

DOCUMENTS AND SOURCE MATERIAL

INTERNATIONAL

A1. JON ELMER, "GOOD NIGHT BATTLE OF BRITAIN, GOOD MORNING GAZA," BRIARPATCH, MAGAZINE, REGINA, CANADA, DECEMBER 2005 (EXCERPTS).

Using as its starting point the Israeli Air Force participation in "Exercise Maple Flag," the elite international air force exercises sponsored by Canada, this article examines a shift in military doctrine to counterinsurgency warfare, particularly the use of asymmetrical air power and Israel's pioneering role in this type of operation. Subtitled "Maple Flag, the Israeli Air Force, and the 'New Type of Battle We Are Being Asked to Fight,'" the article appeared in the December 2005 issue of Briarpatch, a Canadian news and opinion magazine founded in 1973 and dedicated to "fighting the war on error."

Out of two hundred warplanes that took part in Exercise Maple Flag 2005 in Cold Lake, Alberta in May, only ten were Israeli F-16s. It would be easy to miss their significance. Yet, when Canadian forces extended an invitation to the Israeli Air Force for the first time in thirty-eight meetings of the Maple Flag war games, it signaled, according to military planners, a marked shift in Canadian military and political policy in the twenty-first century: *good night Battle of Britain, good morning Gaza.*

Exercise Maple Flag is the code name for one of the world's largest air force exercises, with over 5,000 crewmen from eleven countries conducting active training operations and testing new weapons at Alberta's Cold Lake Air Weapons Range. Formerly known as the Primrose Lake Evaluation Range, the sprawling 11,630 square kilometer base is a symbol of Cold War preparedness, a state-of-the-art facility rapidly constructed between 1952 and 1954. . . .

Maple Flag is Canada's answer to the US Air Force's Red Flag exercises, which began in 1975 as a response to Vietnam War statistics indicating that as many as ninety percent of aircraft losses occurred in the pilot's first ten combat operations. Red Flag and Maple Flag are constructed to be highly realistic so as to provide a level of training tantamount to real combat hours. A further

aim of the exercises is to draw lessons from recent operations. . . .

According to official statements, this year's exercise focused on implementing the use of tactical air power to enforce directives that were once the domain of armored units and ground troops. As Defense Minister Bill Graham recently articulated, the emerging military/political agenda for Canadian Forces is about "enforcing peace." In order to accomplish such enforcement upon an entire population, Graham states that the population in question "must perceive the use of force in their neighborhood, and the civilian casualties that are suffered, as being for their greater good and not just the repressive measures of a foreign occupying force" (DND).

While a population welcoming the use of deadly force in their neighborhood—however great the good—is decidedly unlikely, tactical aerial bombing is surely less illustrative of occupation than are "boots on the ground," and is therefore a preferable lever of control. . . . The concentrated aerial attacks on Iraq throughout the 1990s—Desert Storm (1991), Desert Strike (1996), and Desert Fox (1998)—as well as the 78-day bombing campaign against Serbia in 1999 and the attack on Afghanistan in 2001, foreshadow a type of asymmetrical aerial bombing which, according to defense planners, is the way of the future.

In defense-speak, this new counterinsurgency warfare is a development which denotes a "Revolution in Military Affairs": a shift in military doctrine arising from developments in technology, operational concepts, or organizational methods that profoundly alters or replaces old practices (DND). . . .

The use of asymmetrical air power to enforce the national interest is one element of the Revolution in Military Affairs that has emerged over the past two decades. The other components of the new doctrine include hi-tech surveillance, mobile "light" armies built around Special Forces, and control of outer space. While clearly rooted in advanced technological capacities of the twenty-first century, a Revolution in Military Affairs is not defined by technological advance alone. What makes a revolution is the willingness to actually use the new paradigm in place of the old. . . .

For the past three decades, the Israeli Air Force (IAF) has been among the world's most advanced and most active, yet the thirty-eighth running of the Maple Flag war-games was the first time Israel has been invited to participate at Cold Lake. Not only was the IAF invited, but Canada asked (and Israel obliged) the IAF to stay an additional two weeks in Cold Lake. The sudden rapprochement between the air forces of Canada and Israel is best understood in light of this developing Revolution in Military Affairs.

As Colonel Sullivan describes it, the era of the air wars (think Battle of Britain, he says) is over, and training international coalitions for World War III aerial dog-fighting (think *Top Gun*, this author says) is becoming obsolete. "What we're seeing now is much more complex, much more of a counterinsurgency-type battle, fighting guerrilla warfare on the ground," claims Sullivan (*National Post*).

The forward-looking edge of military doctrine is no longer facing advanced air forces (the Luftwaffe or the Red Army). Instead, it is enforcing control over populations in colonial or neocolonial occupation regimes in essentially urban settings. "We've moved away from that large coalition air force designed to fight the Third World War," said Sullivan (*National Post*).

Therefore, in order to simulate aerial operations that reflect the current reality in places like Iraq and Afghanistan, this year's exercises focus on what sounds like a day in the Gaza Strip during the al-Aqsa intifada (which began in September 2000). Rather than targeting military installations or tank columns, the pilots will be given what Sullivan called moving, "time-sensitive targets," which are described as targets that are legitimate for only a specific period of time—for example, a resistance leader traveling in a car or a gunman crouching in an alley.

This type of operation—namely, decreasing the time between identifying a target and striking it—is known in military slang as shortening the "kill chain," and it is evidenced most dramatically by the Israeli Air Force. Between November 2000—when Israeli Prime Minister Ehud Barak openly announced the policy of "targeted assassination"—and May 2005, more than 250 Palestinian political and military leaders and activists were assassinated by the IAF. Despite the fact that the Israelis have almost all their targets under surveillance, the air strikes invariably take place on crowded streets and involve the use of muni-

tions such as the Hellfire, an antitank-armor missile, against civilian automobiles.

Avi Dichter, Israel's internal security (Shin Bet) chief during the intifada, said of the assassination policy, "Its effectiveness is amazing. The State of Israel has brought preventative assassination to the level of a real art."

Dichter added with pride: "When a Palestinian child draws a sky nowadays, he will not draw it without a helicopter."

According to the Israeli Defense Forces, since mid-2004 more than ninety percent of Israeli attacks in Gaza—a densely populated strip characterized by crowded refugee camps—have been carried out by the Israeli Air Force (*Defense News*). Though no precise distinction can be made between IAF and IDF strikes, Palestine Red Crescent statistics show that during that same period, some 600 Palestinians were killed and 5000 were injured, the overwhelming majority of whom were civilians.

Nevertheless, after five years of fighting the Palestinian intifada, Israel's expertise in this type of warfare apparently does not go unnoticed. Veteran *Ha'Aretz* reporter Ari Shavit asked outgoing IDF Chief of Staff Moshe Ya'alon if Israel's record in the intifada could be characterized as a "phenomenal military achievement," and Ya'alon replied: "That is what foreign armies are saying" (*Ha'Aretz Magazine*). Presumably, the Canadian Forces is among those armies. According to Canada's Colonel Sullivan, "from 25,000 feet we can drop one bomb on a very precise target and that gets a lot of people's attention very quickly" (*National Post*).

