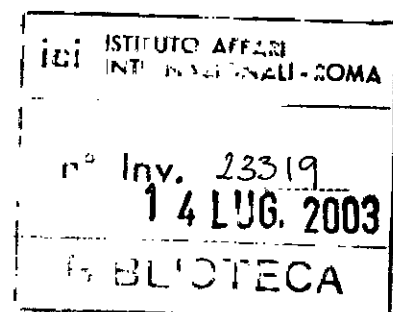# TASKS FOR TRANSATLANTIC COOPERATION
PEACE-, INSTITUTIONS-, AND NATION-BUILDING
IN THE MEDITERRANEAN AND THE MIDDLE EAST
Istituto affari internazionali (IAI)
Roma, 4-5/VII/2003

a. Programme
b. List of participants
1. "Democracy in the Arab countries and the West"/ Roberto Aliboni and Laura Guazzone (8 p.)
2. "Reconstruction and economic development in the Middle East in a transatlantic perspective"/ Tim Niblock (7 p.)
3. "Palestinian Authority reform: a key ingredient to peace diplomacy"/ Mohammed S. Dajani (11 p.)
4. "Nation-building in the greater Middle East: the view from Washington"/ Marina Ottaway (7 p.)
5. "Third party intervention in the Israeli-Palestinian conflict"/ Jarat Chopra (16 p.)

TASKS FOR TRANSATLANTIC COOPERATION
PEACE-, INSTITUTIONS-, AND NATION-BUILDING
IN THE MEDITERRANEAN AND THE MIDDLE EAST

IAI

Rome, 4-5 July 2003

Hotel Ponte Sisto
- Sala Vivaldi -
Via dei Pettinari 64

Organised by the Istituto Affari Internazionali
With the support of the German Marshall Fund of the United States,
the NATO Division of Public Diplomacy
and the Ford Foundation Cairo Office

AGENDA

Thursday, July 3rd

20:30   *Welcome dinner on the patio of the HOTEL PONTE SISTO*

Friday, July 4th

09:00   **1st session - Promoting Political Reform in the Middle East and the Mediterranean**
        Speakers: Roberto Aliboni & Laura Guazzone, Istituto Affari Internazionali-IAI, Rome
        Discussant: Ian O. Lesser, Pacific Council on International Policy, Los Angeles

10:45   *Coffee-break*

11:15   **2nd session - Reconstruction and Economic Development in the Mediterranean and Middle East in a Transatlantic Perspective**
        Speaker: Tim Niblock, University of Exeter
        Discussant: Samir A. Makdisi, American University of Beirut

13:00   *Buffet-lunch*

14:00   **3rd session - The Palestinian Reform**
        Speaker: Mohammed Dajani, American Studies, Al-Quds University, East Jerusalem
        Discussant: Daniel Neep, Royal United Services Institute for Defence Studies-RUSI, London

15:45   *Coffee-break*

16:15   **4th session - Nation-building in the Greater Middle East**
        Speaker: Marina Ottaway, Carnegie Endowment for International Peace, Washington DC
        Discussant: Reinhardt Rummel, Stiftung Wissenschaft und Politik-SWP, Berlin

18:00   End of session

20:00   *Dinner at DITIRAMBO Restaurant – Piazza della Cancelleria 74/75*

09:00   **5ᵗʰ session - Third Party Intervention in the Israeli-Palestinian Conflict**
               Speaker: Jarat Chopra, Thomas Watson Jr Institute for International Studies, Brown University
               Discussant: Mohammed Ibrahim Shaker, Egyptian Council for Foreign Affairs, Cairo

10:45   *Coffee-break*

11:15   **Closing session - Round Table**
               The NATO Mediterranean Dialogue in the Euro-American Context:
               Building Transatlantic Consensus for Security and Stability in the Mediterranean
               and the Middle East

               Closing Address: Jean Fournet, NATO Assistant Secretary General for Public Diplomacy, Brussels

               Panel: Alvaro de Vasconcelos, Instituto de Estudos Estratégicos e Internacionais-IEEI, Lisbon
                    Hisham Kassem, Cairo Times
                    Ian O. Lesser, Pacific Council on International Policy, Los Angeles
                    Nicola de Santis, NATO Division of Public Diplomacy, Brussels
                    Stefano Silvestri, Istituto Affari Internazionali-IAI, Rome

13:00   *Buffet-lunch*

               End of seminar

Rome, 4-5 July 2003

- HOTEL PONTE SISTO -

LIST OF PARTICIPANTS

Emanuel Adler	Department of international Relations, The Hebrew University, Jerusalem
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Rapporteur

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Activities of the IAI project on Transatlantic Perspectives on Relations across the Mediterranean border

1. Seminar on "Setting up a nucleus of NATO Mediterranean Dialogue Academic Institutions",
Rome on July 7, 2001

PAPERS
Roberto Aliboni, Think Tanks As A Cooperative Factor In Nato's Mediterranean Dialogue
Jean François Daguzan, Le rôle des institutions academiques dans le renforcement de la coopération en matière de sécurité autour de la Mediterranée
Carlo Masala, Western-Mediterranean Security Relations: Issues And Challenges

Daniela Pioppi, Report on the Seminar "Setting up a nucleus of NATO Mediterranean Dialogue Academic Institutions", Rome, July 7th, 2001

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2. International Conference on "Governing Stability Across the Mediterranean Sea: a Transatlantic Perspective"
Rome on 21-23 March 2002

PAPERS

Roberto Aliboni, *Between Dialogue and Partnership: What North-South Relationship Across the Mediterranean?* [published as "Upgrading Political Responses in the Mediterranean", *The International Spectator*, Rome, Vol. XXXVII, No 2, April-June 2002, pp. 103-112.]

Bechir Chourou, *Islamism: Roots and Prospects*

Álvaro de Vasconcelos, *Ten points on the Euro-Mediterranean Partnership* [published as "Seven Points on the Euro-Mediterranean Partnership", *The International Spectator*, Rome, Vol. XXXVII, No 2, April-June 2002, pp. 113-120.]

Michael D. Intriligator, *Globalization of the World Economy: Potential Benefits and Costs and a Net Assessment*

Ian O. Lesser, *Coalition Dynamics In The War Against Terrorism* [published as "Coalition Dynamics In The War Against Terrorism", *The International Spectator*, Rome, Vol. XXXVII, No 2, April-June 2002, pp. 43-50.]

Cristina Paciello, Conference on "After September 11th, Governing Stability Across the Mediterranean Sea: a Transatlantic Perspective", Rome, 21-23 March 2002, A Conference Report

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Hassen Hamdani, Attaché, Embassy of Algeria, Rome
Vincenzo Nigro, Journalist, "*La Repubblica*", Rome
Gabriele Tonne, Assistant Editor of *The International Spectator,* IAI-International Affairs Institute, Rome

3. International workshop on "Trans-Atlantic and Trans-Mediterranean Relations: Perceptions in the Aftermath of September 11th "
Rome, October 1st, 2002

PAPERS
Roberto Aliboni, *After September 11th: Europe, the Mediterranean and the Middle East in a Transatlantic Perspective.*
Mohammed Khair Eiedat, *Aftermath of 11th of September :An Arab Perspective.*
Mark A. Heller, *After September 11th.*
F. Stephen Larrabee, *The Impact of September 11 on U.S. Policy in the Middle East and Transatlantic Relations*

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4. Published in the IAI PAPER Series:

"Security Across the Mediterranean. Challenges and Cooperative Approaches After September 11"

<u>Content:</u>
F. Stephen Larrabee, *The Impact of September 11 on U.S. Policy in the Middle East and Transatlantic Relations*

Mohammed Khair Eiedat, *Aftermath of 11th of September: An Arab Perspective*

Ian O. Lesser, *Coalition Dynamics In The War Against Terrorism*

Carlo Masala, *Western-Mediterranean Security Relations: Issues And Challenges*

Álvaro de Vasconcelos, *Ten points on the Euro-Mediterranean Partnership*

Roberto Aliboni, *Upgrading Political Responses in the Mediterranean*

<u>Annexes</u>
1. "After September 11th, Governing Stability Across the Mediterranean Sea: a Transatlantic Perspective", Rome, 21-23 March 2002, A Conference Report by Cristina Paciello

2. Activities of the IAI project on Transatlantic Perspectives on Relations across the Mediterranean border

Istituto Affari Internazionali

Conference on

TASKS FOR TRANSATLANTIC COOPERATION

PEACE-, INSTITUTIONS-, AND NATION-BUILDING IN THE MEDITERRANEAN AND THE MIDDLE EAST

Sponsored by the Istituto Affari Internazionali

Rome, 4-5 July 2003

PAPER BY

ROBERTO ALIBONI & LAURA GUAZZONE
"Democracy in the Arab Countries and the West"

This paper takes into consideration two main issues: (a) the status of the debate on Arab democracy and its weak dynamics; (b) the role of the West in fostering or promoting democracy in the Arab world. It concludes by providing some recommendations about the appropriate framework in which a credible and more effective Western policy to promote democracy in the Arab world can be pursued and shared by the parties involved.

1. The mixed record of democratization in the Arab world

Many Arab countries have experienced a degree of political liberalism at some point in their contemporary history - most notably Morocco, Egypt, Iraq, Jordan, Kuwait, Lebanon, and Syria. But none of these experiences has given rise to full-fledged democratic systems, which are in any case a recent and precarious achievement anywhere in the world. Nevertheless the debate about and actual experience of liberalism and democracy has a long and diverse history in the Arab countries and cannot be started "from scratch" [Hourani 1962; Binder 1988]. The first Arab experience with liberalism was in the constitutionalist era under Ottoman dominance (1870s-1910s); the second was with parliamentarism under colonial dominance (1920s-1950s). Later on, some countries - particularly Egypt - experienced different waves of political liberalization and de-liberalization. In fact, a third much debated "liberal age" started from around the end of the 1980s (and is still in progress).

From that date, most Arab countries adopted a few more liberal policies in the political and economic domain - often conceded under popular and international pressure - that contributed to giving the impression of a widened public sphere or, as it was more often phrased, of an Arab world in transition to democracy. From the second half of the 1990s to present, however, the new more liberal policies have been stalled, withdrawn or circumvented in most countries and it has became apparent that Arab regimes have failed to democratize and, in some cases, have become even more repressive and unaccountable.

There is now a growing consensus that it was wrong in most cases to classify recent changes in Arab political regimes as a "transition to democracy" [Salamé 1993; Ayyubi 1995; Korany 1998; Schlumberger 2000], at least in the more technical sense [Carothers 2002]. Significant change did indeed take place in Arab regimes but it consisted of a modernization of authoritarianism demanded by fiscal and legitimacy crises coupled with globalization pressures [Albrecht, Schlumberger 2003]. This change seems to have given rise to a hybrid kind of regime variously known as "semi-authoritarianism" or "liberalized autocracy" [Ottaway 2003a; Brumberg 2003]. Liberalized autocracies now exist in Morocco, Algeria, Jordan, Yemen, Kuwait and Bahrain alongside the more "traditional" secular or religious authoritarian regimes in Syria, Tunisia, Libya and Saudi Arabia.

In other words, in today's Arab world there are neither democratic systems nor democratizing regimes, there are instead many kinds of autocracies, each functioning differently within the general framework of authoritarianism. For instance, in all liberalized autocracies there is a similar trend of ruling elites coopting new social segments to control the privatizing economy according to a pattern dubbed "from plan to clan"; the trend may be similar, but the beneficiary groups are different and differently aggregated from country to country [Ayyubi 1995, p. 403-409].

There is also a growing consensus on the fact that liberalized autocracies represent a new obstacle to democracy in the Arab world [Albrecht, Schlumberger 2003; Brumberg 2003]. Thus entrenched but modernized ruling elites, manipulating façade democratic institutions, are a further obstacle to democratization in the Arab countries, the main ones traditionally being identified as political culture, regional conflict, foreign dominance and socio-economic underdevelopment.

2. The record of Western efforts to promote political change in the Arab countries

Western efforts to bring about political reform in the Arab countries have a long history. The first episode took place in the wake of World War I, when Wilsonian principles of self-determination fed the British-fomented Arab revolt. The second episode was in colonial times, when colonial powers declared a mission of political civilization - with or without a mandate from the League of Nations. The

third episode came during the Cold War years, when Western countries pressured, boycotted and ousted pro-Soviet Arab regimes to protect and expand the "free world" sphere of influence.

The policies for democracy promotion in the Middle East inaugurated by Western countries in the early 1990s and the present US drive for regime change are part of this long sequence. But they differ deeply from one another. As will be argued in the following sections, while democracy promotion policies are consistent with the substantive meaning of democracy, the imposition of regime change is clearly incompatible with the spirit of democracy.

Historically, Western efforts to bring about political change in the Arab world were based on a strategic vision and more short-term political interests (on which the US and the Europeans often differed). In current Western policies to promote democracy in the Arab world, the unstated assumption seems to be that the significant difference between now and colonial and Cold War times is that the regimes preferred by the West today are also those preferred by the majority of the Arab peoples. This assumption cannot be taken for granted and, as a consequence, Western policies are not that easy to implement.

A useful precedent is the anti-Ottoman alliance between the pan-Arab nationalist elites of the Arab provinces, the Hashemite tribal aristocracy and the (British and French) allied powers. The short-lived Arab Kingdom established in Damascus wanted to be "civil, constitutional, decentralized and protect the rights of minorities"[1] and, on its behalf, Feisal signed an agreement (6 January 1919) with Chaim Weizman accepting the establishment of a Jewish homeland in Palestine. Thus for a few precious years the political objectives of local Arab elites and Western powers converged and were supported by some common political values: nationalism, self-determination, liberalism and peaceful conflict resolution. In 1920, the convergence ended because Western powers found the Arabs "not yet able to stand by themselves under the strenuous conditions of the modern world" and established the mandates.[2] However, the history of the "Arab awakening" - as Antonious called it - tells us that the combination of anti-*status quo* Western powers and emerging Arab elites is the recipe "to win the hearts and minds" of Middle Eastern peoples when it is based on compatible political goals and shared political values.

Is this the case today? What are the shared goals and values that currently underpin Western requests for political reform in the Arab countries? Where are the Arab elites that can credibly lead the reform process?

Today the recipe is difficult to implement: not only are the interests of Western powers divided, but the only organized anti-*status quo* groups in Arab societies seem to be the Islamists. Moreover Western countries and especially the US have a "strong credibility gap" as democratizers [Ottaway 2003] because of their long-standing support for Arab autocracies (which has not ended with 9/11 and the Iraq war: Carothers 2003; Merip 2003), their double standards in managing regional security (from regional conflicts to nuclear proliferation) and the perceived instrumental use of democracy promotion pressure against regimes failing to fall in line with Western policy requests.[3]

3. Political reform towards what kind of democracy?
Local political activism, intellectual debates and even opinion polls confirm that there is a clear demand for democracy in the Arab world.[4] On the other hand, democracy is the final goal envisaged by democracy promotion policies adopted by the US and the EU since the early 1990s [Carothers 200; Gillespie 2002; Bicchi forthcoming]. This convergence of vision disappears, however, when it comes to the meaning and content of democracy, let alone the ways, timing and responsibility for

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[1] Requests of the Syrian General Congress, 2 July 1919 [Rossi 1944,. p. 75].

[2] Art. 22 of the League of Nations Covenant regulating the mandates.

[3] K. Fleihan "US democracy program draws criticism", *Daily Star* (Beirut), Dec 12, 2002; "Slapping Egypt's wrist", *The Economist,* Aug 22, 2002.

[4] "Muslim opinion polls", *The Economist,* Oct 17, 2002; Palestinian Center for Policy and Survey Research *Index of Polls conducted between 1993-2000,* as accessed on 15 May 2003 at www.pcpsr.org/survey/index.html; Center for Strategic Studies *Poll # 23: Democracy in Jordan / 2000,* as on 15 May 2003 at www.css-jordan.org/polls/index.html.

democratization. If democracy is indeed to become a shared goal for Western and Arab elites, some clarification is in order.

The debate about the meaning of democracy in the Arab (and Muslim) world at large is often deadlocked by arguments and counterarguments about the cultural compatibility between Islamic and democratic values, a debate interlocking with the political dilemmas about "allowing" the Islamists into electoral competition or "letting" Western values contaminate local authenticity. Although necessary, these debates are loaded with beliefs and political preferences and, therefore, perpetuate ideological biases and do not help to forge a common ground. They contribute more to creating a Middle East exceptionalism than to overcoming it.

Possibly a less value-loaded approach is to conceptualize democracy as an entity composed of two distinct elements: "freedom from" and "freedom to" [Sartori 1995][5]. The former means freedom from tyranny and consists primarily of the structural and legal means to limit and control the exercise of power. It equates with the form of liberal constitutionalism. The latter is what an empowered people "wills and demands", that is the actual policy contents processed through the liberal democratic political form. The liberal constitutional form, that is the unique blend of institutions and procedures that guarantees the substantive exercise of the "freedom to", is the universally exportable element. This is because the core support for the liberal political form does not come from Western concepts of individual freedom and rights but from a universal *harm-avoidance aspiration* (i.e. to be free from harm to one's life, health and well-being). Instead, country specific contingencies and cultural beliefs play a greater role in determining what is to be decided (that is: contents); therefore the "freedom to" component of democracy cannot be the same everywhere.

If these postulates are acceptable, then the way to approach "the Islamist dilemma" that has hindered democratization in the Arab countries is clear (although not simple): politically, it requires the integration of Islamists subscribing to democratic rules in a truly pluralistic political game; culturally, it requires the development of Islamic values into policy contents to be processed through the liberal political form [Guazzone 1995; Hudson 1995].[6] The latter process may take two forms: *religious secularization*, as in Turkey, with its long dated attempts to reconcile secularism and Islamic values in politics, or *religious reformation*, which is the subject of a rich ongoing debate in the Middle East and beyond about the need to bridge Islam and Western values on the basis of an evolutionary interpretation of religious sciences [Sadri 200]. This process will inevitably be long - as always in the cultural realm - but it is already under way and, if an effort is really to be made to promote a liberal Islamic alternative, needs to be realistically supported by the West - as is the case with Europe's involvement in Khatami's "Dialogue of civilizations".

