure of its previous strategy of peace talks. Decline exacerbated after Arafat's death, given that despite being much criticized, the PLO Chairman/PA President/Fateh leader had remained the coalescing factor of the Palestinian people and of Fateh up until his death.

The growing divisions and the weakening of Fateh contributed to the eruption and evolution of the second intifada, the progressive weakening of the Palestinian side and the escalation of conflict. Much has been written about the origins of the second intifada and the extent to which it was ignited, managed or controlled by the PA leadership. A widespread assessment is that the intifada started as a spontaneous revolt against Israel as well as the PA leadership; although it was then 'appropriated' by Arafat as a means to regain support amongst the disaffected public.³⁴ The chaotic evolution of the intifada was also linked to the fragmentation of Fateh. Fateh was unable to develop its own strategy of resistance both because of the decline in the capability and morale of the PA police force, and because of its fragmentation into competing local bands under no organized chain of command and beyond the bounds of official PA security structures.

Fateh's fragmentation and decline also validated the Israeli perception of the absence of a Palestinian 'partner'.³⁵ The Fateh leadership proved unable to rein in or impose any form of strategic direction on the violent intifada, including the activities of Fateh's own Tanzim apparatus, the al-Aqsa Martyrs' Brigades and the Popular Resistance Committees, as well as of other factions (i.e., Hamas, Islamic Jihad and the PFLP). This was due to the loosening hold of the older upper echelons of Fateh on its 'young guard' and to the divisions within the young guard itself.³⁶ This bolstered greatly the Israeli rhetoric on the absence of a Palestinian 'partner for peace' and contributed to the feeling of existential threat generated in Israel by the Palestinian suicide bombing campaign within the 1948 borders. Likewise the growing intra-Fateh tensions, which culminated in internal violence and in a split within Fateh in the run-up to the 2006 parliamentary elections, added to the general perception in Israel and in the international community of the inability of the Palestinians to manage their internal affairs and thus run a future state.³⁷

A final effect of Fateh's decline was the empowerment of Hamas, which affected relations with Israel as well as with the international community. Fateh's unrelenting decline contributed to Hamas' crushing victory in January 2006. The 'Change and Reform Platform' (Hamas) won 74 seats in the 132-seat PLC, compared to Fateh's 45 seats. A significant number of people who would normally have voted Fateh, switched to Hamas.³⁸ Even if the reason for this was partly a protest vote and a tactical switch, the electoral result reflected a much deeper and possibly irreversible trend in Fateh's decline in view of its discredited reputation and internal divisions.

The non-inclusiveness of the Palestinian political system

A third major structural Palestinian factor influencing the conflict has been the non-inclusiveness of the Palestinian political system; in particular, the exclusion of the Islamic factions (Hamas and Islamic Jihad) from the PLO and from the PA (in the case of Hamas up until the 2006 elections). The non-inclusiveness of the Palestinian political system had two major detrimental effects with accompanying repercussions on the conflict.

First, it failed to induce convergence towards moderation of the excluded Islamic factions and of Hamas in particular. The exclusion of the Islamic factions from the secular PLO is due to a variety of reasons, not least their rejection of the 1988 PLO Charter accepting a two-state solution along the 1967 borders. The exclusion of these factions from the PA and its institutions was instead linked to their rejection of the Oslo accords, which founded

33 In 1993, a majority rather than a unanimity of the PLO factions had approved the Declaration of Principles. The Islamic factions, outside the PLO, had rejected the Oslo accords.

34 See for example the Mitchell Report (2000) as well as independent analyses by Y. Sayigh (2001), "Arafat and the Anatomy of a Revolt", *Survival*, Vol. 43, Autumn, pp. 47-60; M. Klein (2003), "The Origins of Intifada II and Rescuing Peace for Israelis and Palestinians", February 2003, www.fmep.org.

35 Interview with Palestinian scholar, Jerusalem, May 2006.

36 On the old-guard/young-guard distinction see K. Shikaki (2002), "Palestinians Divided", *Foreign Affairs*, Vol. 81/1, January/February, p. 92. For a more complex picture of intra-Fateh divisions see S. Tamari (2002), "Who Rules Palestine?", *Journal of Palestine Studies*, Vol. 31, No. 4, pp. 102-113.

37 The split occurred between the old-guard-dominated Fateh and the young guard, which provisionally seceded into a new movement called The Future 'el-mustaqbal'. On the eve of the elections, the split was patched-over in a last ditch attempt to avoid electoral defeat.

38 See polls conducted by the Palestinian Center for Policy and Survey Research (www.pcpsr.org) or by the Near East Consulting (www.near-eastconsulting.com).

the Authority. Hence, their non-participation in the first general elections in 1996. Operating outside the legal political system did little to mould the strategies pursued by these factions. Although over the Oslo years and since Oslo's demise, Hamas has internally debated a possible revision of its strategy and Charter, the movement as a whole has yet to officially alter its platform. Up until when the public had faith in the peace process, the exclusion of these factions only presented a limited problem, given their minority popular appeal. The problem exacerbated in view of the rising popular strength since 2000 of Hamas in particular. This rise outside the legal political system had an important radicalizing effect on the public. It also gave Hamas the opportunity to pragmatically assess the most expedient moment to bargain its way into the political system. Hence, its participation in the 2004 and 2005 municipal elections, the March 2005 Cairo declaration in which Hamas accepted a unilateral lull in violence (*tahadia*) in return for an agreement to enter the PLO and to participate in the PLC elections; and finally its participation and victory in the 2006 elections.

The entry of Hamas into the legal political system could have helped the gradual moderation of the movement. This is especially so given the evident differences in opinions which exist within Hamas and the fact that the Palestinian public is not committed to growing conservatism or Islamism, and less still to an unending struggle against Israel for the whole of mandate Palestine. Given the state of public opinion, the moderate currents of Hamas could have a greater chance of gaining the upper hand if they were to operate within the legal political system rather than outside it. However, the rising tensions within the OTs in 2006 and Fateh's reluctance to transfer power to Hamas has empowered the more radical elements within Hamas. It has also induced Hamas to continue acting as an opposition force outside the confines of the legal political system despite its (theoretical) control of government.

Second, non-inclusiveness consolidated the symbiotic relationship between Fateh and the PA. Given the absence of a credible, strong and legal opposition, the PA became dominated by Fateh in terms of leadership, administration and personnel. This harmed the good governance potential of the PA by hindering the checks and balances inbuilt in the PA, which were developed particularly through the PA reform process in 2002-05. It weakened Fateh's reputation, as the public identified in Fateh the locus of responsibility for the PA's ill-governance. It also distorted Palestinian incentives, hindering the effective pursuit of their national objectives. Finally, this symbiotic relationship generated strong personal and institutional incentives within Fateh to dress up the PA with symbols of statehood. This contributed to the international misperception and rhetoric that a Palestinian state was in the making. Following the collapse of the Oslo process, it also generated strong Fateh disincentives against dissolving the PA. This would have constituted a public admission that a Palestinian state was/is not being built. Publicly admitting this reality would represent a strategic decision, which would reduce the gap between realities and international (mis)perceptions and could induce a more effective pursuit of Palestinian national objectives. While often hinted at and discussed,³⁹ Fateh never seriously considered dissolving the PA.

Perhaps most gravely, Fateh's symbiotic relationship with the PA exacerbated the polarization between Fateh and Hamas, contributing to the mounting chaos in the OTs in 2005-06. Fateh's identification with the PA prevented Fateh from serenely transferring the reins of power to Hamas, thus failing to play the only plausible role that could have restored its reputation: that of an effective but peaceful opposition. The lure of retaking government through quicker and coercive means proved too strong. Hence, the attempted re-centralization of power in the president's hands and the brinkmanship tactics employed particularly in the summer and autumn of 2006. The ensuing Fateh-Hamas tensions both at elite and rank-and-file level triggered rising lawlessness and chaos on the streets of Gaza, as well as the failure of all attempts to broker a national unity government in the autumn of 2006. The prospects for a long-lasting and structural reconciliation within the Palestinian body politic appear as dim as ever.

If structures and institutions lie on the one hand of the domestic equation, perceived interests, identities and ideologies lie on the other. As in the case of structure, Palestinian factors lying in the sphere of interests and ideas are also shaped by the Palestinian non-state context.