Indeed, under Ya'alon and air force commander Dan Halutz, the IAF played a leading role in fighting the Palestinian uprising and enforcing Israel's occupation regime in the West Bank and Gaza—targeting not only militants, but also key civilian and state infrastructure. The most salient examples were the attacks on the refugee camps of Jenin (April 2002), Rafah (May 2004), and Jabaliya/Bayt Hanun (October 2004), which were similarly characterized by the use of concentrated bombings by the IAF in tiny areas with dense populations. Consequences for Palestinians were severe, yet when viewed through a traditional military lens, the stalemate that emerged between Palestinians and Israelis is no victory for Israel.

The IDF is one of the world's most powerful armies, with access to significant state resources, and it has fought a poorly armed national liberation movement to an undeclared ceasefire. Yet, in the new paradigm,

absolute victory is not exclusively the product of military X's and O's, and such attacks are considered strategic successes. In the words of Ya'alon, the goal is to "sear [into] the Palestinians' consciousness" that resistance is futile and victory impossible.

High-profile atrocities—like in August 2002 when Salah Shehadeh was assassinated along with his wife, teenage daughter, and twelve others (including eight children) when the IAF dropped a one-ton bomb on the crowded apartment building where the senior Hamas commander lived, or in May 2004 when an IAF Apache Longbow attack helicopter launched missiles into a demonstration of mostly schoolchildren in Rafah, killing ten and injuring scores—did little to dim the ascendancy of air power in enforcing occupation throughout the al-Aqsa intifada. In fact, after the Shehadeh assassination Air Force head Dan Halutz, asked how it felt to deliver a bomb of this sort, replied that one feels only a "slight bump on the wing." Despite the massive toll of young innocents, the attack passed Halutz's "moral test," and he infamously told his pilots amid the subsequent outcry to "sleep well at night," like he does (*Ha'Aretz Magazine*).

Israel went further, promoting Halutz to chief of staff, a position he assumed in May. Halutz's appointment marked the first time that an air force commander was named to the position of chief of staff. Halutz's selection over an infantry general was widely seen as the cementing embrace of a doctrine of air power in the service of urban warfare (leaving aside the harbinger this appointment represents to Iran).

A leading military publication, *Defense News*, picked up on the significance of the development and ran a front page feature titled "In Israel, air power takes on ground jobs." In the article, Halutz describes his doctrine of "environmental air control": "a combination of advanced technology, unique operational concepts and close coordination among intelligence branches enable air power to relieve some of the burden traditionally shouldered by ground forces, reducing the need for . . . the prolonged presence of ground troops, which is overwhelmingly viewed as illegitimate by international norms."

The much-talked-about "disengagement" from Gaza has seen Israel using Halutz's "environmental air control" to police the Gaza Strip without the need for IDF boots on the ground. Viewed through Bill Graham's articulation of Canadian policy, all of this force

will be for the "greater good" of Palestinians. Is this not the ultimate logic of the contradictory concept of "peace enforcement?"

A2. UN OFFICE FOR COORDINATION OF HUMANITARIAN AFFAIRS (OCHA), HUMANITARIAN UPDATE ON EMERGING HUMANITARIAN RISKS IN THE OCCUPIED TERRITORIES, JERUSALEM, JANUARY 2006 (EXCERPTS).

OCHA's January "Humanitarian Update on Occupied Palestinian Territory" was released in March 2006; it covers events up to late February in its "Immediate Trends" section. The update also includes a monitoring section (casualties, demolitions, land requisitions and leveling, humanitarian access, etc.), which was not reproduced. The full text of the report is available online at ochaopt.org.

1. Immediate Trends

Since the Palestinian elections in particular, there has been a sharp deterioration in humanitarian situation due to Israel's tightening of security procedures.

- The **Karni crossing** between Israel and the Gaza Strip—the main crossing for commercial and humanitarian supplies in and out of Gaza—**closed for 21 days** between 15 January and 5 February resulting in **an estimated loss of \$10.5 million**.
- The IDF stated that it closed Karni crossing because of security threats and concerns over the spread of avian flu.
- On 26 February, it was announced that all Gaza Strip flour mills would close as wheat grain stocks are depleted following the closure of Karni crossing.
- The price of sugar has increased by 25% since the closure of the Karni crossing. Current stocks are sufficient for four days.
- **Palestinian casualties have increased** throughout the oPt [occupied Palestinian territories] in the month after the elections compared to the month before (at least 34 deaths compared with 15), while Israeli casualties remained the same (1 death prior and 1 death after).
- From 19–23 February, the IDF has made **four incursions** into three locations in Nablus city (Balata refugee camp, the Old City, and Kafr Qalil). Eight Palestinians were killed (including three children—aged 17 years) and 32 were injured.

- In the past 4 weeks approximately six Qassam rockets/day have been fired into Israel. Israel has shelled the northern and eastern areas of Gaza with 20–23 artillery shells/day.
- In February, the number of Palestinian children in Israeli detention was 360, representing a 13% increase from January. The average throughout 2005 was 300.
- The number of **structures demolished** increased sharply since the elections—**48 were demolished** since 25 January for lacking building permits.
- There has been a **25% increase in the number of physical obstacles** (471 obstacles) blocking Palestinian movement in the West Bank—these include earth mounds, checkpoints, road blocks, which the IDF states are imposed to protect Israel's citizens—it compares with 376 in August 2005.
- There has been an **acceleration of Israel's plan to separate Palestinian and Israeli road systems** within the West Bank. Palestinian traffic is being diverted from the Israeli restricted West Bank roads through a combination of physical obstacles, movement permits, and road barriers. A series of tunnels and bridges separate Palestinians onto alternative roads to traverse Israeli controlled Area C and Israeli restricted roads.
- These new obstacles have had a negative impact, restricting access to land, markets, services, and social relations.

2. Risk of Future Collapse

The humanitarian impact of cutting donor funds and VAT payments to the PA will result in a deficit that will immediately reduce the PA's capacity to provide services, pay salaries, and ensure security.

The PA has three major sources of funding. In 2005 these included:

- i) Clearance revenues transferred from Israel—estimated at \$65m/month;
- ii) Budget support from the international community—estimated at \$34m/month;
- iii) Domestic revenues—estimated at \$35m/month.

i. The Deterioration of Basic Services if PA Salaries Stop

The PA employs approximately 152,000 Palestinians. Of these at least 11,000 work in the health sector, 39,000 in education,

and 73,000 are employed as security personnel. Nonpayment of these salaries could mean:

Education and health professionals may start exacting a fee for their services. This informal privatization could exclude vulnerable groups from access to essential services and encourage an informal economy where the service quality would not be controlled.

School routines could break down, including reduced hours. Classroom size would increase, teacher morale would decline, education quality would deteriorate, and pupil drop-out could increase.

It is not possible to transfer the responsibility of the public health system to UN or NGOs. The Ministry of Health (MoH) is the main agency responsible for provision, coordination, and stewardship of the health. It provides a whole range of health services (preventive, curative, educational, and rehabilitative) to the population. For instance, the national immunization programme requires the MoH primary health-care services.

