

## Control Issues

Sep 22, 2005



Articles & Testimony

**T**he Arab-Israeli conflict has confused many a U.S. diplomat over the years. But two seemingly unrelated developments have created an especially odd and embarrassing situation for American diplomacy.

First, Israel recently withdrew from Gaza but the international community—including the United States—does not formally recognize the end of Israeli occupation there. Second, Israel recently said it would not allow the Islamist terrorist organization Hamas to participate in Palestinian elections in the West Bank—from which Israel has not withdrawn—but the Bush administration said that it should anyway. The upshot is that Israel is being denied full recognition for having given up effective control over Gaza, while also being denied all the rights that go with retaining effective control over the West Bank. It's a ridiculous situation, one that can be resolved only if Washington leads the international community in recognizing the end of Israeli occupation of Gaza and honors Israel's very reasonable demand that an armed Hamas committed to the destruction of the Jewish state not be allowed to participate in West Bank elections.

Let's start with the situation in Gaza. This month, Israel ended its 38-year military rule of the Gaza Strip. Its soldiers are gone. Its civilians are gone. Its settlements are gone. Even Israel's presence along the Gaza-Egyptian border is gone, replaced by a new 750-man deployment of Egyptian soldiers and a commitment—already broken, by the way—that the Egyptians and Palestinians would maintain a secure frontier, free from traffic in illegal weapons.

Recognizing the enormity of this unilateral and voluntary measure, leaders around the world have put themselves in the unusual position of heaping praise on Israeli prime minister Ariel Sharon. This hallelujah chorus rose with a letter from King Muhammad VI of Morocco and a handshake with President Pervez Musharraf of Pakistan and reached a crescendo with a declaration Tuesday by the Quartet on Middle East peace, a group comprising the United Nations, the European Union, Russia, and the United States.

So far, so good. The one problem is that there is no agreement on the legal, political or even functional meaning of Israel's withdrawal. To the Israeli government, its responsibility for Gaza has ended and the Palestinians—under the leadership of Palestinian Authority President Mahmoud Abbas—are in charge. But in an odd twist, the Palestinians want nothing of this. On the contrary, they claim, as Palestinian Foreign Minister Nasser al-Qidwa said last week, that there is "no change" in Gaza's status. He bases this on the fact that Israel retains control over Palestinian airspace and sea space. His boss, Abbas, has gone even further, endorsing demands by some Palestinian irredentists to even more territory, adjacent to Gaza, that Palestinians say was stolen years ago.

When pressed, world capitals, including Washington, have generally endorsed the view that Israel's withdrawal from Gaza does not end its occupation there. This is despite the fact that Israel meets the traditional test of having no effective military control over the area; despite the fact that Israel's control over Palestinian airspace is not much different than the 1990s-era U.S.-enforced no-fly zone over northern Iraq; and despite the fact that Israeli security patrols off the Gaza sea coast have even been endorsed by Egypt, in its recent border control agreement with Israel.

Why do Palestinians not want the world to recognize Israeli withdrawal for what it is? Because that means Israel

would no longer be in the international dock and the Palestinian Authority would then have to take responsibility for what happens inside Gaza. The PA would be responsible for stopping the launch of rockets from Gaza into Israel, the dispatch of suicide bombers to Israel, and the import of drugs, weapons, and other contraband from Gaza into Israel (or the West Bank). And the Palestinian leadership seems to prefer continued grievance to accepting responsibility.

Then there is the question of Hamas and the upcoming elections. Palestinians are scheduled to have long-delayed elections for their legislative council in January 2006. Elections would cover both Gaza and the West Bank. Hamas, which waged a highly successful campaign in municipal elections this past spring, winning numerous town councils, wants to compete. Abbas has welcomed the group's participation, saying it would ease Hamas's transition from a militia to a political party. Implementation of his oft-stated commitment to disarm Hamas in line with his famous "One Authority, One Law, One Gun" policy would, his aides promise, come after elections, when Hamas would join with Abbas's own Fatah party as elected representatives in the Palestinian parliament.