The PLO and Fateh's Uneasy Transition from National Liberation to State-building

More concretely, the triple Palestinian aims of state-building, national liberation and the respect of human rights have often been conceptualised and pursued in a contradictory manner, with ensuing effects on the conflict. The PLO and Fateh underwent a process of

1.2 Interests and ideology

transition from a national liberation movement primarily focused on individual rights into a state-building project mainly targeted to fulfil collective rights. The PLO's first Charter put forth the aim of liberating the entire and indivisible Palestinian homeland from the river to the sea. This would bring with it both the affirmation of Palestinian self-determination and the respect of Palestinian rights of return. The Charter was amended in 1968, placing greater emphasis on collective rights (i.e., state-building) over individual rights of return. This shift continued when in 1988 the PLO re-amended its Charter, accepting the goal of Palestinian statehood within a portion of mandate Palestine. It culminated with the 1993 Declaration of Principles and the ensuing modifications in the PLO Charter in 1996. Since then, the views of Fateh and of the PLO regarding the main contours of an acceptable peace deal have not perceptibly changed. Despite differences in opinion within the faction,⁴⁰ Fateh and the bulk of the PLO have generally stood for a sovereign Palestinian state within the 1967 borders, a capital in East Jerusalem, and a reasonable deal on refugees whereby Israel would recognize in principle the right of return while the practical implementation of that right would be the subject of political compromise.

The transition from liberation and individual rights into state-building and collective rights has not been smooth, explaining in part the fragmentation of Fateh and its loss of credibility in Israeli and international eyes. More accurately, the PLO and Fateh shifted uneasily from being a guerrilla movement enmeshed in conflict to being a civilian political force at the head of a would-be-state pledging to become a key provider of Israel's security even prior to the end of conflict. Not least because of the continuation of conflict over the course of the Oslo process, Fateh continued to think and act largely as a paramilitary faction, failing to use its powers to address public concerns about poor governance, insecurity and economic decline.

Arafat's mode of governance exacerbated this tendency. Rather than laying the ground for statehood, Arafat continued to see his role as that of leader of a liberation movement, who could not afford to indulge in the secondary goals of democracy and good governance, worthy as these might be. The Chairman-President's mode of governance contributed to the deinstitutionalization of Palestinian politics through a concentration of power in his hands and an ensuing creation of patronage networks also used to finance the PLO in the Diaspora. The responsibility for this situation lay also with the rank-and-file of Fateh, who were willing to be co-opted into the neo-patrimonial system created by Arafat.

This stalled transition proved to be highly detrimental to the peace process. During the Oslo process, Israel and the international community were largely content with a PA which, despite its democratic shortfalls, was effective in providing security to Israel. However, even during the Oslo years, the nature and performance of the PA fuelled conflict dynamics. Arafat's focus on retaining domestic control reinforced Israel's domination. These dynamics exacerbated with the eruption of the militarized intifada. Arafat's control and de-institutionalization of politics, coupled with his tacit connivance with the intifada, ultimately proved self-destructive by facilitating Israeli counter-measures. Yet Arafat had pursued this strategy precisely, albeit mistakenly, as a means of coercing Israel and the US into renewing the Oslo pact recognizing his central status as principal interlocutor.

Hamas' Oscillations between Radicalism and Pragmatism

Hamas underwent a reverse process of transition. The faction developed between the start of Israeli occupation in 1967 and the outbreak of the first intifada in 1987 as an indigenous, unarmed grassroots movement, focused on social and cultural issues. As such, it never joined the PLO and only developed a modest military capability in the mid-1980s. It was officially established as a political faction in 1987, which shifted towards open confrontation with Israel in 1988, i.e., precisely at the time when Fateh and the PLO began moderating their national objectives. Hamas radicalized further following the Oslo accords, by placing itself on the rejectionist front and refusing to enter the PA. Having acquired since 1987 an explicit Islamist counter-discourse to the PLO's secular nationalism, Hamas claimed that the entire land from the river to the sea had to be liberated in virtue of its status as an indivisible Islamic *waqf*.

Yet despite its rhetoric, Hamas proved to be a pragmatic, even opportunistic limited spoiler rather than an unmoveably ideological total spoiler.⁴¹ Hamas has for years mentioned its acceptance of a long-term truce in the event of the establishment of a Palestinian state on the 1967 borders and the recognition of Palestinian refugee rights. In 2005-06 Hamas was far more successful than Fateh in adhering to the ceasefire, not least because of its organizational ability to enforce it. Hamas' elites have debated for months their possible revision of the Hamas Charter, purging it of outright anti-Semitic statements.⁴² In the summer of 2006, key members of Hamas either accepted or signalled their possible acceptance

³⁹ See for example Bitter Lemons, 'The Collapse of the PA', 28 August 2006, Edition 34.

⁴⁰ Differences of opinion have related both to strategies (e.g., Abbas' rejection of violent resistance, contrasted to Marwan Barghouti's support for violent resistance within the OTs) and to final status substance issues.

⁴¹ See ICG (2006), *Enter Hamas: The Challenges of Political Integration*, Middle East Report N° 49, 18 January.

⁴² O. Halpern (2006), 'Hamas working on a new Charter', *The Jerusalem Post*, 16 February.

of the prisoners' document and the March 2002 Arab League initiative, which expressly advocate a two-state solution. Hamas has also hinted at the possibility of recognizing Israel upon the latter's recognition of Palestine.⁴³

This is not to say that peace and compromise with Hamas would be simple or perhaps even feasible. Particularly in its stance on violence, Hamas has acted in a ruthlessly unprincipled manner. Hamas initially withheld from active participation in the intifada (October 2000-January 2001) not out of principle, but out of suspicion that Fateh/Arafat were deliberately fomenting the conflict as a tactical means to improve their bargaining position. Only after the election of Ariel Sharon in February 2001 did Hamas embark on its suicide bombing campaign across the Green Line. In making this shift, Hamas acted opportunistically, seeking to confirm the collapse of the Oslo process and to present itself as an alternative to Fateh. Likewise, its post 2005 *tahadia* has not been the product of an ideological shift, but rather of a temporary decision determined by domestic political expediency (i.e., its decision to participate in elections and its bid to enter the PLO). Hamas' pragmatism therefore does not necessarily render the faction less violent or more amenable to compromise. It does however entail that unlike purely ideological movements, Hamas' pragmatism makes it sensitive to changing contextual conditions.

Beyond its radical political platform and military strategy, Hamas has distinguished itself as a social movement, with considerable experience in grassroots activism and managing social welfare programmes. When municipalities came under its control in 2004-05, it also demonstrated its greater ability (compared to Fateh) to conduct effective and clean government. Hamas built on its achievements at the municipal level to wage a successful national campaign to compete in the PLC elections, focusing primarily on corruption and the rule of law. This may seem counterintuitive for a party that maintains a military wing and advocates armed resistance against Israel. Yet as in the case of Fateh and the PLO, this is the by-product of the different and at times contrasting objectives characterising the Palestinian movement within a conflict-ridden and non-state context.

Precisely because the evolution of Palestinian politics has been so critically shaped by context let us delve into the key channels in which the conflict has impacted upon the Palestinian domestic scene. The duality of the PLO-PA and the problematic transition of the Palestinian national movement was a direct result of relations with Israel through the peace process. The nature of the Oslo process, which called upon the PLO to abandon its goal of armed resistance in favour of negotiations with and protection of Israel through the PA, led to the duality between the two sets of institutions. It also generated the need in the PLO/Fateh to make the transition from national liberation to state-building. To make this transition, the Oslo process raised the incentives of its Palestinian signatories to seek ways to co-opt key sectors in society into accepting and respecting the international accords, thus opening the space for corruption and networks of patronage.

Beyond the Oslo accords themselves, the growing gap which consolidated over the Oslo years between the rhetoric of statehood and the likelihood of its achievement contributed to the fragmentation of Palestinian politics, to the PA's ill governance and to the decline of Fateh, matched by the rise of Hamas.

Israel's policies contributed to the fragmentation, de-institutionalization and ill-governance of the OTs. This was partly a legacy of the years of direct Israeli control of Palestinian civil affairs, which were characterized by segmented administration and lack of democratic accountability. During the Oslo years instead, Israel's overarching control over access to/from the external world, coupled with its formal powers to restrict Palestinian use of land and natural resources rendered the Palestinian population and economy captive. This raised the opportunities for rent-seeking and manipulation by the PA. Over the course of the intifada instead, Israel's policies accelerated exponentially the fragmentation of the Palestinian political space. This occurred by physically destroying the PA's infrastructure, as well as by imposing closures and economic sanctions (e.g., withholding the PA's tax revenues).

The evolution of the Oslo process and its demise also contributed to the decline of Fateh and the rising popularity of Hamas. Post 1994, Fateh derived its main popular strength from its platform based on pursuing negotiations with Israel in order to achieve a Palestinian state. Over the Oslo years, Fateh's credibility was tarnished by the rising appreciation by the Palestinian public that far from bringing with it peace and statehood, the Oslo process allowed Israel's accelerating colonization of the OTs. Fateh's standing fell dramatically, and its reputation was damaged perhaps irreparably with the end of the peace process and

1.3 Closing the Circle: The Impact of the Conflict on the Palestinian Political Scene

⁴³ See the Washington Post's interview with Ismail Haniyeh, "We do not wish to throw them into the sea", *The Washington Post*, 26 February 2006.