Approximately half of the MoH's budget is covered by international aid. Cutting this funding will hamper service delivery and prevention activities including immunization and mother and child care. On 7 February, due to severe stock shortage, the MoH launched an appeal for a monthly amount of \$4.5m to cover its running costs for drugs, supplies and disposables, and diagnostic materials.

Regular maintenance of electricity and water networks would deteriorate. Water quality would further decline. Bacteria infections—already a problem in hospitals—could increase due to lack of proper water treatment. The breakdown of refuse collection and sewage disposal systems would risk spreading disease.

ii. Rising Impoverishment

Already-high poverty levels of 64% are set to climb further if PA salaries are withheld. The halting of payment of civil servant salaries would lead to their impoverishment.

PA employees now make up 37% of all employed in Gaza and 14% of all employed in the West Bank. Their spending power in local shops and on services plays an increasingly important role in keeping the local economy afloat.

Dependence on PA salaries is greatest in some of the poorest governorates,

including Jenin, Tulkarm, Qalqilya, Tubas, Salfit, and the Gaza Strip.

An estimated 942,000 Palestinians (25% of the total Palestinian population) are dependant on [a] PA wage-earner. This is a conservative estimation because as the population has grown poorer, the extended family has come to rely on a PA employee.

The private sector has limited capacity to absorb the new unemployed—having experienced a severe slump during the last five years of conflict. Consequently, the population would become more dependant on international assistance. At present, 1.4 million Palestinians (more than one-third of the population) receive food aid to meet part of their food needs.

A PA salary is now considered comparatively high in the oPt while before the intifada, it was considered one of lowest salaries. Its regularity means that the families of PA employees continue to have access to credit, and banks now often require that borrowers have a PA employee as a guarantor.

iii. Rising Instability

The nonpayment of salaries to 73,000 security staff could risk a rise in criminality, kidnapping, and protection rackets—private security firms protecting businesses. Kidnapping of international staff in the Gaza Strip has reduced UN staff from 76 to six currently and kept UN operations at a Phase IV security level—the highest level before full UN evacuation.

iv. The Humanitarian Imperative

International humanitarian agencies do not have the capacity to take over the running of PA services, even if the security situation allowed.

Since Oslo (1993), donors have supported the establishment and development of the PA to provide services directly to its population. To cut the funding of PA salaries risks undermining the future of these institutions. Prior to Oslo, welfare services were administered through the Israeli military authorities—the “Civil Administration.”

Israel remains responsible as an occupying power for ensuring public order and the health and welfare of the Palestinian population. Humanitarian assistance from the international community does not relieve Israel of this responsibility.

A3. UNITED NATIONS, HUMANITARIAN IMPACT OF THE WEST BANK BARRIER: PALESTINIAN ACCESS TO AGRICULTURAL LAND, NEW YORK, JANUARY 2006 (EXCERPTS).

Compiled by the Jerusalem-based UN Office for the Coordination of Humanitarian Affairs (OCHA) and UNRWA, this 31-page report was prepared for the donors' Humanitarian Emergency Policy Group (HEPG) and is based on extensive fieldwork conducted during 2004 and 2005. It covers twenty-eight Palestinian villages wedged between the separation barrier and the Green Line in the governorates of Qalqilya and Tulkarm and whose residents (about 180,000 people, including over 75,000 registered refugees) require permits to reach their lands west of the barrier. The excerpts reproduced below include the “Summary and Key Findings” as well as a subsection from part IV (“Implications”) from the body of the report on how the permit system can facilitate land expropriations in closed areas using Israel's land laws. The full report is available on the OCHA Web site at ochaopt.org.

Summary and Key Findings of Special Focus

Humanitarian impact

The closed areas of the West Bank [areas between the barrier and the green line] are no longer accessible for most West Bank Palestinians.

Palestinians living east of the barrier have faced increased difficulty accessing their farm land in the closed areas. The result is widespread loss of agricultural livelihoods. Unemployment levels in areas close to the barrier have increased.

Land in the closed areas is becoming less productive. Increasingly it is either not being farmed, or because access to it is limited and unreliable. As a result, farmers have reverted to lower maintenance crops (such as wheat) rather than high-returning crops (such as tomatoes and cucumbers) grown prior to the barrier's construction.

Many West Bank farmers fear the loss of their land in the closed areas. Ottoman land law continues to apply in the West Bank. It has been interpreted by the Government of Israel to mean that land not registered or cultivated for three consecutive years is vulnerable to be declared “State Land” and ultimately confiscated. Much of the Palestinian land in the closed areas has already been declared by Israel as State

Land and its confiscation could come into force.

The Government of Israel has stated the barrier will not result in a change of ownership of the land and “that residents and those that use the area will be able to live in and use the [closed areas] with minimal interference.” Regarding farmers’ access to the closed areas, the Israeli government has stated that “while legal proof of ownership or residence would be best, it will not be necessary to receive official documentation proving ownership.”

However, these statements have been challenged by the reality on the ground. Two main reasons account for the lack of Palestinian access to the closed areas:

- Tightening of the permit regime to cross the barrier.
- Unreliability of gate operation through the barrier.

Tightening of the Permit Regime to Cross the Barrier

Palestinians are required to obtain a permit to enter the closed areas. In Qalqilya governorate, a greater proportion of permits are being rejected—from approximately 25% at the beginning of 2005 to 38% in July.

Security grounds have become less of a factor in refusing permits. Instead, proof of land ownership or a direct relationship to the owner of the land has become the primary determinant. In Qalqilya governorate, 11% of permit rejections in January 2005 were related to a purported failure to establish land ownership or a direct relationship to the land. By July 2005 this had risen to 65%.

Since the introduction of the permit system, the number of applications has increased—more are accepted but proportionally more are rejected. Applications in Qalqilya, for example, have increased because the permit system in the past few months has been more widely implemented and Palestinians are making repeat applications to increase their chances of having their permit application accepted.

Those most affected by this change in permit refusal are tenant farmers, laborers, spouses, and second degree owners (relatives such as grandchildren). Approximately 50% of these people were refused permits for land ownership-related reasons compared to 9% of landowners during the first half of 2005. This has adversely affected landowners who have traditionally relied on extended family members and hired laborers to assist with farming their land.

Unreliability of Gates through the Barrier

Even with a permit, farmers are not guaranteed regular access to their land because the barrier gates operate erratically. Restrictions on the opening time limits the period of time a farmer can be in the closed areas. Farmers also report that the IDF control of the gates is so erratic that this is as much a problem as the permit regime itself.

In October 2005 in the governorates of Tulkarm, Qalqilya, and Salfit, only 21 out of a total of 42 gates in the barrier were open for Palestinians with the correct permit.

From 2003 until the present, the status of the gates has often changed—previously open gates have been converted into seasonal gates. Others have been closed completely while previously closed gates have re-opened.

Gates are often some distance from farmland. Because the former road system was cut by the barrier, some farmers have to travel over other farmers’ land to reach their plots. In Jayyus village (Qalqilya governorate), for example, there are only two gates to reach the land, where previously there were ten dirt roads.