Finally, the conceptualization of democracy as a composed entity allows for a better approach to sequencing and timing. As Sartori notes, nations coming to democratization late are disadvantaged since they are expected to "catch up" quickly and fully. Historically, however, it cannot be overlooked that liberalism predates mass democracy by about two centuries. This does not mean that Arab liberals will have to wait that long, but it means that political reform should concentrate on democracy fundamentals and not waste efforts on mimicking Western policies. In the case of today's Arab countries, the shared goal of Western and Arab democratizers should be to build country-tailored processes of political reform that ensure liberal constitutionalism in its contemporary variant, i.e. measured by the eight constitutional guarantees defined by Robert Dahl.[7]

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[5] Our arguments in this section are based on Sartori's conceptualization as summarized in Sartori 1995.

[6] We are aware that this path is rejected by many in the West and in the Arab countries, especially in the light of the prevalence of Arab Jihadism in the second part of the 90's which led, inter alia, to 9/11. In short our argument is that, to the contrary, *because of Jihadism* Islamic liberalism must be supported wherever it exists.

[7] Dahl's guarantees are: 1) freedom to form and join organizations; 2) freedom of expression; 3) right to vote; 4) right of political leaders to compete for (electoral) support; 5) alternative sources of information; 6) eligibility for public office; 7) free and fair elections; 8) institutions for making government policies dependent on votes or other expression of preference [Dahl 1971, p.3]. Note that Dahl's definition does not include democratic features that may be given for granted, such as universal suffrage.

4. The rationale for democracy promotion and double standards

Against this backdrop, how can a credible and effective Western policy of democratization be construed? To respond to this question, one can start by asking what it is that gives rise to Western democratic activism today. Why is the West promoting democracy so actively in the Arab world (and elsewhere) - whether it be true democracy or not? In the past, Western efforts to introduce political change in the Arab countries had ideological as well as political motives. Today, while the ideological motives may be similar to those of the past (Wilsonian principles, "civilization", modernity, and now democracy), the political motives are obviously different.

If we look at political motives, we see that Western policies to promote democracy are predicated on the strong belief that the expansion of democracy in the world works as a strategic factor in strengthening international security and prosperity, globally and, in particular, for the West. The argument is that democratic regimes, replacing authoritarian (broadly corrupt and incompetent) ones, would be inherently bent on liberalizing economies and conducting cooperative, non-aggressive foreign policies.

Thus, the policies to promote democracy have an idealistic background. At the same time, they promote substantive interests. To a large extent, the nexus between democracy and security is an argument stemming from the importance assumed in the Western world by liberal and neo-liberal theories of international relations as opposed to conventional realism. However, governments happen to use the idealistic rationale of liberal and neo-liberal theories as an ideological vehicle to pursue their real and conventional interests. This interplay of idealism and realism affects many Western policies. In particular, however, it affects those devoted to promoting democracy (by embedding in them a drift towards double standard).

If we now go back to the question of building a credible and effective Western policy to promote democracy, two points deserve consideration: (a) the double standard inherent in these policies, just mentioned; (b) the extent to which the basic nexus between democracy and security (prosperity and peace) really works.

What the previous sections suggest is that, in order to be credible and effective, the West should abstain from holding a double-standard attitude towards the Arab world and, more in general, non-Western countries. Double standards can take different forms. With respect to democratization, one important form is support for the stability of authoritarian regimes vs. support to democratic reform. Another significant form of double standard concerns support to democratic constitutionalism while opposing the substantive choices democratic institutions may bring about.

If we limit ourselves to commenting on the latter form of double standard, it is clear that in order to gain credibility and become more convincing, Western policies of democracy promotion should in principle respect both elements of democracy: the institutional element (the institutional forms to achieve consensus) as well as the political one (values and goals that peoples choose by means of constitutional forms).

Western activism to introduce liberal constitutionalism - more broadly speaking, pluralist and liberal polities - seems acceptable and is likely to be welcomed by people in the Arab countries. By the same token, the support the West provides to non-liberal, authoritarian regimes to foster its political interest in short-term stability does not seem acceptable and may easily be in contradiction with the alleged aim of promoting democracy.

By contrast, Western activism aimed at introducing values and goals because of their reputed democratic significance is not acceptable. This activism can hurt, delay or prevent transitions to democracy. Doubtless, it may well happen that there is coincidence or convergence between values and goals, as in the case previously pointed out of the short-lived Damascus Arab Kingdom. If this convergence or coincidence is not there, however, Western activism can only complicate rather than solve problems. From another perspective, it is clear that attaining coincidence or convergence is a

fundamental political and diplomatic goal in order to couple democratization in the Arab countries with security in the West.

In conclusion , the main political requirement for the credibility of Western democratizers in the Arab world is to respect both components of democracy, not only the "freedom from" element. Imposition of the type of regime to be achieved, the specific stages to reach or the contents to be achieved is not respectful of liberal political form. Thus, for instance, the acquiescence of European powers in the Algerian coup of 1992 had nothing to do with democracy promotion, nor does the preventive exclusion of the Islamist component from the political reconstruction of Iraq or the imposition of a trusteeship on Palestine. In the same perspective, "regime change" as enforced in Iraq with the Spring 2003 military campaign is by definition a policy that, at least from a normative point of view, is not respectful of liberal political form and substance.

5. Democracy and security: checking nexuses

The Western argument linking democracy to security is predicated on a set of nexuses that basically suggests that a democratic regime will, by its very nature, be at peace with other countries and thus pursue liberal policies in the economic as well as other fields. These nexuses cannot be taken for granted. They need to be qualified and are, in fact, still being debated by international relations theorists with no firm results.

In any case, the conclusions pointed out in the previous section suggest that the same democratic form can legitimately bring about different choices and promote different goals and values. While these different choices have to be respected from a normative point of view in order to make Western policies of democracy promotion credible, they can collide with security, the early mover of Western policies to promote democracy. Western support for authoritarian regimes, lest undemocratic Islamist extremism becomes empowered, and strong hesitations in implementing conditionality are examples of how Western security and its democracy promotion can collide. Thus, the nexus between democracy and security requires elaboration. This nexus is at the heart of the matter and deserves throughout consideration. In this paper, we will limit ourselves to a few points.

In its essence, democracy remains what it came to be in Athens during the fifth century B.C. , that is a way to solve conflict and overcome the polarized world of tragedy through the use of dialectics. Conceptually, however, the basic aim of a domestic democratic regime to solve conflict peacefully and the foreign policy of this same regime are not the same thing. A democratic regime is by definition dedicated finding a peaceful resolution of domestic conflict in the polity by means of appropriate dialectical means, widespread checks and controls, guarantees and freedoms as well as by building up capabilities. Not necessarily, though, is it also dedicated to peace and cooperation abroad. External conflict may even be functional to solving internal ones. By the same token, there is no stringent relationship between the democratic character of a nation and its aggressiveness, its desire to dominate or to use violent means to assert its own perceived interests abroad. In principle, democracies in themselves are not inherently peaceful. In this sense it would be wrong to believe that if a country becomes democratic it becomes peaceful as well. A democracy moved by strong nationalist feelings, as many European countries were before the First World War, may even be less cooperative and peaceful internationally than an authoritarian regime, like today's Egypt.

Nonetheless, it would be wrong to overlook that there is a correlation between domestic democracy and peace. Still, it comes from two relatively recent developments that took place in the West, particularly in Western Europe, after the end of the Second World War because of the interplay of a number of factors. The approximation of Western Europe to Kant's model of *pax perpetua* does not stem only from the emergence of democratic regimes in individual European countries, but also from the virtuous combination of developments in domestic democracy, liberal economy and international institutions. It may be that the American umbrella - supposedly allowing Europe to become a "paradise" of political irresponsibility (as conservative American thinkers now say to redefine what François Dûchène construed as the emergence of a "civilian power") - has to be added to the equation. Whatever the true substance, the European experience provides the right framework for correlating democracy and

security, in that it stresses the need for the simultaneous emergence of domestic democracy, economic liberalization and international law.

Returning to our topic, if the right correlation is the one just pointed out, this means that Western policies to promote democracy in the Arab world should promote, at one and the same time, economic liberalization and the strengthening of international organizations in an integrated policy blueprint. In this perspective, failing to comply with international law is another case of double standard: it damages the credibility of Western policies to promote democracy, weakens liberals in the Arab countries and reinforces public support for authoritarian regimes. In conclusion, the establishment of democracies domestically is a necessary. but not sufficient condition for implementing what is called "democratic peace" (democracy in an inter-state context) between the West and the Arab world - or the Third world more generally. Democracy must be connected to a set of international conditions, in particular the strengthening of a cosmopolitan legal organization. In isolation, the promotion of democracy cannot succeed and, consequently, cannot deliver security to the West.

Another correlation that deserves to be taken into account is the one between democracy and ideologies such as nationalism or socialism. As already said, a strongly nationalist democracy may not be a positive factor for international cooperation. Whether dressed up as democratic or authoritarian, nationalism has played a fundamental role in the political dynamics of the Middle East and is the source of disastrous unresolved conflicts in the region.

There are plenty of examples in contemporary international relations of situations in which policies to promote change, reconstruction and democracy are frustrated by the lack of a political solution to the national conflict (Kosovo, Bosnia, historical Palestine). While the establishment of a democratic regime can broadly help conflict resolution to emerge, the dynamics of democratization may be seriously obstructed unless a political solution to the conflict is found. In this sense, while the West (and Israel) generally sees the lack of democracy in the Arab countries and Palestine as the main cause of the Israeli-Palestinian (and Arab) conflict, to a large extent the reverse is true: a political solution to the conflict would help democracy emerge in the region and, on the other hand, render Israeli democracy less nationalist.

In general, democracy promotion will be facilitated by successful negotiations on national conflicts, just as conflict resolution will be facilitated by successful political reform. However, democracy promotion should not be regarded directly as a conflict resolution tool. While democracy has to be promoted in the longer term in the framework of conflict prevention, outstanding conflicts must be tackled in the short term with conflict resolution policies. There can be interplay between longer and shorter term conflict prevention and resolution. In terms of security, however, the West should not confuse the various instruments and timeframes.

6. Conclusions

There is consensus that trends towards democracy in the Arab world are weak. According to analysts, the West is contributing to that weakness by pursuing ambiguous policies of democracy promotion. At the end of the day, these policies do more to promote the stability of the authoritarian regimes presently in power than to promote democracy. Hence the need to rethink Western policies aimed at promoting democracy in the Arab world.

In this perspective, this paper has tried to set out a normative view on democracy promotion to make this policy more credible and acceptable to the parties concerned – consequently, more feasible and effective.

The paper discusses two main features of Western democracy promotion policies: (a) the need to avoid double standards; (b) the need to consider democracy promotion in a wider context of conflict prevention vs. conflict resolution.

In relation to the former, the paper holds that Western policies should be aimed at consolidating and promoting constitutional forms, while abstaining from interfering when those forms bring about choices predicated on values and goals different from those expected or preferred by the West. This

attitude is fundamental to prevent a double standard and its multiple manifestations. In other words, in order to rebuild their credibility as democratizers, what Western countries need is a more transparent articulation of the nexus between their ideals and their interests in the region, embedded in the 'no double standard' approach just described.

In relation to context, provided that nexuses between democracy, peace and development are far from automatic, democracy promotion should be regarded mostly as a structural, long-term conflict prevention policy in which successful conflict resolution, economic development and international organizations have to be pursued simultaneously to bring about democracy. These days, democracy cannot be conceived in isolation, but only as part of a more complex set of political, institutional and economic conditions.

Besides these broad conclusions, more specific policy recommendations for democracy promotion in the Arab countries can be drawn from the paper. In particular: a) democracy promotion policies must be redesigned to engage the liberalized autocratic Arab regimes that have circumvented previous attempts at democratization; b) democracy promotion policies should be tailored more to the specific countries, in particular as regards sequencing (constitutional guarantees first) and the social segments that should be engaged as partners in democracy promotion (i.e. civil society and counter elites are not the same everywhere); c) the Islamist dilemma - that is the integration in the institutional political arena of Islamist political movements which abide by liberal rules - can be approached with a twofold strategy of political support for Arab governments that allow for controlled integration, and cultural support for the advocates of Islamic reformation.

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Istituto Affari Internazionali

Conference on

TASKS FOR TRANSATLANTIC COOPERATION

PEACE-, INSTITUTIONS-, AND NATION-BUILDING IN THE MEDITERRANEAN AND THE MIDDLE EAST

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PAPER BY

TIM NIBLOCK
"Reconstruction and Economic Development in the Middle East
in a Transatlantic Perspective"

[Note: this is an initial draft only. Not for quotation]

1. Perspective: Similar US/EU Objectives?

The focus of this paper is on the strategies which the EU and US are intent on using to bring about economic development in the Middle East. The central issue is whether the EU and US strategies are mutually compatible and, if so, whether they should be carried forward within an explicit framework of EU-US cooperation and coordination.

Despite the economic concern, much of its content of the paper is political rather than economic. There is good reason for this. Both the US and the EU appear to be convinced at present that political change must accompany any coherent attempt at economic development in the region. EU policy over a prolonged period, but especially since the Barcelona Declaration of 1995, has insisted on the importance of political change. The Declaration deftly interlaces the economic and political, calling for a "strengthening of democracy and respect for human rights, sustainable and balanced economic and social development, measures to combat poverty and promotion of greater understanding between cultures"[1], where these different elements are conveyed as being mutually-dependent. The EU approach to economic and political development in the Mediterranean reflects wider EU policy,[2] and indeed the MEDA Democracy Programme has now been integrated into the wider-ranging European Initiative for Democracy and Human Rights (EIDHR).

The US Millennium Challenge Account, initiated by President Bush in March 2002, similarly fuses economic and political concerns – although in this case within the framework of global policy, and not specifically related to the Middle East. In his speech to the Inter-American Development Bank on 14 March, President Bush said: "Good government is an essential condition of development. So the Millennium Challenge Account will reward nations that root out corruption, respect human rights, and adhere to the rule of law".[3]

This agreement on the importance of political change, as a necessary basis for coherent economic development, is in itself an indication of some complementarity in EU and US policies on economic development in the Middle East. The paper will investigate whether the initial similarity of approach is reflected in common conceptions as to how policy should be carried forward. Any differences in how Middle Eastern states are likely to perceive EU as against US policies is also relevant. On the basis of these considerations, the scope for cooperation and coordination will then be assessed.

2. The Content of Policy: Economic Restructuring, Democracy and Good Governance

The basis of comparison in what follows will be focused on the policy-frameworks which were mentioned above: the Barcelona Declaration and its subsequent elaborations (including the association agreements

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[1] "Barcelona Declaration", adopted by the Euro-Mediterranean Conference, 27-28 November 1995, available at
http://europa.eu.int/comm/external_relations/euromed/bd.htm
[2] See
[3] "Millennium Challenge Account: a Presidential Initiative", August 2002, available on the website of the MCA, at
MCA@mca.gov

with individual Middle Eastern states) for the EU, and the Millennium Challenge Account for the US. These sets of documents clearly represent the current thinking on the two sides as to the political/economic requisites for economic development in the region (and elsewhere, in the case of the MCA).

There are in fact many respects in which the strategies put forward by the two sides are similar. With regard to the economic agenda, there is the obvious emphasis on the need for states to carry out significant measures of economic liberalisation. This, indeed, is put forward in both strategies as the critical foundation on which economic development can proceed. The Barcelona agreement places this within the context of the creation of the Euro-Mediterranean free trade which the declaration envisages, saying that this necessitates "the pursuit and the development of policies based on the principles of market economy", with "the adjustment and modernisation of economic and social structures, giving priority to the promotion and development of the private sector.."[4] The MCA is geared towards helping countries which have a record of commitment to effective development policies, and the key economic criterion here is whether a country has been "pursuing sound economic policies that stimulate enterprise and entrepreneurship – promoting open markets, sustainable budgets, and opportunities for economic growth".[5] In President Bush's March 14 2002 speech, he told his audience: "Sound economic policies unleash the enterprise and creativity necessary for development. So we will reward nations that have more open markets and sustainable budget policies, nations where people can start and operate a small business without running the gauntlets of bureaucracy and bribery".[6]

There is clearly some difference in perceptions of what is required to make possible the freeing of markets. As would be expected of a programme which will have significant economic and social effects on the EU, and which has been developed jointly with southern and eastern Mediterranean governments, the Barcelona framework gives greater emphasis to defusing any negative effects which may flow from economic liberalisation. Whereas the US document suggests a rather simplistic faith in free enterprise, the EU tends to encase its prescriptions for free trade and economic liberalisation in recommendations for infrastructural development, measures to provide support to disadvantaged parts of the population, training and re-training for key groupings, and measures to protect the environment.[7] Nonetheless, there is no incompatibility here. It is worth noting that the MCA also recognises the significance of strengthening the social infrastructure of the states concerned. One of the three main criteria for eligibility for MCA funding, indeed, is "investment in people", covering "adequate health care, education, and other opportunities that sustain an educated and healthy population".[8]

Turning to the political agenda, there is again significant similarity. Both sides have encountered similar problems in moving from declaratory pronouncements favouring democracy to the actual achievement of democratic change. The pronouncements themselves, not surprisingly, have much in common. In the Barcelona Declaration the EU ensured that the signatories agreed to "develop the rule of law and democracy in their political systems" and to "respect human rights and freedoms and guarantee the effective legitimate exercise of such rights and freedoms, including the freedom of association for peaceful purposes and freedom of thought, conscience and religion". President Bush, on his side, has talked of the

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[4] Barcelona Agreement, *op. cit.,* section on "Economic and Financial Partnership: Creating an Area of Shared Prosperity", sub-section (a).

[5] Nowels, L., "The Millenium Challenge Account: Congressional Consideration of a New Foreign Aid Initiative", Report for Congress, Congressional Research Service, Library of Congress, 3 January 2003

[6] "Millenium Challenge Account: a Presidential Initiative", *op.cit.*

[7] As an example of this see MEDA, "Euro-Med Partnership: Regional Strategy Paper 2002-2006, Brussels 2002.

[8] Nowels, *op.cit,* p.1.