Israel's rhetoric of the absence of a Palestinian partner. In particular, Israel's persisting colonization of Jerusalem, its rejection of negotiations and its refusal to release Palestinian prisoners, invalidated President Abbas's pro-peace and compromise platform. On the other side of the coin, the failure of the peace process vindicated Hamas' political platform. Indeed whereas during the Oslo years, Hamas never polled over 15-20%, it reached over 30% support with the end of the peace process, and 44% in the January 2006 elections.

Finally, the conflict contributed to the absence of a third force in Palestinian politics, which could have represented an alternative voice between Fateh and Hamas. On the one hand, small armed factions like Islamic Jihad or the PFLP lacked broad social constituencies and offered little that Fateh and Hamas did not already offer. On the other hand, the militarization of the intifada and Israel's counter-violence silenced groups that withheld from military action (e.g., Fateh's liberal wing, the Democratic People's Party and the former communists). This was caused at least in part by the structural anomalies of the Palestinian context and the ensuing constraints facing a putative Palestinian civilian force in the absence of normal civilian politics within a defined state.

2. External Influences on PA/PLO: the policy of unbalanced intervention

International influences have contributed and often exacerbated Palestinian factors fuelling conflict. They have done so through two different yet interrelated logics of intervention.

Differentiated Empowerment

One logic has been that of differentiated domestic empowerment. This has had three primary features. First, the international community attempted (between 1994 and 2006) to empower the PA over and above the PLO. This may have partly been reasonable, in view of the objective of promoting a Palestinian state. Hence, for example whereas the EU's 1997 Interim Association Agreement was signed with the PLO, its 2004 ENP Action Plan was negotiated with the PA. However, the empowerment of the PA over the PLO both exacerbated the feeling of exclusion of the Diaspora, and it contributed to the duality and duplication of the two sets of institutions.

A second feature of differentiated empowerment is related to the sphere of civil society. Prior to the Oslo process, despite Israeli occupation, the Palestinian territories enjoyed a relatively vibrant civil society, largely based on service delivery, professional associations and trade unions. The Oslo process and the international funding that came with it distorted the nature of civil society, altering its focus, raising incentives for corruption and distancing it from the public. More specifically, international (and mainly Western) donors financed heavily liberal NGOs, geographically based in the Jerusalem-Ramallah area, and working on issues pertaining to the peace process. This occurred at the expense of other organizations focussing on services, non-peace process related issues, and geographically spread across the OTs. The result was the booming of new NGOs, as corrupt and enmeshed in networks of patronage as the PA, and whose work was often tailored to the political requirements of donors rather than to the needs of the population. In turn, service-based charities linked to Islamist movements readily filled the gap.

The West also tried explicitly to empower Fateh at the expense of Hamas. Prior to the 2006 PLC elections this entailed a clear neglect for the non-inclusiveness of the Palestinian legal political system, despite the negative implications discussed above. Moreover, in 2003 largely through US and Israeli pressure, the EU decided to include Hamas on its terrorist list. This meant the absence of any official relations with Hamas. The only informal and intelligence-based contact which persisted was exclusively tailored to securing a unilateral Palestinian ceasefire. Following January elections, rather than exploring different channels to induce Hamas' moderation, the EU and the US have attempted to re-empower Fateh at the expense of Hamas. This policy of differentiated empowerment has primarily taken the form of re-empowering the Fateh held presidency at the expense of the Hamas-dominated PLC and the Cabinet. Hence, having exerted much effort in 2002-05 in creating and empowering the post of prime minister (during Arafat's presidency), and shifting the control of PA finances and security from the presidency to the Ministry of Finance and the Ministry of the Interior respectively, the Quartet began working assiduously in 2006 to undo these partial successes. In particular the Quartet's decision in June 2006 to use an 'International Temporary Mechanism' to channel some funds to the PA presidency raised Fateh's incentives partly to create de facto parallel governing structures under the presidency and partly to turn to brinkmanship against Hamas (e.g., through the general strike in September 2006). In a context in which Fateh, whose symbiotic relationship with the PA had already generated strong resistance to transit from office, the international community's stance has reduced

further its incentives to shift into legal opposition. It concomitantly contributed to Hamas' retrenchment and obstinacy in accepting internationally coerced conditions. In turn, rather than fostering a genuine national reconciliation, differentiated empowerment exacerbated polarization and violence between the internationally-supported Fatah and the boycotted Hamas. It has also fuelled the wider perceptions amongst Palestinians of Western hypocrisy when it comes to the rhetorical promotion of democracy.

Carrots and Sticks

A second and related logic of external intervention has been that of using inducements and pressures through aid and sanctions. The international community and the EU in particular granted key sums of financial as well as technical assistance for the purpose of building Palestinian institutions after 1994. During the Oslo years, international assistance was granted to the PA largely unconditionally. The EU, the US and other Western donors paid little or no attention to the failings of the PA in the fields of democracy and governance. On the contrary, as put by one observer: 'the PA regime was built with international funds at the cost of democracy, transparency, accountability, the rule of law and the respect for human rights'.⁴⁴ Rather than democratic state-building in and of itself, the primary purpose of aid was that of sustaining the PA and allowing it to conduct negotiations with Israel and provide security to it. In view of the absence of a peace agreement with Israel, the PA's violations of democracy and rights were often viewed as the necessary evil to 'reign in the Palestinian street' and maintain political momentum in negotiations.⁴⁵

Aid to the Palestinians rose further during the intifada. This partly offset the financial costs imposed by Israel's policies in the OTs. However, aid could not fundamentally alter the impact of the unremitting onslaught that PA institutions were subject to. As such, its purpose switched from state-building to institutional survival and humanitarian assistance. Aid alone during the intifada did not and could not alter the structure of the conflict. It rather fed into it by mitigating some of its most acute economic effects. In the absence of a comprehensive political involvement, donors subsidized the Israeli occupation of the West Bank, tolerated the asphyxiation of the Gaza Strip, and acquiesced to the creeping annexation of East Jerusalem and other settlement blocs. In the words of Israeli journalist Amira Haas, aid primarily acted as 'silence money'.⁴⁶

To the partial credit of the international community and the EU in particular, the 2002-05 period did see an increasing use of reform conditionality. With Israel's withholding of revenue transfers to the PA in 2000-03, the EU provided monthly budgetary assistance, making this conditional on several reforms especially in the fields of judicial and fiscal reform. In 2005, through EU COPPS (Coordinating Office for Palestinian Policing Support), upgraded through an ESDP police support mission and complemented by the ESDP Rafah monitoring mission, the EU also heavily committed itself to reform the Palestinian security sector.

International and European attention to the internal functioning of the PA must however be analysed in the light of the evolving conflict. In view of the Palestinian suicide bombing campaign since 2001 and Israel's refusal to pursue negotiations with the Palestinians, PA reform became the mantra of the day in the US and Israel. The US's focus on reform was linked both to its demonization of Arafat and to its wider interest in 'regime change' in the aftermath of the 11 September attacks. The EU also focussed on PA reform. Yet this was only partly out of genuine concern for Palestinian governance. The Quartet and the EU pushed for reform primarily as a means to reengage Washington in the peace process and to remove any reason or excuse for Israel's refusal to negotiate. Hence, the undue attention paid to issues such as the creation of the prime minister's post, or the reform of the fiscal and security sectors, at the expense of other perhaps more crucial areas of reform. Moreover, the blunt approach adopted by the US to the question of reform reduced Palestinian incentives to pursue domestic change. The position adopted by Bush in June 2002, when he made the removal of Arafat from office a primary goal of reform, helped Arafat to rehabilitate his domestic standing, to silence his critics, and enabled him to stall on key reforms and reverse others. The US added a further obstacle to reform by U-turning its position on the conduct of Palestinian elections, originally scheduled for January 2003. Once the US realized that Arafat would win, it worked behind the scenes to defer elections. Consequently the pressure on Arafat was eased and he was provided with the opportunity to obstruct other Palestinian actors who genuinely attempted to pursue to reform.

Yet the fundamental flaw of a policy of conditionality whose primary objective was not that of promoting democracy and good governance as ends in themselves, emerged in full force in the post-election period. Precisely at the time when reform efforts were beginning to bear fruit through the first peaceful democratic transfer of power in the OTs, the international

44 A. Le More (2005), "Killing With Kindness: funding the demise of a Palestinian state", *International Affairs*, Vol.81, No.5, p. 988.

45 N. Roberts (2005), "Hard Lessons from Oslo", in M. Keating, A. Le More and R. Lowe (eds.), *Aid, Diplomacy and Facts on the Ground: The Case of Palestine*, London: Chatham House, p.19 and p.24.