Agricultural gates are open three times a day, generally for 20 minutes to an hour.

Following a security incident, the gates can be closed for several days or more.

Tractors and other farm vehicles are frequently not permitted to cross the gate. Farmers must either walk or use a donkey to reach their land and bring out produce.

Each permit is valid for a particular gate. Some farmers have the wrong gate numbers on their permits, leaving access for the farmer reliant on a soldier’s discretion.

Communities in four northern West Bank governorates—Jenin, Tulkarm, Qalqilya, and Salfit—have been affected where the construction of the barrier is complete. Two of the four governorates—Tulkarm and Qalqilya—are the subject of this report. In Tulkarm and Qalqilya governorates alone, over 85,000 dunams (8,500 hectares) of mostly agricultural land lie to the west of the barrier isolated from the rest of the West Bank.

This had two immediate effects. First, it created a number of enclaves of Palestinian communities that lie in the closed areas. Second, it separated communities on the east side of the barrier from their agricultural lands on the west. Access to and from these closed areas is regulated through gates.

In October 2003, the IDF introduced a permit regime for West Bank Palestinians who need to cross the Barrier to reach land in the closed areas. An Israeli military order authorized the new permit requirements: "Declaration of Closing an Area No. S/20/03 (Seam Zone)" declared the area between the Barrier and Green Line to be a "closed area." The only people authorized to enter this area without a permit are identified as citizens of the State of Israel, registered residents of the State of Israel, or a person who has the right to immigrate to Israel according to the Law of Return.

The IDF contended that as Israel was easily accessible from the closed areas, Palestinians would be required to pass a security review before they would be given a permit to enter. The task of issuing permits to Palestinians to enter or stay in the closed areas was given to the heads of the Israeli Civilian Coordination and Liaison offices (DCLs).

The IDF also required Palestinians living inside the closed areas to obtain permits to continue residing in their homes. For these communities, although physically and socially separated from the West Bank by the barrier, they are not, for the most part, separated from their farmlands. . . .

Discussion and Findings

IV. Implications

v. Risk of Dispossession

Israeli land and settlement policies in the West Bank along with the permit system for crossing the Barrier are raising concerns that Palestinian farmers may be at risk for dispossession of their land in the closed areas.

In December 2005 Israel revised the military order regarding permits into the closed areas. This amendment revised the procedure for permit applications to reach agricultural land in the closed areas. It outlines the additional documentation that is required to accompany a permit application to prove direct connection to the land in the closed areas.

"State Land"

The Ottoman Land Code formed a significant part of the land law in the West Bank at the time of Israeli military occupation in 1967. . . . Under the Ottoman Land Code, much of the land in the West Bank

had been designated as *miri* land, where an inheritable possession right could be acquired through continuous cultivation. A comprehensive settlement of land claims to formalize Palestinian possession into ownership began during the British Mandate period and continued under the Jordanian rule. Registration was slow and by 1967, approximately 66% of West Bank land remained unregistered.

In the early 1980s, the Government of Israel reinterpreted the Ottoman Land Code to allow the Commander of the IDF in the Region to declare as "State Land" uncultivated *miri* land that had not been registered during the British Mandate or Jordanian rule. Between 1980 and 1984, Israeli authorities declared approximately 800,000 dunams (80,000 hectares) of the West Bank as State Land, at times without the knowledge of the Palestinian farmers who had possessed the land for decades. Following the State Land declaration, the authorities confiscated the land and transferred title to Israeli government bodies, [which] used this land to build settlements. By 1985, approximately 90% of Israeli settlements were established on land declared State Land. It is estimated that 40% of the area of the West Bank has been confiscated by the Israeli authorities in this way.

Much of the land in the closed areas has already been declared State Land, and Israeli settlements have been constructed in the closed areas. However, there remains declared State Land in the closed areas where no settlement construction has taken place and where Palestinian farmers continue to cultivate their land. Due to the expansion plans of Israeli settlements in the closed areas, there is concern that the Israeli authorities will begin to enforce the State Land declaration and deny farmers permits to their land on the grounds that they are not the owners of these lands.

There is also concern over the risk of dispossession regarding unregistered Palestinian land that has not been declared State Land. Farmers fear that the access restrictions created by the barrier and the permit system will prevent them from cultivating their land. If this situation continues for three consecutive years, the land may become vulnerable to be declared State Land and confiscated by the Israeli authorities. The construction of the barrier and the lack of permits for the last two years have already prevented some farmers from cultivating their land.

**A4. INTERNATIONAL CRISIS GROUP (ICG),
“ENTER HAMAS: THE CHALLENGES OF
POLITICAL INTEGRATION,” AMMAN AND
BRUSSELS, 18 JANUARY 2006 (EXCERPTS).**

The ICG’s forty-one-page report on Hamas, published just over a month before the legislative elections brought the Islamist organization to power, examines Hamas’s recent history in terms of participation in the political process, interactions with Israel, shifting attitudes, and relations with the international community including donor issues. The excerpts reproduced below concern Hamas and the electoral process, donor assistance to Hamas-run municipalities, and an assessment of U.S. and EU policies toward the movement. Footnotes have been omitted for reasons of space. The entire report can be found at www.icg.org.

II. The Era of Integration

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C. The Vagaries of Integration

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2. Hamas and the Electoral Process

Legislative elections, the most significant step in the integration process, were scheduled for July 2005. Faced with strong pressure from within the Fatah leadership—which feared the elections would benefit both Fatah rivals and Hamas—and from international actors, including notably Egypt, President Abbas postponed them to early 2006. . . .

While the staggering of local elections into multiple rounds allowed the PA to amend the rules from a candidate-based system to proportional representation in the hope this would help unify local Fatah factions, it also gave Hamas time to hone its electoral machine. In the year between its electoral debut in December 2004 and the fourth round of municipal polls in December 2005, it took a crash course in electoral arts, and by the eve of the legislative elections had mastered a gamut of techniques: organizers wore green baseball caps and distributed stickers; its campaign banners and paraphernalia dominated city centers; in campaign offices, women armed with electoral rolls manned telephones to get out the vote; twice on polling day voters in Nablus received mobile phone text messages asking if they had voted in accordance with God’s will. Candidates constantly appear on Palestinian TV and radio stations trumpeting well-rehearsed sound bites. A fortnight

ahead of the legislative elections, the movement launched its own television station, al-Aqsa.

Hamas also enjoys a virtual monopoly on campaigning—and the benefit of a captive audience—in mosques, though in early January 2006 it signed an inter-Palestinian code of conduct that explicitly prohibits the use of places of worship for electoral purposes. After four municipal dry runs, augmented by a series of student and union elections, Hamas has the most professional, disciplined, and calculating electoral team in the Palestinian territories. This is all the more remarkable given Israel’s repeated arrest campaigns that seemed to target its campaign staff and candidates, many of whom remain in jail months after their initial detention. In the first round of municipal elections, in which locations were purposely selected to ensure an impressive Fatah showing, Hamas did particularly well, capturing seven of 26 councils against twelve for Fatah in the West Bank, and seven of nine, including the town of Dayr al-Balah, in the Gaza Strip. The second and third rounds, respectively in May and September 2005, confirmed a pattern whereby Hamas performed beyond expectations in West Bank rural areas even though Fatah won a clear majority of such contests, and generally overwhelmed Fatah in urban centers and the Gaza Strip. . . .