US promoting "moderation, tolerance and the non-negotiable demand of human dignity – the rule of law, limits on the power of the state and respect for women, private property, free speech and equal justice".[9]

Yet there has been a widespread recognition on both the EU and the US sides that punitive measures or negative conditionality are neither practical nor effective in promoting democracy – although the US has been prepared to use sanctions more freely than has the EU. Pronouncements favouring democracy may bring encouragement to those struggling for democratic rights within Middle Eastern states, but they also enable regional governments to defend themselves as the protectors of local customs and culture against foreign pressures. The realities of international politics, moreover, have meant that direct pressure for regime change (with the intended institution of a democratic government) will not be applied on governments which are regarded as friendly and/or strategically critical – which in practice applies to most of the regimes of the area. Despite the fears of some southern Mediterranean countries, and the hopes of some democracy activists, then, the EU has not used heavy-handed means to promote its democracy agenda. Where the US has imposed sanctions, the issues have generally related more to issues of terrorism and weapons of mass destruction than to democracy or human rights.

Having generally ruled out punitive measures and negative conditionality (economic sanctions) to promote the political changes which are deemed necessary, the EU and US have both relied on two alternative approaches. The first has been to promote the idea of partnership, where the EU/US offer to establish a relationship with the Middle Eastern/Mediterranean country concerned, based on mutual benefit. Channels are created within the structure of that relationship, which can be used to press for political and economic change. This constitutes the central thrust of the Euro-Med strategy, establishing a "comprehensive partnership among the participants...through strengthened political dialogue on a regular basis, the development of economic and financial cooperation and greater emphasis on the social, cultural and human dimension, these being the three aspects of the Euro-Mediterranean partnership".[10] The signatories to the Barcelona declaration agree to "conduct a strengthened political dialogue at regular intervals, based on observance of essential principles of international law..."[11] The association agreements concluded since the declaration all establish Association Councils, composed of representatives from both sides, whose duty it is to oversee all aspects of the relationship – political, cultural and economic. The main channels for influence, however, are the ongoing meetings between EU officials/leaders and government personnel from the southern/eastern Mediterranean state concerned. The European Parliament and bodies such as the Euro-Mediterranean Human Rights Network (a EU-financed NGO) play a role in ensuring that EU bodies act on the Barcelona principles. Youngs has demonstrated that in some cases the EU has indeed been able to influence policy for change within this framework:

> The discourse on democracy was not without impact, as Mediterranean governments come to perceive a greater need to legitimise their actions in terms of the idea or norm of democracy. Despite the absence from European policy of any punitive coercion, Mediterranean governments complained that the EMP was increasingly constraining precisely because of the "imposed" democratic discourse.[12]

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[9] Bush, George W., "Our Power to Change the World", The Guardian, 12 September 2002. The article originally appeared in the New York Times.

[10] Barcelona Declaration, *op. cit*, preamble.

[11] Barcelona Declaration, *op.cit.*, section on "Political and Security Partnership".

[12] Youngs, Richard, The European Union and the Promotion of Democracy: Europe's Mediterranean and Asian Policies (Oxford University Press, 2001), p.92.

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Nonetheless, Youngs also shows that the prospect of southern and eastern Mediterranean countries becoming "entrapped" through this democratic discourse – in other words finding themselves forced to democratise further than they had intended – was remote. Such reforms as were carried through were often tactical concessions rather than substantive openings to the creation of a civil society.

While the partnership concept is particularly associated with the EU (at least as far as the Mediterranean is concerned), it is important to recognise that it figures prominently in the US's Millennium Challenge Account. The latter is described as signalling "a new relationship between donors and recipients. Implementation will be based on a genuine partnership between the United States and the recipient country".[13] Every contract between the US and a recipient country, indeed, would be conceived as a contract. The recipient country will be responsible for guaranteeing open private sector and civil society involvement in developing and implementing the contract; maximising the development impact of the aid given; ensuring an open and unbiased process for identifying projects; making it clear that the responsible actors within the country will be held accountable for performance; and monitoring and assessing activities. The US government, for its part, would be responsible for providing technical assistance relative to development planning; disbursing the funds effectively; and monitoring progress towards the goals promoted by the MCA. It should be noted that the partnership described here is phrased primarily in terms of the economic objectives, whereas the Euro-Med partnership gives rather more emphasis to political issues. There is, moreover, as yet little indication of the institutional infrastructure through which non-economic issues could be pursued. The "goals promoted by the MCA", however, do include the political dimensions which were mentioned above.

The second means by which both the EU and the US have sought to promote political and economic change has been through identifying clearly the elements which are in need of change. This strategy has fitted well with the partnership strategy just discussed, in so far as the foci for discussion and pressure are made explicit. For the EU side, the MEDA programme has been the main channel through which concrete targets on the economic side have been identified. MEDA's Regional Indicative Programme 2002-2004, for example, covers the measures which need to be taken to make the Euro-Med Free Trade Zone a reality and to make sure the Association Agreements achieve results (including helping southern and eastern Mediterranean countries develop trade among themselves as well as with the EU, and providing training for public administrators); to promote regional infrastructure initiatives in transport, energy and telecommunications; to enhance the sustainability of Euro-Mediterranean integration through protecting the environment, increasing opportunities for women in economic life, and providing education and training for employment; to strengthen the rule of law and good governance; and to bring the Euro-Med partnership closer to the people.

As for the US, the Millennium Challenge Account specifies the elements which constitute good performance, and which will therefore determine which countries will enjoy funding. The categories covered relate to governing justly, investing in people, and encouraging economic freedom. Under "governing justly", six indicators are provided: civil liberties (as assessed by Freedom House); political rights (again assessed by Freedom House); voice and accountability (using World Bank Institute indices); government effectiveness; the rule of law; and the control of corruption. Under "investing in people", there are four indicators: public expenditure on health as a percentage of GDP; the immunisation rate for DPT and measles; the total public expenditure on primary education as a percentage of GDP; and the primary

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[13] Millenium Challenge Account, "Background Paper: Implementing the Millenium Challenge Account", February 5, 2003. Accessed on the MCA website, *op.cit.* The information which follows in the paragraph is taken from the same source.

school completion rate. "Encouraging economic freedom" has six indicators: the country credit rating; the rate of inflation; the budget deficit as a proportion of GDP; the number of days it takes to start a new business; the openness to international trade; and the regulatory quality rating (i.e. measuring the burden on business arising from regulations and bureaucratic corruption).[14]

While US and EU policy-makers have been engaged in a similar process with regard to highlighting key elements for economic development, it will be noted that there is a substantial difference in character between the two. The EU agenda, rooted in the practical circumstances of the Mediterranean region with which it is dealing, is constituted by measures aimed at improving the current situation in all the countries of the region – whether they are currently performing well or not. The US agenda is to identify countries which are both poor and worth helping, and focusing all of the developmental effort on these. This is a critical difference between the two approaches. The first stage of the US MCA, in fact, will be of little relevance to the Middle East. Only countries with an annual per capita income below $1,435, are eligible to receive funding, and the only Arab countries which fall into that bracket are Yemen, Sudan and Mauritania. None of the latter countries, moreover, are considered likely to attain the levels required for selection as a "best performer".[15]

3. The Political Context for Ongoing Policies

Before moving towards conclusions about the possible scope for EU/US cooperation or coordination in reconstruction and development strategy in the Middle East, reference must be made to the new political parameters brought about by the Iraq war. The dynamics of regional politics are clearly relevant to an assessment of the advantages and disadvantages of EU-US cooperation in this field.

On the one hand, the new regional context appears to provide new opportunities. The possibility of significant political and economic change is now greater than before. The regimes of the region face new challenges to their legitimacy. The record of authoritarianism, with all its weaknesses and injustices, has been made public, and the social, political and economic effects of authoritarianism have been made explicit. Among populations there is a general mood that most of the existing regimes are devoid of legitimacy, lack the ability to bring about effective economic restructuring, and need to be replaced by regimes which are accountable to the populations, reflective of the values inherent in society, and purged of corruption and nepotism.

Yet, before accepting the conclusion that now is the time for a concerted EU/US attempt to bring about economic and political change, some further dimensions of the contemporary situation need to be considered. First, popular criticism of Middle Eastern governments does not necessarily translate into support for external involvement. Indeed, part of the anger currently directed by Middle Eastern populations towards their own governments stems precisely from the perception that they have failed to resist such involvement. There is likely to be increased sensitivity to external pressures, especially those coming from the US and/or Britain.

Second, a critical need within the Arab world at the moment is for governments to find new bases of legitimacy. It is crucial that the economic and political strategies which the governments of the region pursue strengthen the basis of legitimacy rather than undermine them. The concept of legitimacy has both

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[14] The information in this paragraph is taken from the testimony of Treasury Under Secretary John B. Taylor before the Senate Committee on Foreign Relations, March 4, 2003. Accessible at http://www.treasury.gov/press/releases/js80.htm
[15] Nowels, *op.cit.*, pp.12 and 24.

domestic and international dimensions, and the practical reality is that a power which shows a failure to respect one dimension of legitimacy will not be taken seriously when it promotes the other dimension. In the past, the Arab states have themselves suffered from this problem. The appeals made by Arab regimes for international legitimacy to be upheld on issues relating to Palestine have been undermined by their own lack of constitutional legitimacy. The issue now relates to the Western side. The legitimacy of the military action undertaken by the United States and Britain is widely questioned within the region, as well as outside. Pressures coming from these sources may be more effective than before, but may also be perceived as being less legitimate. The dynamics which relate to EU policies in the region are likely to be rather different from those affecting US policy.

Third, the ability of external powers to exert influence on the Arab states of the Middle East is inevitably closely linked to developments in Palestine/Israel. How the US and EU are perceived in the near future will depend on progress in the implementation of the Road Map. For the moment, EU and US policies appear to be aligned, given that the Road Map emerged from the collaborative setting of the Quartet. The continuation of this alignment, however, is not assured. The advantages of reconstruction/development policies operating within a collaborative context will clearly be affected by this dynamic.

4. Conclusion

This paper has shown that US and EU strategies for reconstruction and development in the Mediterranean and Middle Eastern region have much in common. There is no deep ideological divide between the approaches taken. Each side can learn from the experience of the other as the process of political and economic change in the region advances.

Nonetheless, there is little to be gained, and much to be lost, by seeking to coordinate policies in this field. The similarity of the ideas underlying the Barcelona declaration and the Millennium Challenge Account masks some very real differences in objective and intent. These can be summarised here as follows:

1. The EU has a coherent policy aimed at creating a zone of cooperation and stability in the Mediterranean/Middle East. Critical EU interests (social, political and economic) require the success of this policy. While the US also clearly favours stability in the region, the US has a range of objectives which do not necessarily cohere with regional cooperation and stability.
2. The Millenium Challenge Account is geared to alleviating poverty in the world's poorest countries. In the Mediterranean/Middle East, the EU is seeking political and economic change from countries which are not necessarily poor. Indeed, the per capita incomes in some of the states is higher than that in some EU states. The dynamics of the relationship, and the character of the approach, will therefore need to be substantially different.
3. EU interests in the Mediterranean/Middle East require the maintenance of close and supportive relations with most of the countries in the Mediterranean. A policy which restricts support to a narrow range of countries, on the MCA pattern, would be damaging to the Euro-Med conception.
4. By its nature, the EU has to operate on the basis of clearly-specified legal frameworks. While these may at times inhibit its effective policy-making, the EU rightly projects the value of its legally- and constitutionally-bound model of political interaction. It is a model which can contribute to the Middle East's contemporary political development.
5. The perception that the US is currently intent on acting outside the framework of international legitimacy, in a manner prejudicial to Arab interests, will make it more difficult for local

populations/regimes to accept pressures for political and economic change. The EU has an interest, therefore, in keeping its own policies separate and distinct.

6. The partnership relationship which the EU has developed within the Euro-Med framework has been carefully constructed, showing a reasonable respect for the sovereignty of southern and eastern Mediterranean countries – yet leaving room for some pressure to be exerted. There is as yet no evidence that the conception of partnership put forward under the Millennium Challenge Account reflects a similar relationship. Given that the MCA is only applicable to countries which have already passed the test of acceptability (becoming described as "best performers"), there is little evidence that the US has thought through the implications of partnership with Middle Eastern states which maintain significantly different economic and political systems. The "axis of evil" approach, indeed, suggests clearly that this has not been done.

7. There remain significant foreign policy and strategic issues in the Middle East where the EU and US may not be in agreement. The attempt to coordinate development strategies in a context where there is such disagreement may convert differences into confrontations.

While the US and EU can learn from eachother's experience in reconstruction and development, and should recognise that they are both interested to promote political and economic change within comparable frameworks, therefore, their policies should remain distinct.

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PAPER BY

MOHAMMED S. DAJANI
"Palestinian Authority Reform: a Key Ingredient to Peace Diplomacy"

[DRAFT NOT FOR CIRCULATION]

[This paper discusses and analyzes PA reform of political, civil, and security institutions viewed by the international community as a key ingredient in Middle East diplomacy and as an integral component of peacemaking.]

Introduction

A major controversy erupted recently regarding PA reform which raised the following questions: Did Arafat promise PA reform out of personal convictions, to improve his public image, to consolidate his power, to blame others for his mistakes and failures, or due to domestic and outside pressures? What would give Arafat strong incentive to introduce genuine reform? Will President Arafat allow premier Abbas to succeed where he had failed? Why is Arafat using the language of reform? How much PA reform is needed? How much will be allowed? Would it be window dressing as some PA officials plan or a heart transplant as the Israeli and Americans hope or an overhaul for the whole system as the Palestinians aspire? What comes first: PA reform or peace settlement? Which constitutes the major impediment to a successful peace process: Lack of PA reform, as the Israelis affirm or continued Israeli occupation, as Palestinians maintain? Is PA reform a precondition for peace, a component of the peace process, or an unrelated issue to the peace process? Will resumption of final status negotiations detract or bolster PA reform?

The PA Reform[1] Agenda is to design a work plan for reform that is detailed, well-articulated, solid and feasible. The aim of PA reform is to establish a political system that is democratic, transparent, accountable, reliable, efficient, productive, stable, rational, and peace oriented. The objectives are to provide better public services, to ensure more productivity, to affirm rule of law, to acquire good functioning public management apparatus, to develop skilled resources in the civil service, to have an honest transparent and accountable government, to prevent waste of limited resources, to stamp out corruption, and significantly to restore public confidence.

The PA reform means different things to different people: For the PA, it means looking good facing the Palestinian public and the world. For Israel, it means resolving security problems by ousting Arafat and undermining the PA. Sharon's concept of "reform," "was to change the character and performance of the PA to solve Israel's security, and his own, political problems."[2] For the United States, it means empowering civil society, Arafat's marginalisation & eventual replacement, and emergence of more peace-minded leadership. For the Europeans, it means creating a modern viable transparent government. European donor countries have contributed substantially for the PA and so they want to be sure that their money is spent properly. Thus to them reform means transparency and accountability. For the Arab states, it means pursuing diplomatic efforts to resolve the Arab-Israeli conflict. For the Palestinians, it means

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[1] In this paper, I am using the term "Palestinian Authority Reform" rather than "Palestinian Reform" which is a misnomer since who is being targeted for reform in this case is the political system of the Palestinian Authority including its bureaucracy and the laws and regulations that govern its day-to-day activities rather than the Palestinian society as a whole as the term "Palestinian reform" may imply.

[2] **"Reform or reforming corruption?"** by Hasan Abu-Nimah • *Tuesday August 27, 2002.* **Palestine Independent Media Center.** Original article is at http://jerusalem.indymedia.org/news/2002/08/69146.php

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modernizing the government, enforcing accountability, transparency, and efficiency, and establishing strong sustainable democratic institutions.[3]

A number of factors spurred the current reform movement. Pressures for PA reform came from within and without. Domestically, the main reason was Palestinian dissatisfaction with the general performance of the PA, its inability to provide better public services, and the growing corruption within the public service. Calls for PA reform came from a wide spectrum of the Palestinian society, mainly, senior officials, legislators, security heads political leaders and activists, civic & non-governmental organizations, educators, academicians, and ordinary citizens. In the last few years a diverse group of Palestinian reformers has arisen; members of the Palestinian Legislative Council, prominent non-governmental organizations, intellectuals, scholars, and academicians. A public opinion poll conducted by the Palestinian Center for Policy and Survey Research in the West Bank and Gaza during 15-18 May 2002 showed that:

O 91% support fundamental changes in the Palestinian authority,
O 85% support the unification of the security services,
O 95% support dismissal of ministers,
O 83% support holding elections in the next few months,
O 92% support adoption of a constitution.
O But only 48% support, and 43% oppose, changing the Palestinian political system so that power would reside in the hands of a prime minister while the office of the president would become ceremonial.
O 83% believe that corruption exists in PA institutions
   89% support a democratic political system,
O 95% support periodic elections,
O 82% support the election of the head of the state for a limited period only, 85% support full freedom to form political parties,
O 82% support free press without state censorship,
O 78% support a judiciary independent of the executive branch

In his speech to the Palestinian Legislative Council on May 15th, 2002, PA President Yasser Arafat promised genuine PA reform conceding that "all administrative, ministerial, and security agencies had to be revamped after many of their flaws had been exposed". He asserted: "I insist that a new and full formula for the authority, its departments, and agencies be introduced so as to affect restructuring and reform on a stronger basis and to set up the state of Palestine." Following his speech, Arafat in June 2002 took action to confirm his seriousness on this matter
approving a series of measures to improve PA performance. But the measures taken proved to be "too little too late".[4] In an unprecedented move, the PA cabinet was pressured to resign.

In his speech before the Palestinian Legislative Council (PLC) on April 29th, 2003 outlining the work plan of his newly appointed government, Palestinian Prime Minister Mahmoud Abbas affirmed:

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3 See: May 13, 2002 Edition 17, www.bitterlemons.org: "Real reform means free elections" - by Ghassan Khatib [Palestinians have not forgotten Israeli attempts to impose an alternative, collaborative leadership against their will]; "With a little help from their friends?" by Yossi Alpher, [Palestinians need to sweep out the ills of Arafat's mafia rule because it serves their own interests--not ours].; "Reform and resistance" - by Jamil Hilal [What Sharon means by "reform" is a process of neutralizing Arafat. What Palestinians mean by "reform" is tidying the fight against occupation Reform for them is envisaged as the separation of powers, the promulgation of a modern constitution or basic law and the holding of presidential, legislative and local elections.].

[4] "The Meanings of Palestinian Reform," The International Crisis Group (ICG), Amman/Washington, 12 November 2002.