46 Lecture delivered at the European University Institute, Mediterranean Programme, 30 May 2006.

community sanctioned the Hamas government and with it the entire Palestinian population. In January 2006 Israel stopped transferring tax revenues to the PA, in April the Quartet suspended aid to the PA, and the US Palestinian Anti-Terrorism Act halted bank transactions in the OTs. In sanctioning Palestine, the international community attempted to make the uneasy distinction between boycotting the government, while continuing to aid the population. Yet this distinction poorly reflected reality. Since the eruption of the intifada, 60% the PA's budget has been spent on salaries, which provided for the vast majority of health and education services and supported 25% of the population in the economically free-falling OTs.⁴⁷ In response to the deepening economic and humanitarian crisis in the OTs and the escalating intra-Palestinian chaos, the Quartet agreed in June 2006 to resume some aid through the Temporary International Mechanism. However, this is more likely to force Hamas into seeking new sources of funding and disempower the Hamas Cabinet and legislature, rather than to reverse the economic and humanitarian damage caused by Israeli and international policies.

⁴⁷ Office of the Special Envoy for Disengagement (2006), *Periodic Report*, April; United Nations (2006), *Assessment of the Future Humanitarian Risks in the occupied Palestinian territory*, 11 April.

This chapter analyses Lebanese political dynamics within the context of the difficult bilateral relations with Syria and the conflict with Israel.

The first section is dedicated to the structural dynamics of Lebanese politics, namely the political forms and institutions of confessionalism and the way they were re-organised after the civil war.

The second section aims at analysing the domestic impact of more recent political developments such as the Syrian withdrawal in 2005 and the violent escalation with Israel in the summer of 2006.

Finally, the last section is focused on the impact of foreign influences both on domestic Lebanese politics and on Lebanon's bilateral relations with Syria and Israel

The war that broke out in Lebanon in 1975 ended officially in 1990 with the implementation of the Taif Agreement on the initiative of the Arab League and with the consent and patronage of Syria and the United States (Taif being a city in Saudi Arabia in which the so-named agreement was concluded). The partial implementation, during the post-war era, of the Taif Agreement within a confessional system and under the tutelage of the Baath regime led to a radical modification of the balance of power, distorted the functioning of public institutions and impeded the process of reform. Syria's hegemony over Lebanon was progressively institutionalised through the ratification of legally vague texts, namely Chapter 4 of the Taif Agreement, the Treaty of fraternity and economic, social and cultural cooperation and the mutual defence agreement, the last two of which were both signed in 1991. Such hegemony and interests were reflected on the ground in the diplomatic alignment, the security dependence and the interpenetration of the socio-economic (and often mafia-linked) networks in both countries.

The Syrian dossier is so overwhelming in Lebanese politics that it has become in itself a political line of cleavage to the detriment of other political projects and ideas. In other words, the Lebanese political groups after the war identified and classified themselves according to their relationship with Syrian officials and their point of view regarding the Syrian presence in Lebanon ("for" or "against") rather than according to their political program. With the implementation of the Taif Agreement in 1990, Syrian officials thus managed to turn the terms of their relationship with Lebanon into a constituent of all political undertakings, whether of the various opposition groups or of the government.

The subordination of Lebanese personalities from all circles and spheres to the Syrian authorities also had the effect of multiplying the centres of power in Lebanon, which in turn transposed the rivalries between various currents within the Syrian regime onto the Lebanese political scene. In this respect, opposing the government in Lebanon did not necessarily entail being excluded from the centres of decision and power.⁴⁸

Therefore, it is difficult to label politicians as "members of the opposition" and "majority", or as "opposition" and "government" or "those in power". This also relates to the difficulty in distinguishing between the different political parties and currents in Lebanon, in addition to the very limits of the classic categorisation between left and right wing. Observation of the Lebanese scene reveals that no classification can account for the heterogeneous character of political loyalties.

Another characteristic of Lebanese politics is that the party structure since the Taif Agreements is characterised by the rise of formations that were engaged in the conflict. This has been accomplished through the political conversion of certain militias, even though they have not been totally demilitarised, and through the militarisation of certain parties. In fact, the majority of parties operating in Lebanon since 1975 have a militia component. Many militias which were already functioning in a dual party/militia mode have been recycled. Some of them, such as *Hezbollah*, still maintain their military structures. Others have been converted into political parties with the demobilisation and the dismantling of their military structures, such as the parties deriving from the Maronite militia, the Lebanese Forces.

These new parties play different roles on the political scene, but their participation in the political game – "normalised" without being entirely peaceful – has introduced into the political exercise, be it in government, in parliament or simply in society, a kind of logic and method inherited from militia organisation and practice. Even if they try to limit their

Part III LEBANON

by Karam Karam

1. The Lebanese political system after Taif

1.1 Political cleavages in post-war Lebanon

⁴⁸ In analysing parliamentary elections in 1996, Samir Kassir maintained that the Lebanese cleavage between anti-governmental and pro-Syrian political forces reflected the division between the two main factions inside the Syrian regime. Cf. S. Kassir (1997), "Désordre établi au Liban", *Le Monde Diplomatique*, février, p. 7.

recourse to violence and arms in solving internal political conflicts, having underwritten support for “civil” and non-violent methods, they still have a concept of politics that sees the state, national and local representative institutions, the public administration and public goods as “booty” which it is the party’s objective to plunder. In other words, superimposed on the feudal conception of the state held by the old political class which considers it “a closed concern”, this class of politicians has introduced a militia conception which considers it “spoils”.

Undoubtedly, in parallel to these two levels of political action, two others must be mentioned: the state as a private “enterprise”, introduced after 1993 during management of the country’s reconstruction by the old Prime Minister Rafic Hariri, and the state as a military camp, a representation strengthened when General Emile Lahoud became President of the Republic in 1998 and with the progressive involvement of the military and information services in political life.

Another form of mobilisation and party organisation after the war sprang from the role of the “political movements” that already existed before 1990 and which have strengthened their community role since. They are built around a political figure who frequently represents a single community. The political currents of the old Sunni Prime Minister Rafic Hariri and of Maronite General Michel Aoun are examples of these. Enjoying a large capacity for mobilisation, they have a number of media organs behind them, have run in elections in many regions and are heading important parliamentary coalitions.

1.2 The difficulty of reform in the confessional system

The practices of the Lebanese political class during the post-war era are set within the framework of a consociational political system based on confessional consensus, which was created and elaborated so to represent the complexity of the pre-existing socio-cultural structures. It is within this framework that the Syrian regime orchestrated the implementation of the Taif Agreement while laying out new rules of the political game. Since the Taif Agreement, the central balance of power is constitutionally attributed, in a kind of collegial power, to a Maronite President of the Republic, a Sunni Prime Minister and a Shiite Speaker of the Chamber of Deputies. This “presidential troika” regime was managed in the interests of the Syrian regime and of the heterogeneous Lebanese political and economic elites and Syrian allies who came to power between 1990 and 2005 without any common political platform. They maintained their power and control over the political sphere by restricting access to political and state institutions and by setting often arbitrary rules of participation, in particular through electoral laws. These Lebanese elites easily entered - and still enter - into competition to protect positions of power that give access to benefits and allow for control over economic interests. For example, there are regularly disputes among the “three presidents” over administrative nominations. They have often resorted to Syria’s arbitration to set the rules of the game and settle their differences. The Syrian regime gives the veto right to one or the other of the three Lebanese presidents, maintaining a kind of negative equilibrium managed to its own advantage. This troika regime has become a custom consolidated by the practice of the three presidents. They have set up a system of personal negotiations outside the institutional framework to settle questions and matters that are a source of conflict or dispute among them, calling upon the ministers and MPs simply to ratify the results of their discussions, whether conflicting or consensual. This custom has distorted the representative institutions and the principle of the balance and the separation of powers.

Apart from reforms relating to the balance of powers, other reforms that could have achieved structural changes in the Lebanese system remain suspended. New institutions that were meant to guarantee the rule of law have either been put into place but have no real or effective power (this is the case of the Constitutional Council and the Economic and Social Council) or have not been set up at all (this is the case of the High Court, the mission of which would be to judge the presidents and ministers, and the Senate). The establishment of these institutions continues to be a source of debate and dissent among the political powers over the sharing and influence of each within them. Reforms related to the gradual suppression of political confessionalism, the extension of administrative decentralisation and the adoption of a new electoral law have not been implemented to date. Economically, the ultra-liberal option chosen by the public powers, which George Corm calls “economic neo-Lebanonism”,⁴⁹ the cost of reconstruction, the corruption and squandering have sent the public debt spiralling to around US\$ 40 billion, which is equivalent to 180 % of the annual Gross Domestic Product in 2005.