In the penultimate round of local elections in December 2005, the most significant to date because of the many cities included, Hamas handily won Fatah’s traditional Nablus bastion and also captured Jenin and al-Bireh. By the end of the year, it was entrenched not only in its Gaza strongholds but all across the West Bank, in full or joint control of each of the largest towns that had voted except Ramallah. Its councilors had won control of a combined population equal to that under Fatah’s leadership, with the difference that Islamist victories occurred in the politically more important urban regions, while Fatah maintained control in comparatively marginal rural areas. Fatah retained its monopoly only in cities where the courts cancelled the results or the PA postponed polling; even there, roads were festooned with banners proclaiming “Welcome to Hamas City.” The longer Fatah temporized about conducting elections, the more Hamas appeared to advance.

Even Hamas was surprised by its performance, proclaiming that the angels must have joined the vote. Hamas’s preparations for the approaching legislative elections

began well before it signed the March 2005 Cairo Declaration that paved the way for its participation. Unlike Fatah, it marshaled its campaign team and mobilized its resources in anticipation of a mid-2005 vote, and maintained them on high alert after postponement. Having conquered the provinces, it is well-placed to decisively influence the PA. As Hamas's appeal has grown, so too has the breadth of its support base. For an organization with scant experience in government, its political wing has received relatively high marks for local administration. In the latter stages of the municipal elections, the movement cast its net in search of promising candidates, nominating several from outside the movement, including a Nablus car-dealer with business ties to Israel who is currently the city's mayor. The movement's pragmatists, led by Ismail Haniyeh, have visibly prevailed on the list of legislative candidates over those identified with its radical wing led by Mahmud Zahar.

Of course, local election results do not necessarily reflect national sentiment or preview the legislative outcome. As elsewhere, voters are more ready to register protest in local balloting. Socioeconomic issues such as the quality of public services dominated these contests, whereas questions of war and peace typically top the list of national concerns. Most polls suggest the public continues to favor Fatah's agenda of a negotiated two-state settlement and has little enthusiasm for renewed conflict. Moreover, even the municipal results reflect disarray within Fatah and its failure to get out the vote rather than sweeping enthusiasm for the Islamist cause. Hamas secured its overwhelming victory in Dayr al-Balah on a turnout of less than 6,000 votes out of a total registered electorate of 31,000—less than 20 percent. . . .

III. Hamas and Local Power

In the course of the local elections, Hamas has assumed responsibility for the livelihoods of thousands of municipal employees and the local affairs—including service delivery—of hundreds of thousands of Palestinians. Municipal elections thus offered Hamas its first foothold in the PA political system and Palestinians their first taste of what Islamist governance might bring. While local authorities have comparatively little power, and the collapse of their revenue base during the uprising and mounting debts have dramatically increased their dependence on the PA and donors, they remain in many cases the largest local employer, a

source of significant patronage, and a locus of day-to-day relations with Israel. Municipalities have thus become small laboratories for what Hamas might do domestically and with regard to others if and when it achieves greater national power.

A. The Pitfalls of Local Power

For the most part, Hamas rule has been almost boringly similar to its predecessor's. Islamist councilors can appear remarkably subdued and removed from broader political or ideological struggles. Confronted with the reality of daily interaction with the occupying power, the municipal leadership in the main has been pragmatic: maintaining contacts on essential operational matters in order to benefit their constituencies; agreeing to meet with Israeli counterparts if absolutely necessary; and eschewing political relationships not dictated by such practical requirements. "If we are in the municipalities, we talk to the Israelis. It's not politics, it's about services," said Muhammad Ghazal, a Hamas leader in Nablus who on 12 March 2005 announced the movement's decision to participate in PLC elections. In Hamas-run Dayr al-Balah in the Gaza Strip, the mayor declared his town "open to receiving help from any country in the world, including Israel."

The mayor of Bethlehem, a member of the Popular Front for the Liberation of Palestine (PFLP) who runs the municipality in alliance with Hamas, talks with army officers from the Israeli civil administration "infrequently"—for example, about collection of rubbish—and meets them "once or twice a month" at a nearby Israeli settlement, but without Hamas councilors since "it is better for both them and us." As of this writing, the mayor of Nablus was seeking Israeli military approval for the rehabilitation of sewage pipelines to Israel. More surprisingly, and in what may well prove an aberration, a senior official of the Association of Palestinian Local Authorities (APLA) said Hamas mayors conveyed their willingness to attend an Israeli-Palestinian municipal conference in The Hague in July 2005 to promote a municipal platform for peace, "provided we could obtain exit permits from Israel."

The northern West Bank town of Qalqilya arguably is the most significant test case of Hamas's attitude. Adjacent to the 1967 boundary and historically bound in myriad ways including infrastructure to its Israeli counterparts across the border, Qalqilya in the past had cordial relations with Kfar

Saba, just over the Green Line. Today, after Hamas has won the municipal elections, the separation barrier continues to claw into municipal territory, plant its foundations at the town's edges, and darken the horizon with concrete. Yet, with no real alternative, the Hamas-dominated municipal council has maintained its de facto dependence on Israel for its utility supply, and the town continues to share its rubbish dump with Kfar Saba. The former mayor openly met with Israelis, which the new leadership will not do. Still, Qalqilya Deputy and Acting Mayor Hashim Masri met with representatives of the Israeli Electric Company, though in a car rather than at Israeli military headquarters.

To some degree, Hamas-run municipalities have been spared the need to confront the issue because Israel increasingly channels contacts with Palestinians through the PA and its national agencies. This recentralization of ties marks a significant shift from practice during the uprising, when Israel preferred to deal directly with local authorities as a means of undercutting the PA. The most recent change appears to suit all concerned: the PA has regained its dominance over bilateral relations; Israel has circumvented direct relations with Hamas-run municipalities; and Hamas can avoid engaging with Israel.

In a further sign of pragmatism and electoral savvy, Hamas recruited many local candidates from its affiliated social welfare institutions. Several mayors previously occupied prominent positions in charitable organizations. During the uprising, when the PA virtually ceased to function and the army barred most Palestinians from working in Israel and routinely besieged their towns and villages, Hamas-affiliated charities filled a critical welfare gap, so that in some quarters Islamist electoral success was simply confirmation of an existing reality. Prior to his election as mayor of Dayr al-Balah, Ahmad Kurd directed the Salah welfare organization, which over almost three decades he built into a concern with an annual turnover of \$5 million—far larger than the municipal budget. It provided schooling, food rations, health care, and other services to a growing number of Gazans. From organizing youth camps to clean up campaigns, Hamas had already become the primary organizer of Palestinian society.