"The government will continue to implement and develop its reform plan - mainly the reform plan adopted by the legislative council through a joint committee between the council, the government and in cooperation with all relevant parties including civil society. The government will build the ministerial cabinet with professionalism and with work ethics that will improve the work of all executive authority institutions in order serve the public interest. One of the most important steps in this regard is the implementation of the financial and administrative components of the civil service law."

The general approach to peacemaking since the Oslo Accords in September 1993 has been that Palestinian internal affairs were irrelevant to peace diplomacy.[5] Since Yasser Arafat was viewed as the anchorman of Palestinian peace diplomacy, his authoritarianism and the corruption of his system was not only inherent in the deal but even welcomed, in the belief that an unrestricted authoritarian corrupt political system would do the most for maintaining Israeli security and serving Israeli interest. This division between foreign and domestic issues did not work. Ultimately, Arafat sought to deflect attention from his domestic nonperformance and the spreading corruption within all PA institutions and agencies by dumping in the sea of violence Palestinian dissatisfaction with his performance and anger at all the missed opportunities.

On more than one occasion, Israeli Prime Minister Ariel Sharon stressed that PA President Yasser Arafat is the leader of a "corrupt entity that must be reformed." He announced before the Israeli Knesset that his government will not hold any peace talks with the PA because "it is a corrupt dictatorial regime." He indicated that with a different PA- one that is more democratic and less corrupt- Israel would show more openness for concessions in the future. He specified two conditions for peace talks to be resumed: (a) a complete halt to terrorism; and (b) deep reforms and transparency in all areas of the PA. In their response to this demand, Palestinians affirmed that Sharon is unlikely to ever offer any concessions and that by shifting the focus to reform the PA, he is putting off indefinitely any negotiating process with them.

Internationally, The Europeans exerted much pressure on Arafat to adopt the reform agenda. The Rocard Report entitled "*Strengthening Palestinian Public Institutions*", prepared by a task force and released in June 1999, produced recommendations for the PA to reform its institutions. The report generated international and domestic attention and put much pressure on the pa to pursue reform more seriously. However, international calls for PA reform intensified following Arafat's failure to conclude a peace deal with Israeli Prime Minister Barak at Camp David in July 2000; his perceived decision to launch the armed uprising of *Al-Aqsa Intifada* in September 2000, and his inability or rather his unwillingness to put an end to violence targeting Israeli civilians and the military which Palestinians view as a justified "resistance to occupation".

On the American scene, Washington stressed its agenda of "reform-first sequence". The "Arafat Accountability Act" was introduced to U. S. Congress on May 9th, 2002. It called for:

1. Imposing sanctions on the PLO for its support of "acts against Israel".
2. Freezing PLO's assets in the United States.
3. Preventing PLO members, including Arafat, from entering the United States.

Although the act was not passed into law, yet it was a clear signal to Arafat of the hard times to come if he would not adopt the reform agenda. On June 24th, 2002, U. S. President George Bush, in a public statement identified two preconditions for the establishment of a Palestinian state:

1. "A new and different Palestinian leadership untainted by terror and corruption;

[5] "A Reward for Reform," by David Makovsky, *senior fellow* The Washington Institute for Near East Policy, *Washington Post*, July 10, 2002

2. An entirely new political and economic institutions."

The three phase-implementation roadmap, presented to Israel and the Palestinians by the U.S., provided details on this reform component.

On their part, the Quartet (US, EU, Russian Federation and the United Nations) underscored reform of PA political, civil, and security institutions as "an integral component of peace making." They emphasized "the critical need to build new and efficient Palestinian security capabilities." For that end, the Quartet established in July 2002 an international task force for PA reform. Its objective was "to develop & implement a comprehensive reform action plan for the PA." The PA reform task force was composed of the Quartet (US, EU, Russia, and UN), Norway, Japan, World Bank, and the International Monetary Fund. Its role was to monitor and support implementation of civil reforms, and to guide the international donor community in its support for pa reform agenda. The main objectives of its action plan were fourfold:

1. to highlight PA commitments,
2. to establish benchmarks,
3. to identify obstacles to reform, and
4. to specify areas for donor assistance.

Seven reform support groups worked to operationalize the reform plans and to monitor implementation. They covered the following fields, civil society, elections, financial accountability, judicial and rule of law, market economics, local government, and ministerial & civil service. The target spheres for Palestinian reform were the following:

1. Security reform
2. Constitutional reform
3. Economic reform
4. Judicial reform
5. Administrative reform
6. Governance reform
7. Elections & local governance reform

1. Security Reform

On the Security level, reform was needed to address the following problems:
O Multiplicity of security agencies
O Loose restraints on security actions
O No democratic accountability
O No legal framework to govern the structure and operation of security services
O Involvement in matters unconnected with security, such as tax collection, dispute resolution, and business.

Security reform aims at taking clear and unequivocal policies against violence & terrorism, making visible efforts to arrest and disrupt individuals and groups planning and conducting terror attacks, taking moves to dismantle the infrastructure that supports terrorism, and adopting concrete actions to end incitement. The Security reform agenda includes consolidating all different security agencies into one structure, one budget, and one chain of command. Also, to have security apparatus answer to a civilian authority where the Minister of Interior would have authority over all security functions, and to ensure that security heads have limited mandate, limited term of office, enjoy no special legal privileges, and are forbidden by law from getting involved in business, interfering in domestic politics, making investments for personal gain, and using the media to advance political careers.

Arafat still exercises complete control over the security organization.[6] The newly appointed Minister of State for Internal Security Affairs, Mohammed Dahlan, is expected to spearhead the war on terror by Abu Mazen's government against the armed militants from Hamas, Jihad Islami and Fatah. Dahlan is expected to collect illegal arms from these militants, rebuild the preventive security services appointing new commanders in the West Bank, and train a new security force to halt the armed *Intifada* (which   is   the   central   agenda   of   Abu   Mazen's   government).

2. Constitutional Reform

During the past century, constitutions have become an important hallmark of statehood and sovereignty throughout the world. Thus Palestinian constitutional reform aimed at drafting a modern constitution that is based on:
1. Principles of democracy
2. Political pluralism
3. Rule of law
4. Independence of judiciary
5. Protection of individual freedoms & human rights
6. Ability to constrain the authority of the head of state and to limit his tenure in office
7. Transfer of authority from the president to the prime minister

Efforts of Palestinian Constitutional reform efforts focused on two documents:

1. **The Basic Law** legislated by the Palestinian Legislative Council (PLC) to serve as a provisional temporary interim constitution to govern the Palestinian Authority. It was adopted by the PLC in 1997, however, Arafat ignored it because it limited his powers. But under mounting pressure to reform, Arafat approved it on May 29th, 2002 and went into effect on July 7th, 2002. Yet Arafat still ignores it. The basic law defined the character of Palestine as a parliamentary democracy, delineated its branches of government, and determined its capital, flag, citizenship requirements, and the role of religion. In its preface, it calls for the Right of Return for all Palestinians in the Diaspora. The Palestinians are not taking the Basic Law seriously since it has been on the books for more than a year "without visible result".[7]

2. **The Constitution of Palestine**, a permanent constitution for future State of Palestine. In its Declaration of Independence of 1988, the Palestinian National Council (PNC) called for "a democratic, secular constitution with a parliamentary government". In September 1999, the PLO Central Council (PCC) established the Constitution Committee, to draft a constitution. The Palestinian Authority is still working on a revised draft constitution for a Palestinian state that still needs to be completed.[8] This constitution is viewed by drafters as a document that would organize the future state, proclaim society's fundamental values & principles, and outline Palestinian positions on final status issues: refugees, borders, and Jerusalem.

The proclaimed main features of the Draft Constitution are its representative democracy and political pluralism, based on the rule of law; its parliamentary system; its establishment of three separate branches of government - Executive, Legislative and Judiciary; its system of checks and balances; its liberal orientation (emphasizes rights, accountability and gender equality); its legal mechanisms to ensure that

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[6] See: Ha'aretz, 15/6/2003, "Analysis / Accord still depends on Arafat", by Amon Regular.

[7] See: Nathan Brown, "Taking a Palestinian Constitution Seriously", 14/02/2003.

[8] The Constitution Committee which started its work on drafting this Constitution back in 1999, had modified its drafts many times, but the work is not finished yet. In February 2001, the Committee published the first official Draft Constitution in booklet form making it available to the public through internet publication and newspapers. The latest version of this constitution dates to April 22nd, 2003.

political authority are exercised through clear legal channels. However, in reality the Constitution confuses politics with law and contains much contradiction:

a. The Constitution includes policies not found normally in other constitutions such as: **Article 3:** "Palestine is a peaceful state, condemns terror, occupation and aggression; and **Article 13:** "The State of Palestine shall strive to apply the legitimate right of return of the Palestinian refugees to their homes".

b. The political system proposed by the Constitution is in reality neither parliamentary nor presidential system. **Article 8** states that: "The Palestinian political system shall be a parliamentarian representative democracy". However, the Prime Minister was appointed by the PA President[9] rather than elected by the people and the cabinet includes appointed ministers who are not members of the PLC. **Article 141** states that "half the members of the Council of Ministers at most shall be members of HOR". It is not a presidential system since power is shared between the President and the Prime Minister who in some cases have similar powers as the President. For example **Article 88** gives both the President and the Prime Minister the right to dissolve the House of Representatives.

c. Policy is normally made by the legislature in the form of laws and is carried out by the executive branch with the judicial branch supervising all breaches to the constitution. In this conception, administration is execution, carrying out the laws passed by the legislature with a clear distinction existing between legislative and administrative powers. The judicial restrains public administrators from unconstitutional, illegal, and arbitrary acts. In the proposed Palestinian political system, there is no separation of powers among the three branches of government and the three branches do not exercise check and balance. **Chapter 3, Article 64**, stipulates that the three public powers are independent: "The relationship among the three public authorities on exercising their powers, shall be of independence." However, one power, the executive branch, includes members of another, the legislative branch, and has the power to dissolve it; and it appoints members of the third, the judicial branch. **Article 88** states: "In case of necessity, the President of the State or the Prime Minister may propose dissolution of the House of Representatives before the Council of Ministers. If such proposal is being accepted by a two-third majority of the total membership of the Council of Ministers, the President of the State shall declare the House of Representatives dissolved". At the same time, the House of Representatives has the power to remove the Prime Minister.

d. While the Constitution protects the rights of the majority, it includes no article that would guarantee the rights of the Christian minority. **Article 7** states: "The principles of Islamic Shari'a shall be a major source of legislation." **Article 186** allows the Constitution to be amended by simple majority of people which may infringe on the rights of the minority who would have no say in such amendments.

e. True to the Arafati form of governing, the Constitution ignores the issue of the vice-presidency.

In sum, there still exists no ratified operational Palestinian Constitution that would make a statement of differences between legislative, judicial and administrative powers and which would prevent one branch of government (executive) to encroach upon the powers, functions, and duties vested in the other two branches of government (legislative ad judiciary). As a result in the Palestinian scheme of

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[9] On February 14th, 2003, PA President Arafat declared his approval for the institution of a prime minister's post. The Basic Law was amended to include this major modification.

government, law-making, law-implementing and law-interpreting entities are so far practiced by the Executive, and the PA President in particular.

3. Economic Reform

The PA reform on the economic and financial level is needed for many reasons including:

1. Opaque nature of PA finances
2. Finances are micromanaged by PA President Arafat
3. Large portion of PA budget in secret personal accounts
4. No PLC & MOF oversight of public expenditure & economic activities
5. No systematic policies on public expenditures
6. Weak internal audit
7. Hiring does not follow set procedures
8. No accountability & no transparency
9. Fiscal priorities favor security expenditures rather than health, social security, & education

The main objectives of the economic reform are to consolidate all public finances, to ensure MOF and PLC oversight of all public expenditure, to strengthen internal audit capacity, to establish the concepts of transparency and accountability as a matter of routine rather than an exception, and to obtain full public disclosure of PA budget & holdings.

Dr. Salam Fayyad who has been serving as the PA Minister of Finance since October 2002, has shown strong commitment to transparency and proper accounting practices instructing extensive audits of PA accounts. In January 2003, he submitted the first publicly disclosed PA budget that was approved by the PLC.[10] In late February 2003, he published a detailed report on PA financial and investment activities.[11] One important reform move he took was the direct deposit of police salaries in local bank accounts. This measure stripped Palestinian security chiefs of the control they had over their forces' pay, which helped them to collect salaries on the payroll for non-existing employees in order to build unaccountable fiefs. Complicating his work is Israeli withholding of PA funds as a tool to punish the Palestinian leadership and people for their resistance to the Israeli military occupation.

4. Judicial Reform

So far, PA President Arafat has failed to act on many pieces of legislation passed by the PLC. Thus judicial reform is important to establish a strong & independent judiciary, to create a new supreme judicial council, and to have state security courts abolished. Some initiatives ere taken to establish a new liberal legal framework and to pass some liberal laws. Under severe pressures and four years after the PLC passed it, PA President Arafat on May 18th, 2002, signed the Judicial Authority Law which established an independent and accountable Palestinian judiciary.

5. Administrative Reform

There is a general lack of managerial skills and knowledge in public administration management among PA civil servants. This prompted calls for PA administrative reform to address the problems of weak institutions, unclear procedures, duplication of functions, competing chains of command, weak

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[10] See: (http://www.mof.gov.ps); "Palestinian Seeks Reform by Following the Money", by JAMES BENNET, New York Times, January 1st, 2003.
[11] See: Al-Quds daily newspaper, "In the framework of Financial Reform: Fayyad publishes a detailed report listing PA trade and investment activities," March 1st, 2003, p. 1.

delegation of authority, inadequacy of formal procedures, insufficiency of information flows, inadequacy of routine audit, and the overweight civil service body.

6. Governance Reform

The primary focus of the PA efforts at governance reform at the present time focuses on the development of a new system of governance, and the building of local capabilities and a competent civil service necessary to meet future challenges of social and economic development in a democratic state. The reform priorities include the following objectives:

  O Strengthening the technical, financial and managerial caPAbilities of the central as well as local government.
  O Building up a legal basis for public administration to enhance public sector accountability.
  O Creating within PAlestinian institutions solid caPAcities for research, policy analysis and policy implementation which will enhance economic and social develoment.
  O Emphasizing public-citizen collaboration to achieve security, law and order
  O Forming a broader, more honest, and more technically competent cabinet

The major initiative in this field was the Democracy Bill, signed by PA President Arafat on May 28th, 2002, pledging the creation of a democratic government. The bill guaranteed political and personal rights for the Palestinians, established a separation of powers among executive, legislative and judiciary branches, and called for presidential elections.

7. Elections and Local Governance Reform

The aim of the reform in this area focuses on building democratic mechanisms through electoral process and to introduce financial accountability procedures and mechanisms. The term of the Palestinian Legislative Council, and PA President expired a full three years ago in the year 2000 since the 1996 elections of the PA President & PLC stipulated a four year term for both. The legislature initially had 88 members, but two have died and one has resigned. Another member, Marwan Barghouti, is at present a prisoner in an Israeli prison while he stands trial on charges of involvement in a string of fatal attacks on Israelis. So far, no elections were held for the local governments since the PA took charge.

Looking Ahead: Future Strategies

- **Initiative One: Public Administration Development Strategy**

There is an urgent need to establish a PA Public administration development strategy aiming to address all institution-building goals, problems and obstacles at all levels within the context of Palestinian priority objectives. It would call for reorganization and implementation to empower the functions performed by PA Ministries and other public institutions through the development of a unified modern administrative system consistent with defined roles, responsibilities and authorities that are firmly enforced and clearly identified in a civil service manual.

- **Initiative Two: Public Administration Institute**

There is an urgent need to establish a Public Administration Institute to conduct training activities:

- To promote and develop human resources
- To increase efficiency of civil servants.
- To enhance managerial and operational capacities of civil servants.
- To build substantive knowledge within public sector.
- To facilitate exchange of knowledge and skills among various PA ministries and agencies.
- To promote and strengthen governance structure.
- To design modern policies and working procedures

- **Initiative Three: Anti-corruption Task Force**

True reform cannot be achieved without eliminating corruption. Corruption cannot be eliminated without removing those who practice it. Corrupt official cannot be removed without enforcing stiff anti-corruption laws. Anticorruption laws cannot be enforced without instituting an anti-corruption task force. Thus the primary focus of the PA at the present time should be to create an anti-corruption task force whose aim is to investigate corruption cases and bring to court all those civil servants accused of corruption.

PA Reform: Ray of hope or a big dream?

No doubt, conducting PA reform would greatly contribute to the foundation for self-rule and would provide the nuts and bolts of day-to-day efficient administration, and would ensure financial accountability and operational transparency, essential for the continuing progress of the peace process. The core of PA reform agenda is to establish clear procedures, a sound legal basis, and good fiscal transparency: Is this too much to ask? Is it impossible to achieve? Since we stand on the threshold of the post-Oslo era, PA reform becomes number one priority.