The implementation of reforms remains subject to the interpretation of the political and administrative authorities. This gives rise to permanent bartering between political

leaders and community representatives who assent to the sectarianism and clientelism in the Lebanese political system. This method of functioning, which can be described as “limited pluralism” or “slightly democratic neo-liberalism”, goes beyond the political and administrative sphere of the presidents, ministers, MPs and high officials, to encompass all relations between individuals and the state apparatus.

Therefore, the absence of a national project going beyond the aggregate interests of the governing elite and the permanent conflicts of the political class have exacerbated the population’s distrust of the state and its institutions. The effects of these practices are manifest in society in the declining role of public institutions, which are supposed to play a unifying role transcending structural cleavages, as well as in post-war forms of mobilisation which promote the consolidation of traditional structures.

An important example illustrating the difficulties in implementing reforms in the Lebanese confessional system under Syrian domination was the question of the presidential elections in September 2004 and their repercussions.

The Lebanese-Syrian conflict, which broke out after the amendment of the Lebanese Constitution imposed by Syrian President Bashar al-Asad on 3 September 2004 to bring about a three-year extension to the mandate of the President of the Republic Emile Lahoud,⁵⁰ sheds light on the power struggles at the regional and international levels and the domestic crisis of power.

Outside Lebanon, the interests involved vary depending on the actors. In spite of the withdrawal of its troops from Lebanon⁵¹, Syria has sought to retain direct influence over the decision-making process in the country by maintaining Emile Lahoud as president of the republic and through the presence of *Hezbollah* ministers in the government. Thus, thanks to its strategic alliance with Iran, its involvement in the Iraq conflict and its influence in Lebanon, Syria continues to be able to play a role at the regional level and to face up to the pressures and demands of the United Nations and certain Western countries, namely the United States and France. The latter is boycotting the Lebanese president and hopes he will step down before the end of his mandate in conformity with the terms of Resolution 1559, thus paving the way for implementation of the other resolutions⁵² adopted by the Security Council after the assassination of Prime Minister Rafic Hariri on 14 February 2005. Along with the demands of the US and France, the resolutions could weaken the position of the Syrian regime not only in Lebanon, but in Iraq and Palestine and throughout the region. These resolutions are not formally linked and do not depend on one another. Nevertheless, they suggest that the Lebanon-Syria issue could provide a means for the United States and France to shape a common political strategy in the Middle East in spite to their strong divergences over Iraq.⁵³

The demonstrations that took place in the wake of the assassination of Rafic Hariri as part of the *Intifadat al-Istiqlal* (independence uprising), in particular on 14 March 2005, drew one third of the Lebanese population into the streets of Beirut. With the catchwords “sovereignty, freedom and independence”, they were organised by various political “opposition” groups brought together in the so-called *Liq’ al-Bristol* (Bristol Gathering). The demands put forward during the demonstrations concerned the setting up of an international commission of enquiry into the assassination of Rafic Hariri, the withdrawal of the Syrian army from Lebanon, the resignation of the head of the Lebanese secret services and of Omar Karamé’s government, and the setting of the dates for parliamentary elections between May and June 2005. By the end of June, all these demands had been met.

In reaction to the “opposition” demonstrations, the so-called “loyalist” political groups, mainly the two Shia parties, *Hezbollah* and *Amal*, organised counter-demonstrations. Pledging allegiance to Syria, they denounced the meddling of the United States and France in Lebanese affairs and rejected the imposition of UN Resolution 1559 which calls for, among other things, the disarming of the militias. In parallel, they demanded the just and non-arbitrary application of all UN resolutions concerning the region and the Arab-Israeli conflict.

Inside the country, after the parliamentary elections in summer 2005, the different political forces are divided into two groups regarding the presidential matter. The first, which calls for the resignation of the president, consists mainly of the Current for the Future of Saad Hariri (Sunni), the Progressive Socialist Party of Walid Jumblatt (Druze), the Lebanese Forces of Samir Geagea (Maronite) and the “Kornet Chehwan Gathering”, a gathering of Christian politicians. Their objective is to do away with the symbols of the trusteeship of

2. From Syrian tutelage to the Israeli war

2.1 The crisis of the presidential elections and the Spring 2005 demonstrations

50 The international community had expressed its opposition to the act on 2 Sept. with SC Resolution 1559.

51 The withdrawal of the Syrian army from Lebanon was carried out in April 2005 conformity with UN Resolution 1559.

52 These resolutions are Resolution 1595 of 7 April 2005, establishing upon the request of the Lebanese government an independent international investigation commission, headed by Judge D. Mehlis; Resolution 1636 of 31 October 2005, calling for the mobilisation of the International Community to help the Lebanese authorities shed a light on the responsibility for the assassination, then provide the best conditions for the extension of the mandate of the Mehlis Commission and, finally, get Syria to cooperate with the Mehlis Commission; Resolution 1644 of 15 December 2005, extending the mandate of the Investigation Commission until 15 June 2006 and “underscores Syria’s obligation and commitment to cooperate fully and unconditionally with the Commission”. On 11 January 2006, UN Secretary General Kofi Annan named S. Brammertz head of the Investigation Commission and on 29 March 2006, the Security Council adopted a resolution giving K. Annan the right to enter into an agreement with the Lebanese government “aimed at establishing a tribunal of an international character based on the highest international standards of criminal justice” in order to hold accountable all those involved in the assassination of R. Hariri.

53 J. Bahout (2005), “Liban/Syrie : une alliance objective franco-américaine ?”, *L’Orient Le Jour*, 15 October, p. 5.

the Baath regime in Lebanon and to re-legitimise the position of president by electing a new president from among their ranks. This would allow the Current for the Future to control two presidential posts – prime minister and president of the republic. Reaching an agreement regarding the identity of the candidate, however, seems to be one of their main problems.

The second group, which supports the president or at least opposes his resignation as long as there is no agreement on his successor, includes two Shiite political formations, the *Hezbollah* led by Hassan Nasrallah and the *Amal* movement headed by the Speaker of Parliament Nabih Berri, in addition to the Free Patriotic Movement of Maronite General Michel Aoun. Since the 2005 elections, the latter presents himself as the only really representative Maronite candidate with a large popular following in Christian circles, thanks to which he would be able to re-legitimise and strengthen the position. On the other hand, the two Shiite formations are concerned about preserving the privileges and prerogatives (sharing of power, access to state resources and to positions in the public administration, etc.) acquired by their community during the fifteen years of Syrian tutelage.

2.2 From the National Dialogue to the Israeli war: A way out of the impasse?

On the eve of the war waged by Israel against Lebanon, following Hezbollah's kidnapping of two Tsahal soldiers on 12 July 2006, the Lebanese political class continued to be divided, schematically, into two groups, each divided internally by distinct priorities and personal interests. These two groups had already tabled discussions in early spring 2006 in the framework of the "Conference on national dialogue"⁵⁴ to discuss and resolve the following problems: the enquiry into the assassination of the former Prime Minister Rafic Hariri; relations with Syria; the application of UN resolution 1559, disarming of the militias and the conditions for the presidential elections.

After a number of sessions, participants in the conference had agreed on three points. First, they agreed to set up an international tribunal tasked with judging the suspects issuing from the enquiry on the assassination of Rafic Hariri. Second, they agreed on the need to establish diplomatic relations between Lebanon and Syria and to resolve the border conflicts between the two countries. Finally, they decided to disarm the Palestinian militias and to grant Palestinian refugees the social and economic rights of which they had been deprived. While the international tribunal is being set up, the other two decisions have remained dead letter.

Furthermore, participants were unable to agree on either the identity of the future president of the republic or a strategy of national defence or the future of Hezbollah's weapons. This fuelled discussions on the eve of the war on 12 July.

The question of the strategy of national defence and Hezbollah's weapons is the central problem in the national dialogue. Various requirements would have to be satisfied: application of the Taif agreements and UN Resolution 1559, both of which call for the disarming of all militias; the settling of disputes between Lebanon and Israel concerning the Shebaa farms which were not evacuated by the Israeli army during their withdrawal in May 2000, the release of Lebanese prisoners still in Israeli prisons, and the handing over of maps indicating the location of Israeli army land mines on southern Lebanese territory and Israel's regular violation of Lebanese territory. The latter are the arguments Hezbollah uses to justify its retention of weapons and its resistance to the Hebrew state.

The Shebaa farms are a regional dispute that international law seems unable to resolve. The Lebanese government invokes application of UN Resolution 425 which affirms Lebanon's territorial integrity. But Israel considers this territory part of the Syrian Golan Heights occupied by its army in 1967. After the withdrawal of the Syrian army from Lebanon in April 2005, Lebanese authorities asked the Syrian government to confirm officially that the territory is Lebanese. By refusing to provide the United Nations with the necessary documents, Syria is trying to keep Lebanese and Syrian matters indistinct with respect to the conflict with Israel and to uphold the armed resistance of the Hezbollah.