Hamas's post-election performance has won plaudits from local and foreign observers alike. One Palestinian economist

hailed their productivity: "The municipalities under Hamas control are well run, and the work ethic has changed dramatically. Mayors are returning to the people and addressing their needs. The appearance of towns also is changing. They are much cleaner and more organized." A European diplomat working with Hamas councilors added: "They are hardworking; they go to their jobs; they are strict with money; they enforce the rule of law; and they are trying to provide efficient services." An Israeli over-seeing Palestinian affairs in the occupied territories added: "Palestinians tell me they are not corrupt, and so far have been running services very well." Even Fatah rivals praised them for their accessibility.

Of course, Hamas does not wholly escape allegations of mismanagement and impropriety, and there is suspicion that it increasingly will conduct itself like its predecessors—tending to its own and itself before serving the people's interests. There are, for example, indications that Hamas councils have been adding supporters to the municipal payroll, putting an additional strain on tight budgets. In response, Hamas councilors insist [that] employment decisions reflect the needs of the local authority rather than the movement ruling it: "Once we're elected, we're the representatives of the people, not the party." As many politicians [do], Hamas members ask for time. "The population should judge us in four years. If we're not held to account, we'd be corrupt," said a Bethlehem Hamas councilor.

On the streets, the Islamists' record receives mixed reviews and, already, Hamas is encountering obstacles. While the roads and their desks are clean, they often fail to deliver on the foremost demand: jobs. A virtual freeze in Western donor support to Hamas-controlled municipalities (see Part V below) and, according to Hamas, discriminatory budgetary allocations by the PA have cut deep into budgets, leaving a trail of broken commitments. "Hamas promised to build a slaughterhouse, a recreation center and new waste water plants. But there are no projects and it hasn't even repaired the roads," protested a voter in Bethlehem. In Qalqilya an unemployed local builder aired similar grievances: "Hamas hasn't provided compensation to the victims of the wall despite election promises. I don't see any difference between the old and new administrations, other than an increase in local fees." In the ultra-depressed North Gaza municipality of Bayt Hanun, shopkeepers vented

frustration at the town's continued pauperization since elections brought Hamas to power.

In some instances, Fatah has sought to play on this dissatisfaction, blaming Hamas for the drying up of donor funds. In the words of a Bethlehem Fatah leader, "it's clear that the Hamas and PFLP presence in the municipal council has become a huge obstacle to donor and national funding, and they should step aside. Why should they hold the interests of Bethlehem hostage for their own prestige?" However, many Palestinian residents stated they would continue to vote for Hamas: better an honest pauper than a corrupt thief was a commonly heard verdict. . . .

V. Hamas and the International Community

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B. Providing Assistance to Hamas-Run Municipalities

Direct donor support for Hamas-run municipalities was not always a Western taboo. USAID coordinated a project with the local Hamas mayor to beautify Qabalan, a village south of Nablus, in the midst of the second uprising. . . . As policy toward Hamas hardened, however, USAID instructed [October 2005] its implementing partners not to embark on new projects with municipalities run by Hamas, while authorizing those in midstream to continue. The EU position also evolved, though due to its broad membership, again not in a clear or consistent fashion. At its most rigid, policymakers sought to use aid as a political tool, to send a message about the cost of voting for Hamas. In Bethlehem, where the EU sees itself in part as traditional protector of Christian heritage, the funding boycott was seen by some as a way to shatter the Hamas-PFLP alliance. Mostly, however, EU donors were less severe. Instead of wholly boycotting Hamas-run local authorities, funding was channeled through conduits other than the municipality.

The disengagement from municipalities was a distinct policy U-turn. In 2002, at the height of the second intifada and as the PA was under Israeli assault, the European Commission provided €30 million to the World Bank to provide emergency assistance to municipalities. The 2005 local elections and Hamas's strong showing prompted a change in attitude. When the Bank sought to relaunch the scheme as the

Municipal Development Fund, the Commission declined, citing concern that it would directly benefit Hamas municipalities. Despite World Bank oversight and PA control of funding, the Commission balked at giving Hamas-run councils power to propose projects, choose contractors, and determine spending. Officials in [European] capitals also argued there were insufficient checks to ensure that aid would not be diverted to militants. Ultimately, during the UK presidency during the second half of 2005, the Commission halted contributions to the Municipal Fund. . . .

In a generally hostile environment, Hamas municipalities took whatever they could get. Mayors proudly displayed ongoing projects, and, particularly in Gaza, expressed confidence that donors would be unable to implement their massive reconstruction effort in this small strip if they ignored local Islamist officials. In other cases, Hamas mayors resorted to creative political gymnastics, presenting projects jointly with Fatah municipalities in a bid to receive funding. Among the more imaginative is the mayor of Dayr al-Balah, Ahmad Kurd. Using the apparently neutral cover of the regional electricity company—on whose board mayors sit—and municipal cooperatives known as Joint Service Councils, donors were approached for project funding and, fully aware of and perhaps grateful for the institutional façade, they obliged.

Overall, however, the humanitarian impact was severe. Donors traditionally were a critical source of support for municipal governments, and their sudden withdrawal left many strapped for cash and borrowing heavily. According to Hasan Yusuf, a Hamas leader in the West Bank, "there's a huge shortfall in the level of assistance. Some projects are still ongoing, but sadly not at the same level as before the elections. In some municipalities we now control not a single new project has been approved." The acting mayor of Qalqilya, the first major West Bank town Hamas won from Fatah, claimed that in his first six months not a single foreign project was approved. George Saad, deputy mayor of Bethlehem, normally a donor favorite, complained of a virtual blockade:

Before the elections USAID was working on a host of projects but since Hamas joined the municipal council, they have stopped. We send invitations to the American and British consuls, and get no reply. We apply for projects and get no reply. The U.S. consul visited the governor, but did not bother

to visit us. Our situation is very difficult. We feel besieged.

In a bid to break the isolation, Bethlehem's peripatetic mayor, Victor Batarseh, traveled the globe, signing agreements linking his town with cities from Speyr (Germany) to Valinhos (Brazil), and increasing Bethlehem's twin cities to 38. Councilors confess [that] this and similar efforts have borne little fruit. The town also launched Open Bethlehem, a project to entice tourists and expatriates, but it too yielded few dividends. The mayor is a member of the PFLP, an organization also on the UK list of terror organizations, and runs the municipality in alliance with five Hamas councilors. British officials thus declined to attend the London launch of the Open Bethlehem campaign in November 2005.

The boycott presents practical problems for donors as well. Some projects require cooperation from Hamas municipalities; Ahmad Kurd, Hamas mayor of coastal Dayr al-Balah, asked: "How can they build a coastal road that doesn't pass through here?" Others cannot be interrupted simply because of political change. An economic adviser to the Quartet remarked, "you can't turn aid on and off like a tap—there has to be continuity." While new projects were sharply curtailed, some had to continue, such as the provision of vaccines. Indeed, by the fourth round of local elections, boycotting Hamas localities had become a practical impossibility. "Forty percent of the population [in areas where elections have been held] lives in areas that have voted Hamas, so how can we disengage?" asked an EU aid official.