ANNEX I

THE PALESTINIAN AUTHORITY CABINET
[Appointed April 30, 2003]

1. **MAHMOUD ABBAS - PRIME MINISTER AND MINISTER OF THE INTERIOR**
   (FATEH) Education: Holds a Ph.D. in History (Oriental College, Moscow) and a B.A. in Law (Damascus University).
2. **YASSER ABED RABBO - MINISTER OF CABINET AFFAIRS (FIDA)**
   Education: Holds an M.A. in Economics and Political Science (American University in Cairo).
3. **HAKAM BALAWI - CABINET SECRETARY (FATEH)**
   Education : Holds Diplomas in Administration, Journalism and Education.
4. **NABEEL SHA'ATH - MINISTER OF EXTERNAL AFFAIRS (FATEH)**
   Education: Holds a J.D. in Law (University of Pennsylvania), a Ph.D. in Economics and Administrative Science (Wharton School, University of Pennsylvania), an MBA in Finance and Banking (University of Pennsylvania) and a B.A. in Business Administration (University of Alexandria, Egypt).
5. **SAEB EREKAT - MINISTER OF NEGOTIATION AFFAIRS (FATEH) RESIGNED**
   Education: Holds a Ph.D. in Peace Studies (Bradford University), and a B.A. and M.A. in Political Science (University of San Francisco).
6. **MOHAMMAD DAHLAN - MINISTER OF STATE FOR INTERNAL SECURITY AFFAIRS (FATEH)**
   Education: Holds a B.A. in Business Administration (Islamic University of Gaza).
7. **SALAM FAYYAD - MINISTER OF FINANCE (INDEPENDENT)**
   Education: Holds a Ph.D. in Economics (University of Texas), an MBA in Accounting (University of Texas) and a B.Sc. in Engineering (American University of Beirut).
8. **NABIL KASSIS - MINISTER OF PLANNING (INDEPENDENT)**
   Education: Holds a Ph.D. in Nuclear Physics (American University in Beirut) and a B.Sc. in Nuclear Physics (University of Mainz, Germany).
9. **ABDUL KARIM ABU SALAH - MINISTER OF JUSTICE (INDEPENDENT)**
   Education: Holds a B.A. in Law (Cairo University) and an M.A. in International Relations (Cairo University).
10. **NABIL AMR - MINISTER OF INFORMATION (FATEH)**
    Education: Holds a degree in Law (Damascus University) and a diploma in Media and Radio Broadcasting (Damascus University).
11. **MAHER MASRI - MINISTER OF ECONOMY AND TRADE (FATEH)**
    Education: Holds an M.A. and a B.A. in Economics (American University of Beirut).
12. **RAFIQ AL-NATSHEH - MINISTER OF AGRICULTURE (FATEH)**
    Education: Holds a Ph.D. in Political Science (Moscow University) and an M.A. in Political Science (Cairo University).
13. **HAMDAN ASHOUR - MINISTER OF HOUSING AND PUBLIC WORKS (FATEH)**
14. **GHASSAN KHATIB - MINISTER OF LABOR (PALESTINIAN PEOPLE'S PARTY)**
    Education: Holds an M.A. in Development Studies (Manchester University) and a B.A. in Economics and Business Administration (Birzeit University). He is pursuing a doctorate in Middle East Politics (University of Durham).
15. **NAIM ABU HOMMOS - MINISTER OF EDUCATION AND HIGHER EDUCATION (FATEH)**
    Education: Holds a Ph.D. in Education (San Francisco State University), an M.A. in Special Education (San Francisco State University) and a B.A. in Education (University of Jordan).
16. **JAMAL SHOBAKI - MINISTER OF LOCAL GOVERNANCE (FATEH)**
    Education: Holds a B.A. in Geography (Beirut Arab Univeristy).
17. **ZIAD ABU AMR - MINISTER OF CULTURE (INDEPENDENT)**

Education: Holds a Ph.D. in ComPArative Politics (Georgetown University).

18. **AZZAM SHAWWA - MINISTER OF ENERGY (FATEH)**
    Education: Holds a B.Sc. in Mathematics (University of Memphis).
19. **KAMAL AL-SHIRAFI - MINISTER OF HEALTH (INDEPENDENT)**
    Education: Holds a diploma in Teaching (Ramallah Teachers' College); holds a medical degree and is a certified surgeon (University of Bulgaria).
20. **MITRI ABU AITA - MINISTER OF TOURISM (FATEH)**
    Education Holds a B.A. in Law (Damascus University).
21. **HISHAM ABDUL RAZIQ - MINISTER OF PRISONER AFFAIRS (FATEH)**
    Education: Holds a B.A. in the Israeli Political System (Al-Quds University).
22. **INTISAR AL-WAZIR (UM JIHAD) - MINISTER OF SOCIAL AFFAIRS (FATEH)**
    Education: Holds a B.A. in History (Damascus University).
23. **SA'EDI AL-KROUNZ - MINISTER OF TRANSPORTATION (FATEH)**
    Education: Holds a Ph.D. in Mathematics and Statistics (Purdue University), an M.Sc. in Mathematics (University of Saskatchewan, Canada) and a B.Sc. in Mathematics (Mansura University, Egypt).
24. **ABDUL FATTAH HAMAYEL (FATEH) - MINISTER OF STATE (WITHOUT PORTFOLIO)**
    Education: Attended Military College in Baghdad.
25. **TO BE APPOINTED - MINISTER OF RELIGIOUS AFFAIRS**

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PAPER BY

MARINA OTTAWAY
"Nation-building in the Greater Middle East: the View from Washington"

(Draft)

Nation-building is a nebulous and often misused concept, surrounded by a great deal of controversy. Literally, the term refers to attempts to develop a sense of common identity, of nationhood, among the citizens of a country; nation-building was a great concern for newly decolonized countries in the 1960s. Today, it is used most often to denote efforts by outside intervenors in post-conflict countries to put in place a new political and administrative system, as well as to shape the character of civil society. In the latter interpretation, nation-building is a controversial idea on both sides of the aisle. Intervenors are reluctant to commit sufficient financial and human resources to a task that appears endless, but also fear that without nation-building post-conflict countries will sink into chaos. The countries that are targets of nation-building want help, but they also fear loss of control and even question whether interventions by the UN or by individual states amount to a new form of imperialism.

Often forgotten in the current controversy over nation-building by outsiders is that most efforts to shape political and administrative systems and society itself are carried out by domestic political actors. For example, the international community has a nation-building strategy in Bosnia, and it has devoted to it an unusually high level of resources for an unusually long period of time. But in implementing its strategy the international community has to contend with the determination, conflicting agendas, and vested interests of Bosnian groups that do not necessarily share the vision of a united, multi-ethnic, and democratic Bosnia.

In this paper, the concept of nation-building will be used very broadly to address attempts by both outside intervenors and by domestic political actors to reshape the countries of the greater Middle East. Specifically, the paper will look at the competing nation-building agendas that are evident at this time within Afghanistan and Iraq, and also at the more modest reform attempts in other countries of the greater Middle East, where external and internal actors are challenging existing political and social systems. In order to keep the paper within reasonable limits, the discussion of outsider interventions will be limited to current U.S. activities.

The United States and Nation-building in the Greater Middle East

The idea of nation-building was originally rejected by the Bush administration as a political quagmire into which the United States should not venture. During his presidential campaign, George W. Bush made frequent disparaging remarks about nation-building. When the attack of September 11 revealed the costly consequences of the neglect of Afghanistan after the Soviet withdrawal, President Bush was forced to accept that nation-building could not be avoided. In a sharp departure from its original position, the administration pledged that it would rebuild Afghanistan and later Iraq into democratic countries after removing their offending regimes. Eventually, Bush's ambition to reshape the Middle East extended beyond these two countries targeted for military intervention. The stated goal of the administration became the promotion of democratic change in the entire region. As envisaged by U.S. officials, this democratic change would be the outcome of a broad process of socio-economic transformation encouraged by the United States. In December 2002, both Secretary of State Colin Powell and Policy Planning Bureau Director Richard Haass outlined a vision of democratic transformation in the Middle East that started not with political reform, but with fostering a free market economy, reforming educational systems, and promoting a more active civil society, including women's empowerment.

At least in theory, the United States is thus currently committed to two forms of nation-building in the greater Middle East: the comprehensive rebuilding of Afghanistan and Iraq, where it has brought about regime change by force, and the reforming of countries where the old regime has not been eliminated, but the United States nevertheless intends to bring about political change through economic and social reform programs, as well as through direct political pressure. Only the most inflexible and intractable countries of

the Middle East—countries like Libya and Syria—appear excluded from this broader nation-building effort. Even in Iran, the Bush administration hopes that regime change may be brought about by a domestic popular uprising.

The expansive and sanguine view of nation-building in the Middle East the Bush administration is espousing in theory is not matched by de facto commitment of financial resources and personnel. As practiced, nation-building is a far more modest affair than the rhetoric suggests. It is faltering in Afghanistan, is off to a bad start in Iraq, and seems to consist of a scattershot of separate projects that do not add up to a strategy in the rest of the Middle East.

Nation-building After Regime Change: Afghanistan and Iraq

From the beginning of the war in Afghanistan, the Bush administration committed itself to rebuilding the country. U.S. officials acknowledged that U.S. neglect of the country after the Soviet Union withdrew and later disintegrated had contributed to the rise to power of the Taliban and to Al-Qaeda's ability to use freely the Afghan territory as a base for training camps and operations. This history, U.S. officials declared, would not be allowed to repeat itself.

A year and half after the overthrow of the Taliban, the pattern of U.S. and, more generally, international commitment to Afghanistan is clear, and it amounts to far less than rhetorical statements would lead an observer to expect. The formal political reform process set in motion by the Bonn conference of November 2001 is on track and the United States and other members of the international community are determined to keep it on track. Thus, the formal process is moving in an orderly fashion through the planned steps: the formation of the initial interim administration headed by Hamid Karzai at the Bonn conference; the convening of an emergency *loya jirga* in June 2002, which confirmed Karzai in power as president in the transitional government; the setting up of a constitutional drafting commission in October 2002 and of a constitutional review commission to promote discussion of the constitutional draft throughout the country in April 2003; and the beginning of the training of the new Afghan army. There is no reason to believe that the next steps will not take place on schedule: the gathering of a constitutional *loya jirga* to approve the constitutional draft is scheduled for October 2003, and general elections for mid-2004. There is enough international support to ensure that all this will happen.

Behind this orderly formal process there is a chaotic, uncertain reality that the commitment of the international community is inadequate to modify. Security in the country has remained precarious and is deteriorating in many areas both in the south and the north, hampering relief efforts and making a mockery of the idea of nation-building. The International Security Assistance Force (ISAF) is only deployed in Kabul and its 5,000 soldiers are barely sufficient to maintain security even there; the 11,500 American and coalition troops still in the country are engaged in hunting down the remains of the Taliban and al-Qaeda in selected areas. While they do some relief and rehabilitation work to win hearts and minds, they are not engaged in a systematic attempt to provide security for ordinary Afghan people. Much of the country is thus left to its own devices. This means that areas controlled by a strong warlord are reasonably secure, and areas where no single figure has a monopoly over means of coercion are not. The worst problems continue to occur in Pashtun areas, where the warlords of the Northern alliance have no control, remnants of the Taliban still hide out and find supporters, al-Qaeda figures operate, and U.S. troops continue to mount operations with the help of local leaders willing to cooperate with the Americans but not strong enough to impose their peace.

The Karzai government remains extraordinarily weak. Only 4,000 men have been trained so far for the envisaged 70,000-strong new national army, while there are about 200,000 men under arms in Afghanistan, most under the control of regional warlords, and nobody to disarm them.[1] Karzai is also undermined by the unwillingness of many donors, including the United States, to channel aid through the

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[1] *United Nations Integrated Regional Information Networks News*, June 6, 2003.

Afghan government, rather than through a variety of international NGOs and private contractors. The policy was initially justified by expediency in an emergency situation—many international NGOs that had operated in Afghanistan under the Taliban were much better prepared to distribute food, provide rudimentary health care, and start rebuilding in the villages than a government that had to reinvent itself from scratch. But by continuing to bypass the Afghan government, the international community is making it difficult for it to increase its capacity, let alone its legitimacy in the eyes of the population. Furthermore, many donors have not delivered all the aid they had originally pledged nor remained generous in funding the ongoing reconstruction. The transitional government's budget for Afghan fiscal year 1382, which begins in March 2003, indicates a gap of $ 181 million in the ordinary budget between money required from donor sources and the amount pledged thus far, and a gap of $ 596 million in the development budget. These are high percentages: the ordinary budget for 1382 is $ 550 million and the development budget is $ 1.7 billion.[2]

Most importantly, the Karzai government is undermined by the reality of the power distribution in the country. Warlords have not been disarmed, forcing the president to accept them in his government or as provincial governors. They are growing rich by collecting customs revenue on goods coming into the country and exporting drugs, while the government coffers remain empty, dependent on foreign assistance. Donors' contributions to the government's budget total $ 296 million, which compares unfavorably with the $ 446 million in grants disbursed through international NGOs.[3] At the same time, provincial customs houses under the control of warlords maintain control over most of the estimated $ 600 million of customs revenues and other taxes raised internally.[4]

What is troubling about the situation in Afghanistan is not that the processes of nation-building and state-building are still incomplete—given the complexity of the task eighteen months would have been grossly insufficient under any scenario. Rather, the problem is that, if present trends continue, nation-building will never be successful. If the warlords continue to consolidate their military and financial base and the international community allows this to happen, and aid continues to bypass state institutions and be channeled through international institutions and NGOs, then the Afghan state will never be reconstructed into the united, multi-ethnic, democratic entity that is the stated goal of the international intervention.

One explanation given for the scant commitment by the United States and other countries to the reconstruction of Afghanistan is an all-consuming preoccupation with Iraq. The explanation is inadequate. Undoubtedly, the war in Iraq has absorbed a lot of attention and is a costly endeavor for the United States, but even in Iraq reconstruction was never adequately planned, and, as a result efforts, are faltering. This suggests that the real problem is not that Iraq caused Afghanistan to be forgotten, but that there is a lack of commitment to and know-how about nation-building on the part of the United States. The administration has pledged to reconstruct Iraq as a stable and democratic state, making it into an inspiration and template for other countries in the Middle East. What is happening on the ground does not correspond to this vision.

Although an assessment of nation-building in Iraq can only be highly tentative at this point, some trends are well-established and unlikely to change in the foreseeable future, barring a major crisis. The first trend is that the reconstruction project has not been internationalized but remains strictly in the hands of the United States. Of the other members of the so-called international coalition, Britain is playing a supporting, secondary role, while others are at best providing small numbers of troops and personnel to military and civilian operations controlled by the United States. The United Nations, and even the less controversial IMF and World Bank, also appear to have been relegated to the most marginal positions compatible with the wording of Security Council Resolution 1483.

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[2] Transitional Government of Afghanistan. "Analysis of Aid Flows to Afghanistan," March 30, 2003.
[3] Transitional Government of Afghanistan. "Analysis of Aid Flows to Afghanistan," March 30, 2003.
[4] *New York Times Magazine*, June 1, 2003.

The strict U.S. control of the occupation and reconstruction creates the potential for a more methodical, orderly approach. But, it may also reduce the available resources, both human and financial. (This problem is compounded by the Pentagon's insistence in controlling the process tightly, marginalizing even other U.S. government agencies). U.S. sole control also creates a much greater potential for an early backlash by Iraqis against outside interference, particularly in the absence of a clearly spelled out program for a transition to Iraqi governance comparable to what the Bonn conference provided for Afghanistan. Iraqis are being asked to trust the U.S. to rebuild their country physically, economically, and politically without being told what that the U.S. intends to do.

The second notable feature of U.S. nation-building in Iraq is that the U.S. vision for the country appears to be in conflict with the demands and vested interests of the majority of major politically players identifiable at this point. The United States has outlined a vision of a liberal, reasonably democratic, secular, federal Iraq within its present borders, with the units comprising the federation being defined by geography, not by ethnicity or religion. Theoretically, a state constituted along those lines is a good solution, although it is clear that there is extreme confusion in the ranks of the Bush administration about how such a state might be built. Even more seriously, this vision may not be compatible with Iraq's historical and present political reality. And it is already abundantly clear that it is not compatible with what the major organized political groups want.

The American agenda clashes with that of the Kurds, who essentially want independence, although they are too astute politically to press for it at this time. It clashes with the agendas of both Shi'a and Sunni clerics, who may have different visions of an Islamist state but certainly do not want a secular one. It probably also clashes with that of many secular Shi'a politicians whose concern with power is greater than their concern for democracy. U.S. differences with this latter group can probably be glossed over—as long as such politicians remain friendly, the United States will probably disregard their scant commitment to democracy, just as it is willing to disregard the scant commitment to democracy of many warlords safely ensconced in the Karzai government and in the provinces of Afghanistan. But the agendas of Kurdish parties and Islamists are an open challenge to the United States that cannot be tolerated.

Other aspects of the American nation-building project for Iraq are still extremely vague. The Bush administration remains torn between two conflicting imperatives: ensuring the success of the reconstruction, and transferring power quickly to an Iraqi government before the tension caused by the occupation turns the population solidly against the United States. Unfortunately, the two imperatives are irreconcilable, leading to the uncertain policy and abrupt changes of direction that have characterized the occupation so far. To maximize the probability of Iraq turning into a stable and reasonable democratic country, the United States has no option but to embark on a prolonged and forceful occupation. This is the lesson of Germany and Japan; it is also the lesson of Bosnia, where seven years of international occupation have not yet brought the country to the point where stability and democracy would be maintained without a continuing international presence. To minimize the possibility of a popular Iraqi backlash, on the other hand, power needs to be transferred back to the Iraqis quickly. However, that means that, as in Afghanistan, the U.S. capacity to transform Iraq will be reduced greatly and the country will de facto be reconstructed by the political groups that have already asserted themselves as major players: the Kurds in the north, Shi'a clerics in the south, the remnants of the Ba'th party and the Sunni clerics in the middle, and formerly exiled political groups trying to carve out a role for themselves against better established political forces all across the country. The possibility of a stable and democratic outcome does not appear good if these are the groups that will determine how Iraq is to be reconstructed.

U.S. Initiatives in the Greater Middle East: MEPI and the Muslim world project

U.S. attempts to rebuild a less dangerous, more friendly, and more democratic Middle East extend beyond the headline grabbing war and subsequent reconstruction of Afghanistan and Iraq. More quietly,

the United States has also launched an effort to bring about democratic change in the rest of the region. The Middle East Partnership Initiative (MEPI) is a central aspect of this effort. MEPI is a nation-building project, because it sees political reform not as an isolated activity, but as integral part, indeed the outcome, of a series of interrelated socio-economic changes. Richard Haass, then director of the Policy Planning Bureau at the State Department, set forth the rationale for such engagement with the Middle East on December 4, 2002 at the Council on Foreign Relations: "Hence, for elections to be a true reflection of the people, they must be embedded in societies where there are strong and mature civil institutions and a diffusion of power. Elections should accompany the development of civil society.... democracy takes time. It takes time for ideas to sink in and for political processes, institutions, and traditions to develop. Democratization is best measured not in weeks or months, but in years, decades and generations." Democracy, in other words, requires a comprehensive nation-building effort, which involves the economy, the culture, and the society before it involves a direct tackling of political reform.