When national defence was tabled during the national dialogue, Hezbollah leaders opposed sending the Lebanese army to the south to disarm their militias, so that the matters of the Shebaa farms and the Lebanese prisoners could not be settled. The risk, in their eyes, was that the national army would become a border guard between the Israeli army and "the resistance", while the latter ensure a "balance of terror" against the Israeli army. This is why they defend continuing a strong and independent resistance. The groups in the parliamentary majority argued conversely that neither the resistance nor the Lebanese army have the military and technological means to stand up to Israeli power.

54 The conference on National Dialogue started at the beginning of March 2006 on the initiative of the Speaker of the Parliament. The last session before the war was held on the 28 June 2006.

They insisted that the problems with Israel must be settled through the United Nations, which had already made it possible, they believe, to neutralise the southern borders and to put in place the ceasefire signed by both countries in 1949 (regularly violated by both parties since the 1960s). Incapable of arriving at a common vision, the participants in the conference started to drag out the national dialogue sessions. They would converse by means of communiqués and speeches designed to agitate their partisan and confessional bases in an atmosphere intended to heat the general crisis.

Paradoxically, the triggering of this war, which attested to the Lebanese government's weakness with respect to Hezbollah, has – now that it is over – strengthened the sovereignty of the Lebanese state. On the eve of the war, the Hezbollah, the last officially armed militia, constituted a kind of “state within the state”, controlling the south of the country and deciding unilaterally to make war (or peace) and trying to impose its conception of national defence strategy.

After the staggering war, triggered by surprise in response to Hezbollah's capture of the two Israeli soldiers, the majority of the political class appealed to the Lebanese government to take on responsibility at all levels and to take up the initiative. Taking advantage of the rallying of different political parties and the support of all religious authorities, the Lebanese prime minister returned to centre stage to call for a diplomatic battle for a ceasefire at the Arab and international levels.

Indeed, Fouad Siniora seized upon the “political truce” among the Lebanese political groups and their followers during the war. The prime minister, rather than representing only his political current, worked out a plan for getting out of the crisis in concert with the Speaker of Parliament.⁵⁵ His aim was not only to put an end to the war, but above all to find a solution to the underlying problems that gave origin to the conflict. It should be underlined that his plan was approved unanimously by the Cabinet, including by the Hezbollah ministers. This bestowed on the prime minister an unprecedentedly strong and unified position from which to present to the international community and the Arab League a plan accepted and approved by all the main Lebanese political actors and representatives of the religious communities.⁵⁶ From this position and with the support of the Arab League and many Western countries, the Lebanese government tried to negotiate the terms of the resolution being discussed in the Security Council to get France and the United States to review their proposals. While all political spheres saluted the efforts of the government, Hezbollah followed with attention the prime minister's negotiations and engagements. Despite their inflexibility towards the Israeli war machine, Hezbollah's leaders realised that, given the widespread destruction, they could not maintain their rigid stance at the domestic level insisting on their positions held prior to 12 July. They asked their ministers to contribute to the government's activities and to delegate the Speaker of Parliament, Nabih Berri, to negotiate in their name with the various Lebanese and foreign actors. Indeed, they rank, at the negotiating level, just below institutions representing the state, the parliament and the government. **This constituted something new, in that they had until that time always undertaken parallel routes to those of the state in their negotiations.**

When the prime minister decided on 7 August 2006 to send the Lebanese army to the south of the country to demonstrate the seriousness and the determination of his government to the international community, the Hezbollah ministers acquiesced in this decision. Despite the combatants' opposition to the Israeli army, they were aware of the risks Lebanese society was running in terms of cohesion if the war were prolonged. For them, the time had come to show a certain opening towards the prime minister's actions aimed at stopping the war – a time at which they could still claim to have beaten Israel to some extent and maintain a strong position vis-à-vis their internal detractors to negotiate their place, or rather their new place and new role within the state.

By reading the terms of Security Council Resolution 1701 on Lebanon adopted on 11 August 2006,⁵⁷ which calls for a “full cessation of hostilities”, it appears to involve a compromise that satisfies all actors concerned. In fact, the resolution does not call for the forceful disarming of the Hezbollah since, in spite of the strengthening of the UNIFIL forces, their mandate does not allow them to use force (in conformity with Chap. 7 of the UN Charter) – something which to some extent reassured Hezbollah leaders. But, by reading SC Resolution 1701 in the light of inter-Lebanese dialogue, it can be seen that most of the terms go in the direction of strengthening the authority and the sovereignty of the Lebanese state. Paradoxically, the Lebanese government came out of the war strengthened, affirming its role as representative of all Lebanese and their collective interests. It showed a certain ability in diplomatic negotiations, succeeded in deploying its army throughout its territory and reaffirmed the need for the application of the Taif agreement, approved by all Lebanese, which calls for the disarming of all militias.

55 The plan called for an immediate and comprehensive cease-fire and a declaration of agreement on the following 7 points: (1) An undertaking to release the Lebanese and Israeli prisoners and detainees through the International Committee of the Red Cross; (2) The withdrawal of the Israeli army behind the Blue Line, and the return of the displaced to their villages; (3) A commitment from the Security Council to place the Shabaa Farms area and the Kfarshouba Hills under UN jurisdiction until border delineation and Lebanese sovereignty over them are fully settled. (4) The Lebanese government extends its authority over its territory through its own legitimate armed forces; (5) The UN international force, operating in South Lebanon, is supplemented and enhanced in numbers, equipment, mandate and scope of operation, as needed, in order to undertake urgent humanitarian and relief work and guarantee stability and security in the south so that those who fled their homes can return; (6) The UN, in cooperation with the relevant parties, undertakes the necessary measures to once again put into effect the Armistice Agreement signed by Lebanon and Israel in 1949; (7) The international community commits to support Lebanon on all levels, and to assist it in facing the tremendous burden resulting from the human, social, and economic tragedy which has afflicted the country (AFP, 28/07/2006).

56 The leaders of all Lebanese religious communities unanimously accepted the plan on August 1, 2006.

57 The SC resolution 1701 is available at <http://daccessdds.un.org/doc/UNDOC/GEN/N06/465/03/PDF/N0646503.pdf?OpenElement>

There are now two series of complementary questions which cannot yet be answered. They concern, on the one hand, the stability of the truce and various belligerents' respect for their commitments and for UN Resolution 1701. On the other hand, they regard Hezbollah's strategy: will the current policy translate into a strategic change from a position of a "state within a state" to a direct monopolisation of the state? To *real Politik*? They seized the moment to accept, with certain reservations, the prime minister's plan and UN Resolution 1701; but it is still possible for them to proclaim a military "victory" and to convert that victory into a political gain, imposing a new and advantageous equilibrium of force on the powers of and the state itself.

3. Foreign influences on Lebanese, Syrian and Israeli bilateral relations and Lebanese domestic politics

The general policies of the international community towards Lebanon during the past fifteen years have changed depending on the main actors' priorities and on the evolution of the international context. With the partial implementation of the Taif Agreement, the international community accepted Syrian hegemony in Lebanon. The international community's priority was then internal stability, the unification of the country and the reconstruction of the state. Furthermore Syria had to be involved alongside the international coalition that had liberated Kuwait after it was invaded by Saddam Hussein in 1990, and to participate in the Madrid Conference and the following peace process. The international acquiescence of Syrian presence in Lebanon was thus used as a bargaining card.

More recently, a number of regional and international events, such as the death of Hafez al-Asad, the deadlock of the Israeli-Palestinian peace process, the US occupation of Iraq and so on, have radically altered such priorities.

The renewed international attention on Lebanon since 2004 has to be seen in the light of a diplomatic tug-of-war between the US and France on the one hand, and Syria on the other. The United States increased its pressure on Syria after invading Iraq, whereas France now opposes the regime of Bashar Al-Asad after having been Syria's critical ally. The new factor in the role of the international community with regard to Lebanon is its intensity and its involvement in the management of even the most minute⁵⁸ details of Lebanese political life.

Since September 2004, the Security Council has adopted a number of resolutions regarding Lebanon: two of them have a direct political dimension relating to Lebanon's sovereignty and independence, namely Resolution 1559 (2/09/2004) and Resolution 1680 (17/05/2006). Five resolutions relate to the assassination of R. Hariri, the investigation commission and the bomb explosions in Lebanon.

The effects of international involvement in Lebanon since the first UN resolution in 2004 are mixed and somehow contradictory.