As a result, EU donors have looked for alternative mechanisms to work in areas ruled by Islamists. EU aid officials delegated responsibility for local government contracting and payment to the PA and gave the latter "instructions not to deal directly with municipalities headed by Hamas." PA Minister of Local Government Khalid Qawasmi told Crisis Group: "The PA has received a request from most donors that money should not be paid to Hamas-run municipalities, and we've been looking for a funding mechanism that resolves this issue." The ministry turned to governors (who are appointed by the PA president) to disburse aid in such areas. The PA also created new governmental institutions to limit the municipal role. The Palestinian Economic Development Company, headed by a Fatah loyalist, was established to ensure PA control of evacuated settlement

assets in Gaza, including the greenhouses, much to the chagrin of Hamas-run municipalities. Similarly, the Municipal Development Fund signaled an expansion of central government responsibility at local government's expense.

With the PA's financial survival no longer certain, donors also gradually moved away from long-term financial commitments, turning instead both to emergency budget support and external agencies for short-term aid delivery. The UN became an increasingly important channel for such aid. By 2005, approximately half of all international donor funds allocated to the occupied territories were being disbursed through UN agencies, and barely a third through the PA. With dwindling faith in PA budgetary practices and incipient fears of a Hamas electoral triumph, the trend looked set to continue. . . .

E. Assessing EU and U.S. Policies

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The question, rather, is practical: whether the policies [of total boycott against Hamas] have promoted U.S. and EU interests. In this respect, their approaches toward Hamas have fallen short. While there is every reason for the West to withhold official, formal dealings with the Islamist organization at a national level, at least until it renounces attacks against civilians and embraces a two-state solution, the more sweeping boycott and the absence of a clear path toward Hamas's international legitimization have proved self-defeating on more than one count:

- *Strengthening Hamas.* The shift of donor funding away from municipalities to national and international agencies has exacerbated fiscal shortfalls in Hamas-run municipalities, restrained their local clout, and punctured many of their pre-election promises. But if the boycott was intended to stem support for Hamas, as there is every indication it was, it has failed. Hamas has gone from strength to strength. According to the head of a Palestinian NGO in Bethlehem, "donors clearly are sending the message that if you want our money, vote for Fatah," yet voters did not oblige. A Christian voter in Bethlehem said: "I'm angry with the donors. All their sanctions are doing is weakening the population, not Hamas." In the last municipal election, Hamas candidates sought to use the donor

boycott as a scapegoat to hide internal deficiencies and to portray itself as the victim of foreign blackmail. “The aid boycott is good for us,” proclaimed the acting mayor of Qalqilya, “because though America says it has declared war on terrorism, we say it is a war against Muslims.” Others warned voters not to let foreigners buy their votes and said donor aid would continue regardless. In the words of Hamas leader Hasan Yusuf, “donors have to respect the democratic choice of Palestinian people.”

- *Estranging Palestinians from Western donors.* As the municipalities controlled by Hamas increase, the arena in which Western governments can initiate new projects diminishes. Donors find themselves operating at several removes from recipients or via remote control. Their distance from grassroots politics repeats the mistakes of the Oslo peace process—which despite copious international aid failed to win durable support on the ground. Without more popular buy-in, the latest attempt at reconstruction could suffer a similar fate. In the words of a U.S. official, “we know the restrictions are harming our ability to reach the people. We fear we’re losing 70 percent of the people.” Or as an EU aid official put it: “How can I convince Palestinian municipalities, if I can’t talk to them?” The desperate need for jobs is likely to limit a campaign to hinder Western aid projects. Hamas’s own election manifesto states: “Yes to Palestinian, Arab, and international investment.” But disengagement can be mutual. The shunning of Hamas and the undisguised politicization of aid could complicate reconstruction and strengthen Hamas’s drive to reduce donor dependency. In the wake of their retreat, Crisis Group detected the first stirrings of hostility toward donors. Rather than plead for support, the Mufti of Qalqilya, Shaykh Saleh Sabri, called on councilors to boycott projects with strings attached.
- *Stoking inter-Palestinian tensions.* Suspension of municipal aid has sparked a tussle for funds between central and local government that could become increasingly partisan. With Fatah politicians and mainly secular NGOs getting money and Hamas representing Palestine’s most deprived, one aid official feared [that] donors were unwittingly

“stoking local animosities and rivalries.” Given the deterioration of law and order across the territories, and several hostage-takings in Gaza directed at foreigners, a USAID partner warned: “If USAID is seen as partisan, it will soon get very dangerous.”

- *Jeopardizing project sustainability.* The transfer of responsibility for municipal development to unelected national and international bureaucrats has sparked donor concern about project sustainability and over-politicization of aid at the expense of sound development policy. “If municipalities feel they have no ownership of these projects and we lose the capacity-building capabilities of the municipality, who is going to ensure their maintenance?” asked an EU aid official in Jerusalem. “The municipalities were more motivated contractors and had to ensure delivery because they are elected and accountable.”
- *Reducing accountability.* While there is ground for concern, EU and Israeli officials to date have been unable to substantiate suspicions [that] Hamas municipalities are diverting revenue to fund the organization or, worse, its military activities. Hamas councilors volunteered to open books to Crisis Group, while the World Bank confirmed [that] Gaza Strip municipalities complied with requests to submit budgets for auditing. International involvement in municipal funding, argued EU aid officials, could increase the level of scrutiny. While the Municipal Development Fund will provide considerable oversight, the less the donor involvement, the greater the recourse Hamas might have to donors hostile to Western policy interests and the less the guarantee funds will not go astray.
- *Undercutting Western leverage.* The ban on contacts leaks, with Hamas interpreting nonofficial contacts as trial balloons. EU and U.S. officials should consider a more nuanced approach that allows clearly specified communications both on technical matters and to convey without the confusion of unofficial channels what conditions must be met for more meaningful meetings. Boycotting Hamas deprived them of the ability to bargain for concessions in exchange for supporting its participation in legislative elections. Instead, Hamas believes it is being courted by

the West and benefits from the international community's position on elections without having to pay a price. The threat of halting all PA support if Hamas joins it makes little sense. If Hamas runs strongly, its participation in government may be inevitable, and may even be desirable if it can further constrain the movement's freedom of action. The threat in that situation ought to be to halt aid if it engages in violence rather than if it engages in politics. As a senior official in Brussels acknowledged, "ultimately it is nonsensical not to engage with Hamas." The question is how and on what terms.

**A5. REPRESENTATIVES OF THE QUARTET,
STATEMENT ON THE PALESTINIAN LEGISLATIVE
ELECTIONS, LONDON, 30 JANUARY 2006.**

Soon after the 25 January Palestinian elections, the Quartet issued the following statement setting out the requirements that Hamas would have to fulfill to make a Hamas-led Palestinian government an acceptable peace partner and without which the international community threatened to isolate the Palestinian Authority. The statement was pushed through by the U.S., which sought the hard line, over the reservations of the EU, UN, and especially Russia, which privately stated that Hamas should be judged on its performance moving forward. The text was released by the State Department and is available online at state.gov.