Programs initiated under MEPI so far accurately reflect this idea of nation-building, although the limitations of the funding provided for MEPI and the enormous ambition of its mandate have resulted not in a systematic, well-thought out, and comprehensive nation-building effort, but rather in a scattershot of initiatives. Such initiatives may be linked in an overall comprehensive framework in the minds of those who devised them, but they look more like a series of random activities extremely unlikely to make a significant difference to an outside observer.[5]

MEPI was initially funded at a paltry $ 20 million in the FY 2002 supplemental appropriations to jump-start its first initiatives. The administration asked an additional $ 200 million for MEPI and the broader Muslim Outreach program in the FY 2003 supplemental appropriations in order to strengthen current projects. Additionally, the administration will request $ 145 million for FY 2004.[6] While not insignificant when compared to other U.S. assistance programs, these figures are still very small when compared to the ambitious goal of bringing about significant change in the economy and the educational system, and thus the culture and civil society, particularly that concerning women, of all Middle East countries. (Since this is not a development assistance project, but one of socio-political transformation, there are no eligibility criteria based on per capita income to exclude the rich countries of the region.)

The activities MEPI has implemented or is implementing at present are distinctly modest—some are, in fact, considered to be pilot projects, slated to increase in scope in the future. Significantly, these activities appear to be chosen at random, without an underlying overall vision. In the field of education, for example, MEPI is testing ways of partnering with local NGOs to work on women literacy programs, and to improve techniques of adult teaching and the quality of the reading material used. It has also supported a program in Morocco to facilitate access to education for girls living in rural areas by providing safe lodging near schools. To promote economic reform and private sector development, MEPI has provided technical assistance to Arab members of the WTO to help them comply with WTO criteria, and has launched group training programs for small business entrepreneurs. In the realm of civil society and promotion of women rights, MEPI has brought Arab women with political ambitions to the United States to learn about political campaigning and to observe elections, it has helped NGOs in Yemen observe elections, and it has provided leadership training to student leaders from the Middle East and North Africa.

MEPI, in other words, has chosen to focus on very traditional, project-based activities rather than on broader programs or policies. Even if such projects increase in number, they will no more force significant change in any country in the future than similar projects have done in the past.

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[5] For more information visit the MEPI web site at http://www.state.gov/p/nea/rt/mepi/

[6] Statement by Assistant Secretary of State for Near Eastern Affairs William J. Burns to the Senate Foreign Relations Committee, March 26, 2003. The U.S. fiscal year begins on October 1. The current fiscal year, FY 2003, runs from October 1, 2002 to September 30, 2003.

Nation-building from within: the Challenge to the United States

The effectiveness of MEPI in promoting socio-economic and political change in the Middle East looks even more doubtful against the background of past and present domestic nation-building efforts to which the countries of the Middle East have been exposed, from the fall of the Ottoman Empire to this day. Governments, political parties, and religious organizations have long tried to shape the countries of the Middle East to fit their particular view. The Middle East is hardly virgin territory for nation-building.

Some of the contemporary domestic nation-building initiatives, particularly those by radical Islamist organizations, are antithetical to the U.S. vision for the Middle East and inimical to its interests. Others are more in line with American goals, for example the modest steps toward political liberalization taken by some the leaders of the smaller Gulf countries. Whether compatible with U.S. goals or not, there is much nation-building taking place in the greater Middle East over which the United States has no control.

Indeed, the scope of the United States' cautious and piecemeal efforts to shape a new culture and politics in the greater Middle East pales in comparison to the attempts carried out by Arab governments and political organizations. This is where the real nation-building is taking place in most Middle East countries. I have already discussed the domestic forces with which the international community has to compete in rebuilding Afghanistan and Iraq. Similar powerful forces exist elsewhere. Such forces can be divided schematically into three broad categories, with very strong variations from country to country: Arab governments, Islamist parties, and, far behind, democratic forces.

All Arab governments are engaged, more or less explicitly, in nation-building. The fact that these efforts do not take the form of the modernization and democratization project the United States and other industrial democracies would like to see does not mean that Arab governments are not trying to transform their countries. For many of these countries, this is not a new phenomenon. The earliest nation-building attempt in the greater Middle East was undertaken by Kamal Ataturk in Turkey in the 1920s and 30s. Somewhat more recently, to mention just some of the most obvious cases, both Gamal Abdel Nasser in Egypt and the Ba'th parties of Iraq and Syria tried to transform their countries along secular and statist lines, as did the FLN in Algeria, and to a large extent they succeeded. The Shah of Iran undertook his "white revolution" to modernize the country, unleashing a reaction that eventually cost him the throne and brought to power the clerics. King Hassan of Morocco undertook a more cautious modernization of the country, as did King Hussein of Jordan; both managed to retain control and pass the throne—and the problem of nation-building—on to their sons. Muammar Ghaddafi has attempted to reshape Libya repeatedly according to his rather quixotic and ever changing views. Even the Gulf monarchies, admittedly the most conservative and slow acting of all Arab governments, engage in some degree of nation-building. The Saudi royal family has allowed the Wahabi religious establishment to control social life and religious and political thinking in the country, while carrying out a slow attempt to modernize the economy and introduce at least a degree of modern technical education. Other Gulf monarchies are experimenting with limited degrees of political and social modernization. Far from being immutable entities shaped by primordial trends and an archaic interpretation of Islam, Arab countries are the products of remarkable nation-building efforts.

In the last two decades, the countries of the greater Middle East have also been deeply affected by the nation-building project of Islamist organizations, both Shi'a and Sunni. From the founding of the Muslim Brotherhood in Egypt in 1928 to today, Islamist organizations have had an explicit project to reform society and the polity. The impact of Islamist organizations has been profound everywhere. To be sure, the impact has been greater in countries like Iran and Afghanistan, where Islamists are or have been in power, or in a country such as Saudi Arabia, where the government has allowed them to control social customs and education. But Islamist groups have also become a political force to be reckoned with in all countries of the greater Middle East, including some of the former Soviet republics in Central Asia. Most

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insidiously, they have had a very deep, visible, and extremely complex impact in countries like Egypt or Turkey, which only two decades ago appeared to be quite secularized.

Democratic organizations in the Middle East are by far the weakest nation-builders: they have a project, but they have limited capacity to implement it. Beginning with the impact of colonization, many countries developed a social stratum of modernizers, influenced by western ideas about politics, economics and social relations. In Egypt in particular, this stratum became quite influential in the 1920s and 1930s, seeking to develop a modern entrepreneurial economy, fighting for women's rights, and developing a modern educational system and thus a professional class. This was also the stratum that, having embraced western values, also led the resistance to British control and, in so doing, created a common bond of nationalism with other segments of the population, becoming very influential. However, once the British presence dwindled after World War II, this liberal and democratic intelligentsia lost the capacity to create a broad-based movement and lost its influence.

One of the goals of MEPI, and indeed of earlier democracy promotion activities by USAID and a number of American NGOs, is that of strengthening the democratic elements in Arab societies and enhancing their influence. MEPI funding will undoubtedly help strengthen specific organizations of civil society or even political parties. It is much more doubtful that even an increased number of projects will be able to reverse the tremendous disadvantage under which such organizations operate at present and make them into a force capable of counterbalancing the influence of incumbent governments and Islamist organizations.

Conclusions

The United States' ambition to rebuild Afghanistan and Iraq into modern and reasonably democratic countries and to steer the greater Middle East toward greater democracy is unlikely to be realized in the foreseeable future. First, there is a chasm separating the U.S. rhetorical commitment to nation-building in the two countries where it has intervened militarily and what is happening in the ground; while the chasm between the theory and the reality of nation-building in Iraq might be a temporary situation that will improve as the United States finds its bearings there, the chasm in Afghanistan cannot be dismissed so easily. In that country at least it is abundantly clear that U.S. actions belie the rhetoric of democratic nation-building. In its attempts to promote more open and democratic societies in the rest of the region, the U.S. has chosen a low key—and low cost—approach through the Middle East Partnership Initiative. It is an approach based on the implementation of narrowly focused, small projects in many countries, rather than on a politically more demanding and risky, although potentially more rewarding, attempt to engage Arab regimes and political organizations of all types in dialogue over reform.

In the meantime, incumbent governments and Islamist political organizations are pursuing their own nation-building projects, which conflict with each other and with the U.S. democratic project and are pursued with much greater determination and resources. Nation-building in the greater Middle East is a battle the United States is not guaranteed to win.

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PAPER BY

JARAT CHOPRA
"Third Party Intervention in the Israeli-Palestinian Conflict"

The invasion by Israeli Defence Forces (IDF) of Palestinian-controlled areas of the West Bank, so-called "Operation Defensive Shield" launched on Good Friday 2002, altered fundamentally the terms of debate about international intervention in the crisis. After eighteen months of widening and deepening conflict, it was a concrete turning point in which the routinely visible characteristics of the *intifadah* uprising were replaced by the physical manifestation of near full reoccupation. With some 1200 Palestinian and over 400 Israeli deaths by mid-April, and the shattering of the Palestinian Authority's (PA) security and governance capacities, proposals for third party action encompassed the full range of peace operations and state-building activities that have been deployed since the end of the Cold War, collectively and multilaterally through the United Nations (UN) or cooperatively and multinationally under a lead government. But what can and cannot work?

The minimum level of intervention required is elevated with each stage of deterioration in ground conditions. Both sides have converged somewhat on the idea of a third party. Governments and international organizations and agencies have so far pursued a minimalist form of incrementalism that has produced a complicated set of disparate structures with little functional capacity. By contrast, negotiations for a permanent settlement agreement had envisioned a much better comprehensive approach necessitating an integrated architecture for implementation in the long term. In the short term, however, a limited and symbolic international presence in the form of traditional observers, which had been tried in Hebron with unpopular results, could not have satisfied calls for protection. For a year, Israeli security concerns and Palestinian political interests under US mismanagement paralyzed the development of monitoring mechanisms. Though critical as one part of an intervention, monitoring by itself is insufficient.

Amongst force options, static conventional peacekeepers can deliver little more in this environment than unarmed observers. The UN proposed a full-scale enforcement action by a coalition of the willing, and this may be ultimately needed to provide top cover for a comprehensive mission. However, between these extremes, military or gendarmerie units with a limited force capability performing constabulary functions can accomplish the bulk of activity.

The current debate about a multinational "trusteeship" over the area quickly overshadowed the broader range of third party options. It is an extreme proposition that contrasts with the preceding trench warfare over mild forms of monitoring and is fraught with difficulties that its proponents have not yet acknowledged. It can be done, but will require considerably more planning and preparation than earlier experiments in transitional administration if it is not to backfire here. International governance will fulfil the requirements of a comprehensive and integrated approach, but its attractiveness to some may dangerously replace tackling the hard political questions at the core of resolving the conflict. Indeed, any intervention to be effective will need to be deployed within the context of a geopolitical process leading to a permanent settlement between Israelis and Palestinians.

Elevated Intervention

Throughout the *intifadah*, a minimum level of intervention has been required if a third party was ever to stem the violence and foster a political outcome. As ground conditions progressively worsened, the necessary threshold of international action gradually rose. The single event of Operation Defensive Shield, however, catapulted this minimum threshold up to the higher end of the scale. It was Israel's most massive military action in the territory since 1967. The amount of destruction had profound humanitarian consequences and effectively disemboweled the governing capacity of the Palestinian

Authority.[1] All manner of international pressure, including an explicit demand to withdraw in UN Security Council Resolution 1403 of 4 April, as well as by US President George W. Bush, proved ineffective. By the time the operation was over, the notion of "withdrawal" no longer made sense as a new order on the ground had been created. Armoured elements of the invading force remained deployed around cities, conducting security raids at will in urban areas thereafter. Fences began to be erected around major population centres, including Ramallah and Nablus.

The post-invasion landscape continued until a suicide bombing in Jerusalem on 18 June 2002 led to a new Israeli policy of seizing PA land in response to each Palestinian attack. Within weeks, a full and complete reoccupation of Palestinian-controlled areas had taken place, with daily curfews imposed indefinitely on the inhabitants. The IDF had assessed that Israel could financially afford a military reoccupation, but it could not pay for the delivery of basic services to the population. Israel courted international agencies and organizations operating in the region, with the intention of having them provide assistance. This placed those bodies in the uncomfortable position of either inaction in the face of worsening humanitarian conditions, or stemming the crisis and facilitating the sustainability of Israeli occupation. The IDF was operating in what it considered "uncharted waters", appreciating that its strategies may not create security, but also blinded with fury over the continuation of suicide bombings. In the absence of alternatives, inertia rooted in past policies and Israeli reliance on the military as a coping mechanism led to a plateau in terms of the facts on the ground that was distant from politically resolving the crisis. The IDF has since been drawn into assuming civil functions over Palestinians and, having largely exhausted its offensive options, is just maintaining the status quo.

A degree of urgency now characterizes the deteriorating situation on the ground. The two-state solution appears threatened by desperate economic, demographic and security conditions on both sides, as well as an erosion of mutual trust. The scale of settlement construction has fragmented the Palestinian territories and integrated the West Bank into Israel in an unprecedented manner. The Israeli security fence is becoming a fact on the ground, and will likely result in some 70-100,000 Palestinians living between the fence and the Green Line while the majority of settlers will be living east of the fortification. The cycle of violence has undermined reconstruction efforts, with $ 1 billion effectively frozen due to donor reluctance to rebuild infrastructure that is likely to be destroyed again. Even doubling the amount of aid will have a barely noticeable impact on socioeconomic conditions; the problem is a political one and the international community cannot spend its way out of the crisis. There is the specter of worse deterioration, a sense of hopelessness on both sides and no clear vehicle on the horizon for resolution of the conflict.[2]

Under these prevailing conditions, there has been nevertheless a degree of convergence between Israelis and Palestinians about third party intervention, if only in terms of headlines and labels rather than agreement on details. While Palestinians have perpetually called for some form of international role, Israel has resisted "internationalization" of the conflict, opposed any restrictions on IDF activity, feared a predisposed bias an intervention might have against it, and mistrusted countries other than the US that might contribute to a mission. However, the Israeli Government perceived a potential usefulness of a third party in an ad hoc, task-specific sense, with the resolution of two thorny difficulties in ending Operation Defensive Shield. Both the siege of Arafat's compound and the

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[1] USAID, "Assessment of the Humanitarian Situation in the West Bank and Gaza Strip", June 2002.

[2] Jarat Chopra and Jim McCallum, with Amjad Atallah and Gidi Grinstein, "Planning Considerations for International Involvement in the Israeli-Palestinian Conflict", Center for Strategic Leadership, US Army War College, February 2003, www.carlisle.army.mil/usacsl/Publications/PCII.pdf.

standoff at the Church of the Nativity centred around an Israeli demand for arrest of certain Palestinians in each and a refusal on their part to surrender. Brokered with the participation of European Union (EU) representatives, an agreement was reached in which the named Palestinians were placed in the custody of a handful of international monitors, deployed with extraordinary speed, who supervised their expulsion or their incarceration in a Jericho jail. Furthermore, Israeli public opinion shifted on the whole question of a third party. One poll, conducted by the Tami Steinmetz Center for Peace Research at Tel Aviv University on 23-35 April, found that 44% of the Israeli Jewish (and 78% of the Arab) public favoured international intervention.[3] Having entered public debate, the question of international intervention is likely to stay, despite reservations about it.[4]

Minimalist Incrementalism

Despite the rising minimum threshold of intervention required, Quartet members—the US, the EU, the UN and Russia—and international agencies have pursued a minimalist and incrementalist approach to *de facto* intervention, already numbering over 1000 personnel in civilian and security areas. Multiple actors and narrow considerations of a third party role have resulted in a convoluted set of relations and distorted proposals that can neither respond to realities on the ground nor effectively underwrite the current "roadmap" for resolving the conflict.

In the wake of Operation Defensive Shield, the Bush Administration began informal consultations with the parties on a holistic strategy and unrealistic timetable for resolving the conflict in a matter of months, encompassing every successive step, including a ceasefire and political measures, such as a settlements freeze, and ending with the creation of a Palestinian state—all in anticipation of a major policy speech by the President. The Palestinian side developed a detailed vision for de-occupation and a sequential timetable with a political horizon for how this could be accomplished. There would be two separate and parallel tracks to be completed within a year, one for all aspects of a permanent status agreement and one for transitional elements until the conclusion of a final settlement. A third party presence was envisioned for each step in the short and long terms. For its part, Israel presented its claim to the President that Arafat had authorized a cash payment to the Al-Aqsa Martyrs Brigades, composed of Arafat's Fatah activists and which had conducted suicide bombings. By further discrediting any Palestinian partner for peace, Sharon could inhibit such a comprehensive political and security-based strategy by the US.

On 24 June, Bush delivered his much awaited speech in the Rose Garden of the White House. He called for "a new and different Palestinian leadership", while also envisioning a two-state solution. International efforts in subsequent months were preoccupied with reform of the gutted Palestinian Authority, focusing attention within the crisis instead of on it, while support was being built elsewhere for a war on Iraq. Although, reform was also something that Palestinians themselves were yearning for. An International Task Force for Palestinian Reform, which integrated international diplomats stationed in the area, representatives of international organizations and agencies and Palestinian officials, developed a "100 Days" workplan and timetable. Seven subcommittees were established for: civil

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[3] Ephraim Ya'ar and Tamar Hermann, *Peace Index*, April 2002, on-line:
www.tau.ac.il/Peace_Index/2002/English/p_april_02_e.html; and David Newman, "Yes to international intervention", *Jerusalem Post*, 1 May 2002, p. x.
[4] Shlomo Brom, "International Forces in an Israeli-Palestinian Agreement", *Strategic Assessment*, Vol. 5, No. 4, February 2003, www.tau.ac.il/jcss/sa/v5n4Bro.html.

society; financial accountability; local government; market economy; elections; judicial reform; and administrative reform. The subcommittees reported to a Quartet Committee on PA Reform, and thence to the Quartet Envoys and eventually the Quartet Principals. The process proceeded rapidly, though it proved unfeasible to replace Arafat, or have him appoint a Prime Minister with full powers that would render his role as President symbolic—something that Arafat only acted on in March 2003 on the brink of an Iraq war.