Among the positive effects we can list:

→ International pressures have contributed to initiating a debate on issues which were previously considered taboo, thus accelerating the pace of change

After the pullout of the Israeli army from South Lebanon in May 2000, some protesting voices called for the withdrawal of the Syrian army, or at least, its redeployment, while questioning the use of the continuing resistance led by *Hezbollah*. These dissident voices were rapidly intimidated, and even hushed up by the thundering official rhetoric, which labelled these issues beyond the scope of public debate and depending solely on the will of two governments, the Lebanese and the Syrian. However, international intervention through the adoption of Resolutions 1559, 1680 and 1701 abolished the taboo surrounding these matters, including the historical issue of the borders and diplomatic relations with Syria. UN intervention brought these points onto the public agenda, and called for the state and the various Lebanese political groups to define their positions regarding these essential issues pertaining to Lebanon's sovereignty and independence. In this respect, one cannot but notice the effects of Resolutions 1559 and 1680 in the short term.

→ International pressures have encouraged the strengthening of the role of the state

In the long term, implementation of the UN resolutions pertaining to Lebanon, especially 1559 and 1701, could contribute to promoting the role of the state. In theory, the ultimate objective of these resolutions and of the international intervention as a whole is to rebuild Lebanon's sovereignty on new bases revolving around the institutions that represent the state after achieving the withdrawal of all foreign armies and, of course, after disarming

58 According to A. Favier, "the intensive involvement of the International Community in Lebanon can also be measured by the presence of three special UN envoys in charge of overseeing the developments in South Lebanon (G. Pedersen), the follow-up of the implementation of Resolution 1559 (R. Larsen) and the international investigation (Mehlis then Brammertz). These envoys come to light as full-fledged actors in the Lebanese political game along with the ambassadors of the Western powers that are most involved in this dossier (the US and France)", in A. Favier, *Chronique d'une impasse politique annoncée : le Liban après le retrait de l'armée syrienne*, to be published on the website www.ifri.org.

all militias. Nevertheless, this foreign will calls for greater commitment on the part of the international community towards rebuilding the rule of law in Lebanon, which – in the long term – is the sole guarantee of stability and national cohesion.

Notwithstanding these positive effects, international intervention in Lebanon has also generated negative effects, such as:

.....> International pressures have risked deepening the existing cleavages within Lebanese society

The conflict between the different Lebanese political factions regarding international involvement, particularly implementation of Resolutions 1559, 1680 and – after the Israeli war – 1701, has brought underlying sectarian tensions to the surface. On the one hand, some feel that foreign intervention – especially through the UN – will help Lebanon break free of foreign powers and reassert its sovereignty over its territory. On the other hand, some consider foreign involvement to be a form of hidden meddling in Lebanon's internal affairs and a breach of Lebanon's sovereignty. In this respect, foreign intervention may well fuel tensions and internal divisions by blocking the functioning of government and crippling state institutions.

A major issue of contention is the question of Hezbollah's disarmament called for by UN Resolutions 1559 and 1701. Disarmament of Hezbollah cannot be carried out by force and will not be possible without tackling the wider political problems of Lebanon's confessional structure, the treatment of the Shiite community and, generally speaking, the long overdue political reforms. Disarming Hezbollah without solving the Shiite's grievances would mean running the risk of renewed sectarian violence.

.....> International pressures have polarised and exacerbated the conflict between Lebanon and Syria

This polarisation also applies to the conflict between Lebanon and Syria. The Syrian regime, completely isolated by the international community, has refused so far to meet the demands of the Lebanese government regarding border demarcation and establishing diplomatic relations. The Ba'ath regime considers these demands to be imposed by the international community, in particular the US and France, rather than as representing the will of the Lebanese people as expressed in the conference of national dialogue. Hence, Bashar Al-Asad will have to come to terms with the fact that his status has changed from being the guardian of Lebanon as recognized by the international community to being hounded by UN resolutions and subjected to severe international pressure. The tension between the two countries has reached a point where any foreign intervention is likely to lead to an escalation of the conflict.

This rough outline highlights the complexity of the Lebanese situation after the withdrawal of Syrian troops and the recent Israeli war. The challenges that the Lebanese government and all political forces are called upon to meet requires a national approach to the crisis so that a consensual strategy can be defined involving state actors and institutions – a diplomatic strategy and a national defence strategy – rather than diverse approaches by the different political actors representing the various religious communities. The latter, with their perpetual divisions on all issues, speak and act over and above the state by pursuing parallel community diplomacy and private defence through militia forces – something which in the long term runs counter to their own interests. Resolution of the current crisis could be an opportunity for Lebanon to reinforce the role of the state and to define its role and place at the regional level.

Conclusions and Policy Recommendation to the EU

Underlying the preceding analyses of Israel, Palestine and Lebanon, what emerges is that more often than not the international community has exacerbated domestic factors fuelling conflict rather than contributing to their resolution by placating or positively moulding those very factors. This has occurred through two principal logics of intervention.

The first is that of differentiated empowerment, manifested mainly in the cases of Lebanon and Palestine. In the Lebanese case, the international community has exacerbated intra-Lebanese polarization and division, fuelling the existing confessional divides through an additional Syrian-based fracture. On the one hand, Syria, despite the withdrawal of its troops from Lebanon, has retained a strong political influence on the country, maintaining Emile Lahoud as president and forging close ties with several Hezbollah ministers in the new Cabinet. On the other hand, the UN and in particular the US and France, precisely in view of their aim to eliminate Syrian influence in Lebanon have attempted to empower anti-Syrian domestic forces. Collectively, these opposed logics of differentiated empowerment have exacerbated intra-Lebanese polarization and fragmentation. In particular, they have given rise to two groups: one calling for the resignation of Syrian-backed President Lahoud, and the second supporting the president. This has impeded the search for unification and reconstitution of Lebanese politics. It has hindered the de-confessionalization of the system, in view of the fact that Lahoud's supporters include the Shia and Maronite groups; and his opponents comprise the Sunni, Druze as well as Maronite and Christian groups. In turn, differentiated empowerment has also hampered the process of domestic political reform in Lebanon, ostensibly the aim of the West and the UN.

Likewise in the Palestinian case, the West has pursued differentiated empowerment in four distinct ways. Between 1994 and 2006, it consistently sought to empower the PA over and above the PLO. This appeared logical in view of the aim to establish a Palestinian state. Yet it generated perverse effects precisely in view of the fact that such a state did not exist, that a conflict was still ongoing and that it was the PLO that represented and in theory negotiated on behalf of the Palestinians. Since 1994, the US and the EU have also sought to create and empower a liberal based and peace process oriented 'civil society' in the Palestinian territories. It has done so ignoring the existing civil and social fabric in the territories, generating further incentives for corruption, and opening up space for other (Islamic) charity-based organizations to fill the gap in the provision of demanded services. Finally, and most acutely, the West has sought to empower Fateh over Hamas. Prior to 2006, it did so by ignoring the non-inclusiveness of the Palestinian political system and placing Hamas on the list of terrorist organizations. Since 2006, the West and the Quartet have expressly sanctioned the Hamas government and attempted through various channels to re-empower Fateh. This has increased Fateh's incentives to hold on to power, it has failed to induce genuine moderation and greater responsibility within Hamas, and has exacerbated tensions and polarization between and within the factions, resulting in rising violence and chaos in Palestine.

The second logic of intervention has been that of sanctions on the one hand and unconditional support/acquiescence on the other. In the case of Lebanon and Palestine, the international community has resorted to different types of sanctions. In Lebanon, the US and France have boycotted Syrian-backed President Lahoud, justifying this with UNSC resolution 1559. In Palestine, with the exception of conditionality on the renunciation of terrorism, the Quartet's sanctions on the Hamas government have been largely political rather than legal. For example, the insistence upon Hamas' recognition of Israel's 'right to exist' (according to some declarations also as a 'Jewish state') appears to be a highly stringent political condition, lacking a basis in international law. Not only has it not been demanded of other Palestinian actors (e.g., the PLO), but it has few precedent in other conflict situations. On the contrary, far more common in peace processes is the acceptance of the parties in conflict to negotiate with each other despite their mutual non-recognition. This is true of all secessionist conflicts, where neither conflict party recognizes the other's legitimacy and at times even its existence.

Instead, with regard to the Fateh-dominated PA and Israel, the international community's approach has been one of conditional support in the case of the PA and acquiescence in the case of Israel. Between the establishment of the PA and the collapse of the Oslo process, the international community supported PA institutions, paying little or no attention to their standards of democracy or good governance. The major preoccupations were rather a continuation of the negotiation process and the PA's compliance in assuring Israel's security. Attention to Palestinian governance and democracy only arose after the Oslo process collapsed and the violent intifada erupted.