Apparently, Abbas believes one can contest a democratic election when one party parades through the streets with AK-47s and suicide belts; apparently, he thinks Hamas is likely to give up all its weapons after it uses them to bully voters; apparently, he thinks that Hamasniks will become peaceniks once they receive the legitimacy of a popular mandate. Well, it's a plan—naive, perhaps; short-sighted, maybe—but it's a plan. If he wants to give it a try, it's his neck.

The problem is that the world wants Israel to be accessory to this madness. Holding an election in Gaza is a solely Palestinian affair. But to hold an election in the West Bank—where Israel remains the military ruler, responsible for security—can only be done with the full cooperation and coordination of the Israeli government. And last week, Ariel Sharon told the world from the U.N. summit in New York that Israel would not play the stooge. Specifically, he said Israel would not remove West Bank roadblocks and provide the sort of freedom of movement through the West Bank necessary to facilitate an election if Hamas was allowed to participate.

This was a highly salutary clarifying act of diplomacy. It cut through diplomatic niceties on two key issues. First, Sharon put the world on notice that Israel would not enable the empowerment of its sworn enemies. Second, he compelled the world to consider the practical implications of Israel's withdrawal from Gaza. At the moment, Israel is being denied both the benefits of having withdrawn from Gaza and the rights of having not withdrawn from the West Bank. Sharon's statement last week made clear how little sense the situation makes—and one hopes it will force the world community to reconsider both positions.

The Bush administration should be the first to reconsider. Tuesday, Secretary of State Condoleezza Rice urged Israel to help the PA hold West Bank elections, with full Hamas participation. "This is going to be a Palestinian process and I think we have to give the Palestinians some room for the evolution of their political process," she said. "We hope that the elections can go forward and that everyone will work to make those elections go forward."

This is bad policy. If the United States has an interest in developing a functioning and responsible government in Gaza, as President Bush has stated, then it should be taking opportunities to differentiate between Gaza and the West Bank, not blurring the distinction between the two. Moreover, if it wants to strengthen Abbas's hand in moving toward the disarmament of militias, it should demand full disarmament now, as a precondition for participation in any electoral process, not wait for a moment that is unlikely ever to come. And morally, to ask Israel to facilitate an electoral process that could result in the empowerment of one of its most potent and violent enemies is truly indefensible.

The Bush administration's policy on this issue is all over the map. Its current position is that even if Hamas wins seats in elections, U.S. officials will continue to boycott the group because of its terrorism and commitment to Israel's destruction. So much for the legitimizing power of the election process, a cardinal principle of U.S. policy elsewhere

in the world. The best way to resolve this is to declare that the United States will not consider Palestinian elections legitimate unless the PA requires all participating parties to meet the demands that Washington had of the PLO for so many years, i.e., that it renounce terror and violence and recognize Israel's right to exist. That would be a reasonable price for Hamas—and other groups—to pay for entry into a process that itself confers so much legitimacy. It is, by the way, the test for Palestinian political participation that is laid out in the original Oslo Accords, to which the United States is a signatory. (Truth be told, the still unamended 1964 constitution of Abbas's own Fatah party gives the 1988 Hamas charter a run for its money in terms of its venomous anti-Semitism and commitment to Israel's destruction. A truly principled U.S. approach would have Washington force even its Palestinian friends to take a hard look in the mirror.)

Arguing in favor of Hamas's inclusion in West Bank elections without any change in the group's behavior—or any requirement that the PA demand such a change—leaves the administration in an especially awkward position. When asked during her June 2005 visit to Cairo whether the United States supports the political participation of the Muslim Brotherhood in Egypt—a group that professes non-violence and is not on the U.S. list of terrorist organizations—Rice deferred to local Egyptian law, which bans the organization. However, in the Palestinian case, the United States is siding with those who would legitimize the political ambitions of a terrorist group—recognized as such under U.S. law—against the wishes of the ally (Israel) who is responsible for security in the area.

Israel left Gaza. Israel did not leave the West Bank. Policy on a hot-ticket item like Hamas participation in elections should begin with recognizing precisely where Israel no longer calls the shots and where it still does.

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