The Quartet chain of command for the reform process sat next to an unwieldy international architecture that had emerged on the ground in a piecemeal manner, uncomfortably combining the range of organizations, agencies and national representatives operating on the ground in the areas of development, humanitarian assistance and Palestinian reform. An Ad Hoc Liaison Committee (AHLC) was the senior coordinating body and had existed since the Oslo process. Chaired by Norway, it met in Oslo every few months and was composed of senior representatives on the ground and heads of offices, including from the World Bank and the Office of the UN Special Co-ordinator for the Middle East Peace Process (UNSCO). It addressed such issues as the rate of disbursement of pledges. A Joint Liaison Committee (JLC) established below it was composed of UNSCO, the World Bank, the EU, the International Monetary Fund, Japan and the US, and included some of the same individuals as the AHLC. The JLC served as the principal communication link between the myriad actors. A JLC Committee on PA Reform was established pursuant to the reform process with the same composition as the JLC, and some of these individuals also participated in the Quartet reform committees.

A Local Aid Coordination Committee (LACC) also reported directly to the AHLC and was chaired by Norway, the World Bank and UNSCO. It was responsible for shepherding aid groups on a task-specific basis, and included embassy and agency representatives. Following Operation Defensive Shield, the LACC became the center of gravity for the humanitarian effort and conducting damage assessments, and it established a Humanitarian Information Center and a Humanitarian Task Force.[5]

This complex structure has been in perpetual evolution. Donors shifted to bilateral assistance the more coordination fell apart with the gradual deligitimation of the PA over the preceding months. Humanitarian assistance, which has amounted to basic food delivery, got clumped with the reform effort and development assistance, which was with reconstruction somewhat on hold. Furthermore, preoccupation with Palestinian reforms, which was not accounting for issues that cut across multiple sectors, permitted the humanitarian emergency to worsen. A fully integrated international architecture has been needed and the existing structures could be transformed if relevant governments, organizations and institutions are willing. One of the critical issues then to consider will be how to integrate all of this with a robust third party intervention that might eventually be mandated.

Instead, more incrementalism has been the result. When the US introduced in autumn 2002 its "roadmap" for an end of conflict strategy, the issue of monitoring of its terms arose. The US acknowledged the need for it, but was reluctant to include the terms of monitoring in the language of the roadmap itself. The operating approach in consultations amongst Quartet members and with the parties was to use as much as possible of what exists on the ground as the basis of monitoring. The US accepted that the UN could begin doing this, but the danger is that the existing architecture, which is by

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[5] These two bodies were variously composed of: UNSCO, the World Bank, the UN Office for the Co-ordination of Humanitarian Affairs, the UN Relief and Works Agency, the World Food Programme, the UN Development Programme, the UN International Children's Emergency Fund, the World Health Organization, the International Committee of the Red Cross and the Palestinian Red Crescent.

no means ideal for humanitarian or development assistance, let alone implementing a political programme, may crystallize in its current or a similar form, thereafter ossify and undermine the prospects of a new third party role better suited to the minimum level of intervention required. A Palestinian monitoring proposal for the roadmap similarly relied as much as possible on what exists, but also integrated it in the form of a unitary monitoring structure. Ultimately, the mechanism design that gained currency amongst Quartet members was a committee that embodied the current status of the incrementalist architecture. It replicated conventional means of coordination, facilitating exchange of information amongst various international actors operating independently on the ground, with occasional confidential reporting up separate chains of command. Information may go into the mechanism, but it is not configured for any action to come out of it, and consequently it will fall short of the basic needs of monitoring.[6]

The US had been determined to deliver a finalized roadmap in December 2002, as it increasingly prepared for war in the Gulf, but the prospect of new Israeli elections in January 2003 delayed presentation of it, ultimately until after the conclusion of hostilities in Iraq. As violence continues now in the West Bank and Gaza Strip within the context of the roadmap, its monitoring mechanism is yet to be tested. Alternatively, the roadmap itself may become irrelevant and lead to yet another kind of effort in the future.

Comprehensive Requirements

The existing incrementalist approach fundamentally contradicts the ideals of a permanent status agreement, in which a considerably more comprehensive third party role had been envisioned. Regardless of failed talks at Camp David in July[7] and Taba in December 2000, the likely contours of a permanent settlement are well known to both sides.[8] Remarkably, it was only for the first time at Camp David that Palestinian and Israeli negotiators acknowledged the need for a third party to guarantee the terms they hoped to eventually reach. There was no explicit definition of what kind of intervention they were alluding to, its scope of activity or composition. The "Clinton Parameters" presented at Taba referred to an international force, which could only be withdrawn by mutual consent, which would be gradually introduced into the area as Israel withdrew over 36 months, and which would have authority over a small remaining IDF presence in fixed locations in the Jordan River Valley. The international mission would also monitor the implementation of an agreement, including the final arrangements for Jerusalem, guarantee border security and provide a deterrence capacity. A separate refugee commission was to address compensation, resettlement and rehabilitation short of a full "right of return".

At Camp David, two negotiators had a fleeting but telling exchange. One Palestinian referred to the US-led Multinational Force and Observers separating Israeli and Egyptian armies in a series of demilitarized zones in the Sinai desert. With comparable brevity an Israeli dismissed this interposition

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[6] Amjad Atallah, et al., "Planning Considerations for International Involvement in the Israeli-Palestinian Conflict: Part II", Center for Strategic Leadership, US Army War College, May 2003, www.carlisle.army.mil/usacsl/index.asp.

[7] Hussein Agha and Robert Malley, "Camp David: The Tragedy of Errors", *The New York Review of Books*, 9 August 2001, pp. xx-xx; and "Camp David Proposal of July, 2000", Negotiations Affairs Department, Palestine Liberation Organization, www.nad-pol.org.

[8] International Crisis Group, "Middle East Endgame II: How a Comprehensive Isreali-Palestinian Settlement Would Look", *ICG Middle East Report No. 3*, 16 July 2002, www.crisisweb.org.

model on the grounds that the West Bank and Gaza Strip were a different operational theatre, and something more pervasive, encompassing a social and political environment, would be required than a clearly defined buffer between military forces. The point was essentially correct, though whether it was made substantively or intended to avoid consideration of detail is not clear.

Nevertheless, this peripheral digression reflected a distinction between an international trigger mechanism that might be needed in the Jordan River Valley in the long-term, and the variety of tasks that would have to be conducted under the agreement beforehand in the remainder of a Palestinian state as Israel withdrew, on their common borders and in the complex relations that the two would have, strategically, socially and economically. In particular, an international role was envisioned in the monitoring and verification of: compliance with the timetables for Israeli withdrawal; respect for each state's territorial integrity; limitations of personnel and arms imposed on the Palestinian armed forces; adherence to regulations governing Israeli access to and use of any military locations the IDF was permitted to maintain in Palestinian territory, including early warning stations in the West Bank and an armed presence in the Jordan River Valley; and prevention of cross-border infiltration. In addition, assistance was needed to maintain order, resolve disputes and ensure respect for human rights as the IDF departed; as well as to help provide for Palestinian defense from, and deterrence to, external threats in lieu of a functioning Palestinian army, on which an agreement would likely place considerable constraints.

There were significantly different understandings between negotiators regarding the types and strengths of Israeli armed forces to be placed in the Jordan River Valley, the duration of their stay and their nature and purpose. Palestinians anticipated a few symbolic outposts, mixed with international personnel, for a relatively short period of a few years. Israelis had planned for large-scale mechanized units to remain for at least a decade. Their aim would be, in the event of a threat from the East, to control a possibly hostile Palestinian population for 48 hours—the time it would take for a main force to deploy from inside Israel.[9]

To both minimize or exclude altogether an Israeli force along the Jordanian border, and render unnecessary Israeli early warning stations in the West Bank, a security arrangement will be needed that delivers a convincing international deterrent. A limited number of international personnel, configured as traditional-style military observers, or exceptionally as peacekeeping battalions, may constitute a nominal thin line. But their effectiveness will rely on the particular composition of nations participating in the operation, and the direct link between their activities and a regional apparatus that is guaranteed by powerful governments. The functions of the mission cannot be limited to reporting of mounting threats; it will need to serve as a "trip-wire" for predetermined action to prevent breaches of the peace. Such a configuration could eventually be institutionalized as a formal regional security organization.

In the order of conceptual complexity, the one-dimensional design of an interposition presence in the Jordan River Valley is more straightforward than the multifunctional operation that would need to deploy amidst the pervasive geography of the West Bank and Gaza Strip. Palestinian thinking about the possible architecture of a third party guarantor for a permanent status agreement began in autumn 2000. At the time, the governance and security capacities of the Palestinian Authority were at their peak. Consequently, PA officials directly conducted political, administrative, and economic state-building activities, with the assistance of donor governments and international organizations, and in the

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[9] See further Shlomo Brom, "Is the Jordan River Valley Truly a Security Zone for Israel?", *Strategic Assessment*, Vol. 3, No. 4, January 2001, www.tau.ac.il/jcss/sa/v3n4p6.html.

context of cooperation with Israel under the Oslo Interim Agreements. The planning assumptions for a third party role, therefore, were relatively restrictive.

An international monitoring and implementation mission would not discharge by itself in any way the terms of an agreement, but would independently guarantee in every way their fulfillment by the parties acting jointly or individually as necessary. It would do so through a detailed mechanism on the ground—with a Joint Monitoring Commission, sector-specific Joint Committees, and specialized, cross-cutting Task Committees—that embodied the political will behind the conclusion of an agreement in the regular interpretation and implementation of commitments made by the parties. By exercising a degree of political authority, the mission would translate a diplomatic settlement into practical terms and provide a means of bridging any lacunae in the conditions accepted, resolving disputes between the sides and addressing failures to fulfil obligations. In this manner, the usual gap between the mandating powers—including the consent of the parties by their respective leaders—and field activities could be narrowed, tightening mission organization and minimizing the opportunity for manipulation or navigation around necessary provisions. Indeed, it is the structural gaps, both vertically and horizontally, that endanger achievement of benchmarks in a timetable. Therefore, a genuine political center of gravity would serve to integrate the parties in joint implementation and its authority would be capable of propelling the process forward.[10]

Given the specifics of the Israeli-Palestinian conflict, this kind of a joint formula, to a lesser or greater extent depending upon the degree of intervention, is applicable across the range of preferred third party options.

Flawed Symbolism

In between the extremes of gradual incrementalism and the comprehensive requirements of a permanent status agreement, an essentially symbolic presence has been attempted in Hebron and called for in the form of international observers at the outbreak of the *intifadah*. The incompatibility between popular expectations of dynamic action and the inherent limitations of these static options indicate that the minimum level of intervention needed was much higher from the outset.

The degree of structural integration required in a comprehensive approach is distinguishable from the Temporary International Presence in Hebron (TIPH). It was first established on 8 May 1994 to assist in promoting stability and restoring normal life, following the massacre on 25 February of 29 Palestinian worshipers at the al-Haram al-Ibrahimi Mosque/Tomb of the Patriarchs during Friday dawn prayers by Baruch Goldstein, a Jewish settler from New York. Pursuant to the Agreement on Temporary International Presence in the City of Hebron of 21 January 1997, the multinational civilian TIPH became fundamentally a situation and human rights reporting mechanism without any physical means to follow-up on action regarding the information it gathers—much like the current monitoring mechanism for the roadmap.

In principle, TIPH's structure appears sound. The TIPH is represented at the local level in the Hebron District Coordination Office, through which Palestinian Police Forces and the IDF conducted

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[10] On the civilian and military conceptions of this kind of joint monitoring, respectively, see: Jarat Chopra, *Peace-Maintenance: The Evolution of International Political Authority* (London: Routledge, 1999), pp. 13-15 and 178-180; and US Joint Warfighting Center, *Joint Task Force Commander's Handbook for Peace Operations* (Fort Monroe, VA: JWC, 1997), pp. (IV)21-(IV)31.

their security cooperation. A Joint Hebron Committee comprises the Israeli Military Commander and the Palestinian Police Commander of the Hebron district, the Israeli and Palestinian heads of the Hebron District Civil Liaison Office, and the TIPH Head of Mission. It receives TIPH situation and specific incident reports and is supposed to address in its bi-weekly meetings any issue that the District Coordination Office has not been able to resolve. At the international level, a Monitoring and Steering Committee that meets every three months is the highest venue for discussing matters of policy.

However, the political center of gravity of the TIPH is in the six national capitals of the individual nations participating in the mission, despite the coordinating role played by Norway. Weekly reports of the TIPH, that are not made public, are submitted to each of the foreign ministries which may or may not have responded to their contents as part of a much broader political process. By contrast, the joint monitoring model above by definition would relocate the political center of gravity on the ground and have at its disposal a capacity to respond immediately both independently and through the parties. It is also essential for the parties themselves to take advantage of the international mechanism. Although the TIPH reports are confidential, they are provided to the senior Israeli and Palestinian representatives in the Monitoring and Steering Committee, who could have publicized relevant information. On the Palestinian side, however, a critical mistake was to treat the deployment of TIPH as a political victory and an end-state, rather than a beginning point and something to be harnessed regardless of the limitations of its mandate. It would be a cardinal error to behave the same way with any future international presence.[11]

When violence broke out, though, the drive for "internationalization" in part overshadowed what could and could not have worked. Mounting frustration amongst Palestinians about the slow pace of progress during the Oslo process exploded in the second "Al-Aqsa *Intifadah*", sparked by Sharon's provocative visit with over 1000 Israeli police officers to the mosque at the Haram al-Sharif/Temple Mount on 28 September 2000.[12] Shifting from a third-party architecture for a permanent status agreement, attention internationally and amongst Palestinians focused on options for immediate deployment in the short-term. A popular rallying-cry amongst Palestinians demanded a "protection force" of "observers". This embodied two flawed assumptions. First, "protection" was understood to mean that international observers would permit the confrontational expression of the *intifadah*, including rock-throwing, but prevent a disproportionate Israeli military response. In reality, any international intervention would have removed the opportunity for confrontation—unless it meant non-violent freedom of assembly—and in effect pacify the *intifadah*, which Palestinians would not have welcomed, unless it was linked to a political horizon and a new order in negotiations.

Second, observers by any standard of definition might report on incidents, but they have no independent capacity to intervene on the ground in even minimal form, including halting an individual case of physical assault. An observer mission with a protection mandate was a profoundly dysfunctional formula, especially if its only purpose was to achieve a political victory through its creation. Prejudices against the ineffectiveness of the TIPH were legion, and precisely not what was desired. Yet observers, even if they might have provided an impartial accounting of incidents, would have been nothing more, leading quickly to their dismissal in the streets with possibly

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[11] For further analysis of the TIPH, see Lynn Welchman, "Consensual Intervention: A Case Study on the TIPH", in Centre for International Human Rights Enforcement, *International Human Rights Enforcement: The Case of the Occupied Palestinian Territories in the Transitional Period* (Jerusalem: CIHRE, 1996), pp. 279-314.

[12] See further the *Report of the Sharm el-Sheikh Fact-Finding Committee*, April 30 2001, pp. 4-12.

counterproductive consequences. Israel for its part eschewed any form of international presence, determined to retain maximum freedom of action in pursuit of its security imperatives and deeply suspicious of external intentions. Although by February 2001, out-going Labour Foreign Minister, Shlomo Ben-Ami, was publicly calling for international intervention given the failure of bilateral negotiations.

On 31 October 2000, the Palestinian Observer representative at the UN, Nasser Al-Kidwa, circulated a working paper regarding a "Protection Force for Palestinian civilians" (UNPOF). Its mandate would be to contribute in providing safety and security for Palestinian civilians under Israeli occupation, and in ensuring freedom of movement of Palestinian persons and goods, as well as freedom of worship. The mission would be composed of 2000 mobile military observers equipped with individual arms and means of communication. It would not only perform a monitoring function, but would also respond to locations of tension and instability where the occupying Power threatened the safety and security of Palestinian civilians. The proposal failed to receive the requisite votes at the Security Council on 18 December and was vetoed by the US on 27 March 2001. Had such an UNPOF been deployed, though, it would have suffered a worse fate than the TIPH, with high expectations in the midst of violence being met with impotence.

In the meantime, the UN Secretary-General had been considering such a deployment since mid-November. Although a formal mission concept was never tabled at the Security Council, the UN through its Truce Supervision Organization in Jerusalem developed a detailed contingency plan, dated 29 December 2000, for implementing an unarmed military observer mission in the West Bank and Gaza Strip called "Observer Group Territories" (OGT). Unlike the Palestinian conception, the OGT would be limited to observing, monitoring, investigating, verifying and reporting on violations of a cease-fire to be in place prior to deployment. Relying on the consent of both sides and on liaison with them, mobile units would have freedom of movement to patrol friction points, though there would be no defined lines of separation between Israelis and Palestinians. An opportunity did not arise ultimately for the UN to present the plan to the parties.

Paralyzed Monitoring

For the year preceding Operation Defensive Shield, direct or indirect talks between the sides in initiatives brokered by the US focused exclusively on the limited activity of monitoring of any ceasefire deal to be concluded. The inability to reach a meaningful agreement as conditions progressively worsened—with Israel demanding security first and Palestinians requiring a political end-state—meant that monitoring by itself quickly became too little, too late and would always fall short of the minimum level of intervention required. However, monitoring activities would inevitably need to be a key part of a broader intervention deployed. For instance, a third party role in a freeze on or withdrawal of settlements is fundamentally a monitoring activity, with the Israeli Government and military responsible for actual implementation.

Political and Security Monitoring

Following the conclusion of the Middle East Peace Summit at Sharm el-Sheikh, Egypt, on 17 October 2000, President Bill Clinton established and dispatched a Fact Finding Committee under the leadership of US Senator George J. Mitchell. The Committee was tasked with determining how and why the *intifadah* broke out and to make recommendations on ending the violence. It issued its final report on

30 April 2001, and in outlining a number of mutual obligations on the part of both sides, the Committee fundamentally linked Israeli security and Palestinian political interests.

The issue of an international intervention proved to be one of the most controversial issues addressed by the Committee, one that internally divided the technical team at the forefront of the fact-finding effort. The final report only referred to the controversy, noted that the Palestinians had been in favour while Israel was adamantly opposed, and stated that such a mission required the support of both.[13] Inevitably, in order to fulfil the mutual obligations outlined in the Committee's recommendations, a third party element was still needed to verify compliance.