In the case of Israel, the international community's international support and acquiescence has been far starker and more consistent. It has taken different forms at different points in time. During the Oslo years, it entailed remaining silent about the ongoing establishment of 'facts on the ground', which directly contradicted the pledges made in international negotiations and the general objective of reaching a two-state solution. Following the collapse of the Oslo process, rhetorical EU condemnations of Israel's conduct increased. But not only did this not translate into concrete pressure to dissuade Israel from its conduct in the conflict, far more gravely, it often resulted in acquiescence in and effective support of Israel's policies, contradicting international law. This included the Bush administration's hint of its possible acceptance of Israel's annexation of swathes of territory in the West Bank. It also included the EU's failure to effectively respond to the fact that in all its contractual ties with Israel, the government of Israel has interpreted its territorial scope as including the territories occupied since 1967. In practice this has meant that EU benefits, spanning across the spheres of trade, research, and most recently the ENP, have been extended to Israeli actors and projects in the OTs, in contravention of international law.

But perhaps the problem is not only that external actions have inadvertently fuelled the domestic drivers of the two conflicts. It may well be that international actors have also acted in pursuit of other objectives, which are not strictly speaking those of conflict resolution in accordance with international law, democracy and human rights standards. Other foreign policy objectives such as retaining and reconstituting strong transatlantic relations in the strategic Middle East or of securing a modicum of stability and security in the short-term may be as important as conflict resolution, democracy, human rights and international law objectives.

This is not to say that that the two are incompatible. For example, security and conflict settlement do not necessarily compete with democracy. On the contrary, particularly if the focus is on conflict resolution over and above settlement, then democracy and good governance may be the sine qua non for peace. However, to the extent that EU actors may believe that particular manifestations of Palestinian or indeed Lebanese democracy could hinder a putative agreement with Israel and a strong transatlantic consensus, their policy goals could become competing, if not mutually exclusive. In other words, when it comes to the cases of Israel-Palestine and Lebanon-Syria, EU interests have not been exclusively related to the goal of promoting democracy, rights and law. Advancing such objectives certainly reflects EU interests, when these are understood as promoting a stable, peaceful and developed southern neighbourhood. Yet equally if not more important may be other interests, which are related to the transatlantic rather than the Middle Eastern agenda and which are not spelled out in EU declarations on the conflicts. The goal of seeking transatlantic understanding and cooperation on the Middle East has been, to varying degrees, a key preoccupation of all member states.

What are the policy implications of these conclusions? Undoubtedly far from being glamorous but perhaps more effective, the international community and EU actors in particular would be well advised to adopt a 'do no harm' approach. This would entail most obviously refraining from interfering directly and politically in the internal affairs of a third state and from aiming to empower some domestic actors at the expense of others. At best, as in the case of the EU's support for Labour Zionist groups or liberal minded and peace process-oriented Palestinian NGOs, direct and differentiated interference fails to alter domestic dynamics, given the detachment of the 'supported groups' from the general public. At worst, as in the case of the French boycott of Lahoud and the EU's sanctioning of Hamas, differentiated support or punishment exacerbates polarization and entrenches division.

This does not mean that the EU should not specify and stick to clear obligations in its engagement with the conflict parties. Far from it. Yet conditions and obligations should be universal and firmly based on international law, rather than time-contingent and politically driven.

In the case of Palestine, this would entail calling upon the Hamas government (or indeed any state or state-like actor) to refrain from acts of violence carried out against Israeli civilians especially within the state of Israel. The practical abdication of illegal acts of political violence (not necessarily all forms of violent resistance) is far more important than the declaratory embracement of non-violence. It is far more important both as far as international law is concerned and in terms of the EU's own legal commitments stemming from Hamas' inclusion in the EU's terrorist list. It is also of far greater relevance to Israeli citizens. The obligation not to engage in attacks on civilians and terrorist acts is an obligation grounded in international humanitarian law (Protocol 1 of the Geneva Conventions governing the laws of national liberation) as well as in the constitutive laws of the PA (which renounce

the use of violent resistance). Pegging this critical obligation to other obligations such as recognition of Israel's right to exist, cannot but detract from its saliency, forcefulness and underlying logic. In addition, focusing on the obligation to refrain from violence is far more likely to foster intra-Palestinian national dialogue and reconciliation. It is more likely to induce genuine and long-lasting transformation, moderation and responsibility within Hamas itself, which as the prisoner's document itself testifies, includes important currents advocating a reorientation of the strategy of resistance. Finally, it may well end up validating in a far more effective manner the political platform pursued by those Palestinian actors supported by the EU.

Hamas could violate this obligation. For EU (and international) conditionality to be credible, this would indeed justify the sanctioning of the Hamas government, with the ensuing prospect of a collapsing PA. Yet if the international community decides to engage in principled conditionality, this is a consequence that it must be prepared to face. By contrast at the current juncture, the EU (and the Quartet) on the one hand have raised the bar unnecessarily high by calling for an all-encompassing set of conditions. Yet as the creation of the International Temporary Mechanism testifies, the Quartet has not been willing to accept the consequences of its negative conditionality, detracting critically from its credibility. The alternative proposed here would see an international focus on the most politically critical and legally justified obligation, which would entail far greater chances of compliance. Coupled with this, in the event of non-compliance, it would see an EU (and Quartet) prepared to accept the consequences of its principled conditionality, thus adding to the credibility and thus the likelihood of success of their policies.

In the case of Israel, it would mean reasserting in practice and not only in words the primacy of international law in the conduct of EU-Israel relations. This would require that EU institutions publicly acknowledge that EU contractual ties with Israel are vitiated by the latter's general public policy which contravenes international law in terms of the definition of its territory and of the conduct of its occupation. As far as trade and preferential treatment are concerned, this would lead to broad verifications of all Israeli exports to the Community or a partial suspension of the trade provisions in the association agreement. A principled, lawful and comprehensive solution to this problem to date has neither been sought nor found, and the EU has fumbled along seeking temporary and ad hoc solutions to ease the costs of its (and Israel's) misconduct. The same would apply to other policy areas, such as research, where EU institutions would need to assure that Community funds are not being directed to illegal Israeli projects and entities operating in the OTs. Far more all-encompassing, in the functioning of the European Neighbourhood and Partnership Instrument, operational in 2007, the Union would have to establish the necessary precautionary supervision and monitoring mechanisms to ensure that its funds are not being devoted to actions and actors violating international humanitarian law (e.g., construction of occupation infrastructure in the OTs). It would be grossly mistaken to view these measures as 'punishments' or 'sanctions'. Far from constituting negative conditionality, these measures would represent minimalist readings of a customary norm of general international law, which states that the non-compliance by one party negates the obligation of compliance by the other.⁵⁹ It would indeed entail a price to the third party, a price, which inevitably comes with systematic disrespect for international laws.

Yet the Union need not stop at corrective measures. Through a more effective use of positive conditionality, it could deepen its relationship with Israel, yet careful to do so in a manner that would not accommodate illegal Israeli policies. Most of the steps envisaged in the EU-Israel ENP Action Plan would benefit the State of Israel and Israeli citizens, without extending benefits and thus supporting Israeli policies in the OTs. In the implementation of the Plan, the EU and Israel could pursue all measures of cooperation and integration that would not put Israel in the condition of violating international law (and the Community in the danger of acquiescing in it). Other issues, which would instead necessitate a comprehensive solution to Israel's interpretation of the territoriality clause (e.g., trade measures), should instead be left pending.

In the case of Lebanon, the intervention of the EU and the International Community should refrain from promoting community or personal negotiations to the detriment of the state's political institutions.. The main objective of international resolutions that were adopted by the UN Security Council is precisely to assert the role of the state and its sovereignty over all of its territory. However, this objective cannot be achieved without a national consensus.

The EU and the international community should not insist on Hezbollah's disarmament without pursuing first the goal of seriously reforming the political system as a whole through an internal Lebanese dialogue.

59 The principle of 'inadimplenti non est adimplendum' has been codified in the Vienna Convention on the Law of Treaties.⁷ Hans Born (2003) 'Introduction,' in Alan Bryden and Philipp Fluri (eds.), *Security Sector Reform: Institutions, Society and Good Governance*, Baden-Baden: Nomos Verlagsgesellschaft, pp., 43.

Weakening Shiite representatives would in the medium/long term threaten the delicate sectarian balance of the country, but also immediately bring to a standstill the internal political process. A marginalised Hezbollah would probably boycott the urgently needed economic and political reform, thus causing a dangerous stalemate on all fronts.

Hezbollah's disarmament and political integration is also related to the open Israeli-Lebanese files: prisoners, the Shebaa farms and the question of respect of Lebanese sovereignty. Solving these problems would be an important way to promote Hezbollah's peaceful political transformation.

Moreover, the EU should ask for the establishment of a transparent and accountable mechanism for the management of the international reconstruction funds. This could avoid the corruption and clientelism of the reconstruction process of the 1990s and could also help reinforcing the role and legitimacy of the government.

Finally, the intervention of the EU in favour of a just and impartial implementation of all international resolutions pertaining to the region would undoubtedly have positive repercussions on the Lebanese internal level and would confer on European mediation a leading role in the resolution of the bilateral conflicts.

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