A minimal form of multinational monitoring began to develop. In April, an Egyptian and Jordanian "Non-Paper" on ending the crisis called for a Political/Security Committee at the high officials' level to monitor implementation of the parties' actions. Palestinians articulated in May the outlines of a Monitoring Mechanism, composed of the participants of the Sharm el-Sheikh Summit (in addition to the parties, the Governments of Egypt, Jordan and the United States, the UN and the EU), the Russian Federation and the members of the Fact-Finding Committee (including Turkey and Norway). A two-tiered structure included a Steering Committee as the highest authority of the Mechanism on the ground, and three subordinate Subcommittees for security, settlements and economic and civil affairs.

Security-Only Monitoring

Throughout the spring of 2001, violence between the two sides intensified and escalated, including Sharon's introduction of F-16s in the area for the first time since the 1967 war. Then on 1 June, a suicide-bombing at the Dolphinarium nightclub in Tel Aviv claimed 21 lives, the worst since the start of the *intifadah*. Palestinians braced for a severe retaliation, but the US convinced Sharon to act with restraint and a reprisal was averted. Instead, CIA Director George J. Tenet was dispatched by a new Republican administration, which had vowed non-engagement in the crisis in the wake of what it interpreted as an embarrassing failure of the previous President. Both Sharon and Arafat were forced to publicly declare unilateral ceasefires, in name if nothing else. Tenet began hard-line negotiations with the two sides, in principle pursuant to the Mitchell report. However, his operating assumption was to disconnect the security from the political recommendations, marking the start of a US approach, in keeping with Sharon's position, that attempted to address security issues first, separately from political concerns, delaying them seemingly indefinitely. Despite acknowledgement of the Mitchell report, efforts over the following year were increasingly distanced from its content. In effect, the demand was for a capitulation of the *intifadah* without a commensurate political horizon, something that resembled a Palestinian defeat and surrender. It was inevitable that a ceasefire constructed on such terms was doomed.

Nevertheless, pursuant to the Palestinian-Israeli Security Implementation Plan, or "Tenet Workplan", of 11 June 2001, both sides accepted third party monitoring and supervision of implementation of their obligations. The Palestinian position was based on the Monitoring Mechanism developed for the Mitchell report, with a political steering committee and a security subcommittee initially, to which it was hoped would be added the settlements and economic and civil affairs subcommittees as the process moved into a subsequent "confidence-building" phase. The US instead

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[13] *Report*, p. 24.

was relying on a senior-level security committee chaired by the CIA and composed of the security chiefs from both sides. The issue of monitors began to be debated guardedly in the Israeli press.[14] On 19 July 2001, a G-8 meeting of Foreign Ministers in Rome issued a statement on the Middle East, which ended with: "We believe that in these circumstances third-party monitoring accepted by both parties would serve their interests in implementing the Mitchell Report." The G-8 leaders meeting in Genoa endorsed on 22 July the position of their foreign ministers. Israel rejected the idea of monitors on the grounds that they were not needed and because the Palestinians had not respected the ceasefire.

Still, US representatives began for the first time extensive negotiations with both sides for a monitoring mechanism, based on the Israel-Lebanon Monitoring Group (ILMG) with which those representatives had been personally familiar. The ILMG had been established in April 1996, following Israel's "Grapes of Wrath" operation in Lebanon. The US and France sponsored a ceasefire between Israel, Lebanon and Syria on the basis of an "Understanding", which was neither a signed agreement nor a verbal exchange of assurances. The aim of the ILMG was the protection of civilians, something that the parties had already accepted, but it did not address the political roots of the conflict, as the Mitchell report had attempted. The ILMG was a single-tier forum to address violations, composed of the three sides and the US and France as rotating chairs. The US and French delegations were based in Cyprus and meetings were convened as required in Lebanon.[15] The model was wholly unsuited to monitoring the Mitchell report, let alone the reality now surrounding the breakdown of the Tenet "ceasefire". Though it corresponded to the US-favoured senior-level security committee as a center of gravity, with high-level Palestinian and Israeli teams.

Responsible to the ILMG-type forum would be a tiny group of 10-12 American technical experts drawn from the State Department (probably the Counter-Terrorism Unit), the Pentagon and the CIA. The monitoring effort would be conducted through ad hoc visits to the area. Negotiations proceeded torturously on the conception and meaning of all parts of the monitoring model proposed. Despite Israel's rejection of monitors altogether, a small, entirely US team was preferred to any other. The Palestinian security apparatus did not take the few experts very seriously, questioning the distinction between them and the CIA's existing role in security cooperation between the two sides. Nevertheless, Palestinian negotiators worked with the model, attempting to at least make the composition more multinational, and arguing for some kind of international contact group to which the effort would be responsible (something which would later evolve into the Quartet).

This round of talks and the Tenet ceasefire had effectively ended by the third week of August. The US proposal had been a poor one; Israeli intransigence with regards to monitoring persisted; Palestinian negotiators became preoccupied with parts of East Jerusalem and Abu Dis that had been taken in IDF operations; and violence intensified in a pattern in which principally Hamas, Islamic Jihad and Israel were setting the agenda in mutual attacks, to the exclusion of the PA. A draft Security Council resolution was formulated that called—this time not for observers with a protection mandate—but for the establishment of a monitoring mechanism to help implement the Mitchell report. The US rejected the resolution.

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[14] Saul Singer, "Why Israel Rejects 'Observers'", *Jerusalem Letter/Viewpoints*, No. 459, 1 August 2001, www.jcpa.org/jl/vp459.htm.

[15] Adam Frey, "The Israel-Lebanon Monitoring Group: An Operational Review", *Research Note 3*, September 1997, www.washingtoninstitute.org/junior/note3.htm.

As the Bush Administration's "war on terror" increasingly placed Iraq in the cross-hairs in 2002, and as a high-profile Saudi Arabian initiative promised full recognition of the State of Israel by all Middle East governments in exchange for ending the occupation of the West Bank and Gaza Strip, the US needed some diplomatic movement on a round of violence that had reached new heights by March. US Special Envoy General Anthony C. Zinni was dispatched a third time, after two previously failed efforts. He arrived on 14 March with the objectives of first securing US national interests, and second to conclude a ceasefire, supervise a political process and remain engaged until the creation of a Palestinian state. Though privately articulated, he did not publicly announce the second of these, which would have been a critical confidence-builder.

UNSCO warned Zinni at the outset not to focus on security alone, with preoccupation on a ceasefire. It was a strategy that had failed for a year, obviously. Initially, Zinni concurred. Within days, his view seemed to have reversed. Reservedly, the Palestinian team demanded the Tenet Workplan in full, with a clear link to the Mitchell Report, and thereafter political questions to follow immediately on conclusion of a ceasefire—still something short of requiring an established political timetable first. The Israeli position reconfigured the Tenet Plan altogether, reducing their obligations or rendering them ambiguous while increasing Palestinian security commitments. The US put forward two bridging proposals in succession, which Palestinians interpreted to be mainly in line with the Israeli position. The dynamic was one in which Palestinian negotiators were fighting for the Tenet Plan, something that had not been in their interest in the first place, that had been accepted by Sharon and that had been a US initiative. As one Palestinian negotiator asked Zinni: Mitchell came with a plan, Tenet came to implement Mitchell, then Zinni came to implement Tenet; which American official is going to come to implement Zinni?

There was already skepticism on the streets about the terms under which Palestinians might be forced to accept a ceasefire, with expectations of a short shelf-life for it. Before a Zinni plan could be concluded, on the night of 27 March the worst ever suicide bombing marked the start of Passover with 29 deaths at a hotel in Netanya. The next day talks effectively ended and the situation quickly deteriorated, while the Arab League Summit in Beirut adopted unanimously the Saudi initiative—on the eve of Operation Defensive Shield.

Despite the inability to reach agreement, the parameters of a potential monitoring mechanism had evolved. The Palestinian side devised a concept for an International Monitoring and Verification Mission to implement fully the "Tenet Workplan", the Mitchell recommendations and any other interim measures accepted in the past or workplans that may be agreed in the future. An International Steering Group (composed of the Quartet and other interested states) would oversee a Senior Trilateral Political Committee (composed of senior representatives of the US and the two sides) and three joint subcommittees with monitoring teams for security, settlements and economic and civil affairs.

In contrast to the earlier US model, Zinni had been considering a two-tiered structure, with four technical teams responsible to a Trilateral Security Committee. A Security team would focus on Palestinian arrests, prisons and weapons collections. A Geographical team, concerned with redeployments, would have a mobile capacity to respond to information provided to the Committee. An Incitement team was not intended to be particularly operational, but would constitute a forum for complaints to be aired and for Zinni to address. A final, undefined "Other" team would be created for any of the remaining Mitchell recommendations agreed to, including a settlements freeze. However, this essentially political team would still report to a Trilateral *Security* Committee. The numbers of

monitors would be greater than proposed in the past, and their composition could also have been more multinational. It was also believed that Israel by then might have accepted as many as 60 monitors.

While such design questions were overtaken by events, their details are no less germane to any reconsideration of a mechanism based on an equation combining security and political elements.

Force Options

If observation and monitoring fell short of minimum intervention requirements as the *intifadah* progressed, so would have static and defensively-armed military peacekeeping contingents. They would have been as dysfunctional as observers if given a protection mandate—as had been dramatically illustrated by the UN Protection Force in the former Yugoslavia, whose inability to 'protect' was quickly resented locally and deplored internationally. At the opposite end of a spectrum of options to unarmed observers and lightly armed peacekeepers is a high-intensity military enforcement operation properly authorized under Chapter VII of the UN Charter, acting against the will of the parties if necessary. Such a mission was not conceived as in any way possible before Operation Defensive Shield, but its dramatic effects placed enforcement on the table.

Prominent individuals had already made arguments for a full-scale intervention, including even NATO.[16] Then in May 2002, the UN Secretary-General circulated to Security Council members an option for a large multinational force (MNF) of willing member states acting under Chapter VII. It was conceived as a "stabilization plus" force along the lines of the Stabilization Force in Bosnia. The military MNF would assist the parties in maintaining a declared ceasefire; restore Palestinian security capacity, including the police and the judicial sector (ensuring consistency with international human rights standards); and create secure conditions for the resumption of negotiations and the delivery of humanitarian and development assistance by the UN and other international civilian agencies. A single-lead nation would retain command and control, in a clear structure, over the entire operation. The UN considered a number of candidates, though a reluctant US would be the only one acceptable to Israel. The Secretary-General intended the proposal to at least stimulate more imaginative and expansive international thinking about third party intervention.

A middle ground between the extremes of peacekeeping and enforcement best characterized the security requirements of the *intifadah*. After the end of the Cold War, so-called "second generation" multinational forces had aimed to use limited force in the accomplishment of mandated objectives.[17] By combining this doctrinal development with the experience of Multinational Specialized Units (MSU) established in the Balkans, something of a model could be discerned that was in fact proposed to the Mitchell Committee and which would still be relevant for any intervention now. The MSU were first established in Bosnia in 1998 to fill a "security gap" between the large-scale US-led military units of the Stabilization Force, which acted only when significant conflict broke out, and the regular civilian

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[16] Thomas L. Friedman, "The Hard Truth", *New York Times*, 3 April 2002, p. A19; Zbigniew Brzezinski, "Moral Duty, National Interest", *New York Times*, 7 April 2002, p x; and see International Crisis Group, "A Time to Lead: The International Community and the Israeli-Palestinian Conflict", *ICG Middle East Report No. 1*, 10 April 2002, www.crisisweb.org.

[17] John Mackinlay and Jarat Chopra, *A Draft Concept of Second Generation Multinational Operations 1993* (Providence, RI: Thomas J. Watson Jr. Institute for International Studies, Brown University, 1993), pp. 31-34.

functions of investigation, search, seizure and arrest of UN and local police forces. Incidents of wider civil unrest in a deeply politicized environment, including riots and clashes, fell somewhere in-between. Consequently, the MSU were gendarmerie-type units with constabulary functions, or police contingents with military status, built around the Italian Carbinieri. The MSU were subsequently established in Kosovo and played a similar role with regards to the Kosovo Force and civilian police of the UN Interim Administration Mission.[18]

Such mobile units deployed throughout the West Bank and Gaza Strip could have defused incidents at a variety of friction points. They would not have been situated at fixed locations, reinforcing lines separating Palestinian and Israeli-controlled areas, but they would have been capable of rapidly responding to any threatening event throughout the operational area. Defusion of incidents would not necessarily mean relying on armed force; rather the MSU type of approach would rely on a mixture of a credible presence and dynamic engagement with the population, the parties and other factions through a robust system of continuous liaison in advance of, during and following incidents to help deescalate or prevent them from turning violent. Such a mission could not alter the nature of the environment—that would be the result of agreement between the parties. However, it could have altered the experience of daily life of the local population while negotiations proceeded.

Achieving this necessitates strong overall political direction, in the context of a comprehensive approach to the conflict, and mature, experienced personnel capable of significant responsibility and exercising delegated powers. In addition to the Italian Carbinieri, the British Army is well acquainted with this kind of mission, and the Australian SAS and Federal Police, as well as their New Zealand counterparts have shown they have such a capability. Of Scandinavian units, the Norwegian military has managed to adapt from a traditional peacekeeping role to the complex requirements of internal conflicts. It is unlikely that the UN, which is still configured best to perform observation or peacekeeping tasks, could deliver the kind of mission required. A single nation-led coalition might be the likely alternative, though authorized by a Security Council resolution.[19]

Debated "Trusteeship"

The dislocating and fragmenting consequences of Operation Defensive Shield triggered an active debate about international "trusteeship" over the West Bank and Gaza Strip. The idea gained more traction more quickly than any other intervention option in Israeli quarters,[20] amongst some Palestinians and in certain European capitals. However, other than broad comparisons with the UN transitional administrations in Kosovo and East Timor, the concept has not been well-defined, the term "trusteeship" has been used out of its historical context and both sides have opposite interpretations of its objectives. For Israelis it must be a means of replacing the Palestinian Authority once and for all and defeating militant groups at all costs. For Palestinians it must rebuild the Palestinian Authority and restore its governing capacity. Neither side has acknowledged the degree of executive, legislative and judicial powers that such a mission would necessarily exercise. They also differ fundamentally on the

[18] "MSU Techniques, Tactics and Procedures", unpublished doctrine, 5 August 1999.

[19] On the principles of building effective coalitions, see the ABCA's *Coalition Operations Handbook*, 1 November 2001, www.abca.hqda.pentagon.mil.

[20] See for instance David Newman and Joel Peters, "Kosovo as the West Bank, Macedonia as Israel", *Ha'aretz*, 30 October 2002, p. x.

geographic scope of deployment, whether only over Palestinian-controlled areas or the entire West Bank and Gaza Strip.

It is also not clear whether Israel would accept withdrawal first, or if an international "trusteeship" would be layered on top of an IDF occupation. Would it be a means of internationally legitimizing and implementing an Israeli unilateral separation, in which all aspects of Israeli and Palestinian life were severed in unconnected infrastructures? Or rather, is the notion to get a US-led effort to fight terrorism in the area as part of the global war on terror?[21] The aim of any meaningful transitional administration must be to make itself obsolete as quickly as possible, by ensuring that a functioning local authority with full capacities for governance can assume full control. The experiments to date have not been successful in this regard. Too much power has been concentrated in the hands of the Transitional Administrator, who has the function of a colonial governor. Transitional separation of powers fostering democratic principles has not yet been achieved, and the ability to effectively involve the local population in such temporary rules and build the necessary capacity for self-government has been abysmal,[22] leading in turn to renewed violence.[23]

Yet, the destruction of the PA exposes Palestinians to external control. Without the necessary safeguards built into the doctrine of transitional administration, the prospect is a precarious one for Palestinians. In such an eventuality, the best-case scenario will be to ensure that the outside footprint is a light one. This has to be done by Palestinians themselves, as they reconstruct their own authority in their own image as difficult as this currently may be. If this can be accomplished, with bilateral and multilateral assistance, then it will offer the best chances for independence in a real sense, and reduce the possibility of another—international—occupation. The trajectory of events may not afford such a luxury to Palestinians. Therefore, in any scenario other than Israeli annexation of the West Bank and Gaza Strip, international planners will have to come to terms, as an operating assumption, with the restoration of a Palestinian governing apparatus in a state-building exercise.[24]

Conclusion

Some government officials perceive that Israelis and Palestinians are not ready for international intervention, and that they have to "bleed" more until a stalemate forces them to compromise. But it is likely that both sides have the capacity to out-"bleed" the tolerance of the international community and threaten its broader interests. It is not clear what the breaking point will be, whether a single catastrophic event or an eventual agenda imperative, unavoidably, of Washington. Some on each side believe that they need to be ready in the event of an opportunity for an effective degree of intervention, resulting now in considerably increased engagement on the issue.

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[21] Martin Indyk, "A Trusteeship for Palestine?", *Foreign Affairs*, Vol. 82, No. 3, May/June 2003, pp. 51-66.

[22] Jarat Chopra, "Building State Failure in East Timor", *Development and Change*, Vol. 33, No. 5, November 2002, pp. 979-1000; and Jarat Chopra and Tanja Hohe, "Participatory Intervention", *Global Governance*, Vol. 10, 2004 (forthcoming).

[23] Jill Jolliffe, "Police Open Fire as Riots and Arson Grip Timor", *The Age*, 5 December 2002, p. x.

[24] Jarat Chopra and Amjad Atallah, "Issues of 'Trusteeship' in the West Bank and Gaza Strip", unpublished paper presented to the UK Foreign and Commonwealth Office Seminar on "Nation-Building: Peacekeeping and Transitional Administrations", 19 December 2002.

The minimum level of intervention required by conditions on the ground is already at a high threshold. The degree of fragmentation on the Palestinian side, the military and civilian nature of the Israeli presence, and the breadth of economic, social, institutional, geographic and humanitarian concerns dictate the need for a comprehensive approach. International forces may be able to create a secure environment, but they will have to be subordinated to a political authority responsible for a Palestinian state-building effort in the context of permanent status negotiations conducted along a fixed timetable with a clear horizon. Monitoring the terms of a peace process will be one ingredient. Constabulary functions should ensure a positive difference in the daily lives of the population in the area of deployment if the effort is to be accepted and supported. The package may be wrapped up as a "trusteeship", but there are permutations of the concept to be articulated and selected. Altogether, international intervention cannot replace resolution of the conflict, but if judiciously introduced it may function as a corridor towards the prevailing vision of a two-state solution.