Representatives of the Quartet—U.N. Secretary General Kofi Annan, Russian Foreign Minister Sergei Lavrov, Austrian Foreign Minister Ursula Plassnik, U.S. Secretary of State Condoleezza Rice, High Representative for European Common Foreign and Security Policy Javier Solana, and European Commissioner for External Relations Benita Ferrero-Waldner—met today in London to discuss the situation in the Middle East.

The Quartet congratulated the Palestinian people on an electoral process that was free, fair, and secure. The Quartet believes that the Palestinian people have the right to expect that a new government will address their aspirations for peace and statehood, and it welcomed President Abbas's affirmation that the Palestinian Authority is committed to the road map, previous agreements and obligations between the parties, and a negotiated two-state solution to the Israeli-Palestinian conflict. It is the view of the Quartet that

all members of a future Palestinian government must be committed to nonviolence, recognition of Israel, and acceptance of previous agreements and obligations, including the road map. We urge both parties to respect their existing agreements, including on movement and access.

The Quartet received updates from Quartet Special Envoy James Wolfensohn and U.S. Security Coordinator LTG Keith Dayton at today's meeting. The Quartet called on the Palestinian Authority to ensure law and order, prevent terrorist attacks, and dismantle the infrastructure of terror. The Quartet acknowledged the positive role of the Palestinian Authority security forces in helping maintain order during the recent elections. It expressed its view that progress on further consolidation, accountability, and reform remains an important task.

Mindful of the needs of the Palestinian people, the Quartet discussed the issue of assistance to the Palestinian Authority. First, the Quartet expressed its concern over the fiscal situation of the Palestinian Authority and urged measures to facilitate the work of the caretaker government to stabilize public finances, taking into consideration established fiscal accountability and reform benchmarks. Second, the Quartet concluded that it was inevitable that future assistance to any new government would be reviewed by donors against that government's commitment to the principles of nonviolence, recognition of Israel, and acceptance of previous agreements and obligations, including the road map. The Quartet calls upon the newly elected [Palestine Legislative Council] PLC to support the formation of a government committed to these principles as well as the rule of law, tolerance, reform, and sound fiscal management.

Both parties are reminded of their obligations under the road map to avoid unilateral actions which prejudice final status issues. The Quartet reiterated its view that settlement expansion must stop, reiterated its concern regarding the route of the barrier, and noted Acting Prime Minister Olmert's recent statements that Israel will continue the process of removing unauthorized outposts.

The Quartet expressed its concern for the health of Prime Minister Sharon and its hope for his rapid recovery.

The Quartet reiterated its commitment to the principles outlined in the road map and previous statements, and reaffirmed its commitment to a just, comprehensive, and lasting settlement to the Arab- Israeli

conflict based upon U.N. Security Council Resolutions 242 and 338. The Quartet will remain seized of the matter and will engage key regional actors.

ARAB

B1. KHALID MISHAL, HEAD OF THE HAMAS POLITICAL BUREAU, COMMENTARY ON THE HAMAS VICTORY, DAMASCUS, 31 JANUARY 2006.

On 31 January 2006, in the wake of its victory in the Palestinian legislative elections, Hamas launched an international public relations offensive, including several op-eds in the Western media by Hamas leaders. The following, by Khalid Mishal, head of the movement's Damascus-based political bureau, was published in the Guardian of London under the title "We will not sell our people or principles for foreign aid." (Another op-ed was published the same day in the Washington Post, by the deputy head of the Hamas Political Bureau, Musa Abu Marzuq.)

It is widely recognized that the Palestinians are among the most politicized and educated peoples in the world. When they went to the polls last Wednesday they were well aware of what was on offer and those who voted for Hamas knew what it stood for. They chose Hamas because of its pledge never to give up the legitimate rights of the Palestinian people and its promise to embark on a program of reform. There were voices warning them, locally and internationally, not to vote for an organization branded by the U.S. and EU as terrorist because such a democratically exercised right would cost them the financial aid provided by foreign donors.

The day Hamas won the Palestinian democratic elections, the world's leading democracies failed the test of democracy. Rather than recognize the legitimacy of Hamas as a freely elected representative of the Palestinian people, seize the opportunity created by the result to support the development of good governance in Palestine, and search for a means of ending the bloodshed, the U.S. and EU threatened the Palestinian people with collective punishment for exercising their right to choose their parliamentary representatives.

We are being punished simply for resisting oppression and striving for justice. Those who threaten to impose sanctions on our people are the same powers that initi-

ated our suffering and continue to support our oppressors almost unconditionally. We, the victims, are being penalized while our oppressors are pampered. The U.S. and EU could have used the success of Hamas to open a new chapter in their relations with the Palestinians, the Arabs, and the Muslims and to understand better a movement that has so far been seen largely through the eyes of the Zionist occupiers of our land.

Our message to the U.S. and EU governments is this: your attempt to force us to give up our principles or our struggle is in vain. Our people who gave thousands of martyrs, the millions of refugees who have waited for nearly 60 years to return home, and our 9,000 political and war prisoners in Israeli jails have not made those sacrifices in order to settle for close to nothing.

Hamas has been elected mainly because of its immovable faith in the inevitability of victory; and Hamas is immune to bribery, intimidation, and blackmail. While we are keen on having friendly relations with all nations, we shall not seek friendships at the expense of our legitimate rights. We have seen how other nations, including the peoples of Vietnam and South Africa, persisted in their struggle until their quest for freedom and justice was accomplished. We are no different, our cause is no less worthy, our determination is no less profound, and our patience is no less abundant.

Our message to the Muslim and Arab nations is this: You have a responsibility to stand by your Palestinian brothers and sisters whose sacrifices are made on behalf of all of you. Our people in Palestine should not need to wait for any aid from countries that attach humiliating conditions to every dollar or euro they pay despite their historical and moral responsibility for our plight. We expect you to step in and compensate the Palestinian people for any loss of aid, and we demand you lift all restrictions on civil society institutions that wish to fundraise for the Palestinian cause.

Our message to the Palestinians is this: Our people are not only those who live under siege in the West Bank and the Gaza Strip but also the millions languishing in refugee camps in Lebanon, Jordan, and Syria and the millions spread around the world unable to return home. We promise you that nothing in the world will deter us from pursuing our goal of liberation and return. We shall spare no effort to work with all factions and institutions in order to put our Palestinian house in order. Having won the

parliamentary elections, our medium-term objective is to reform the PLO in order to revive its role as a true representative of all the Palestinian people, without exception or discrimination.

Our message to the Israelis is this: We do not fight you because you belong to a certain faith or culture. Jews have lived in the Muslim world for thirteen centuries in peace and harmony; they are in our religion “the people of the book” who have a covenant from God and His Messenger Muhammad (peace be upon him) to be respected and protected. Our conflict with you is not religious but political. We have no problem with Jews who have not attacked us—our problem is with those who came to our land, imposed themselves on us by force, destroyed our society, and banished our people.

We shall never recognize the right of any power to rob us of our land and deny us our national rights. We shall never recognize the legitimacy of a Zionist state created on our soil in order to atone for somebody else’s sins or solve somebody else’s problem. But if you are willing to accept the principle of a long-term truce, we are prepared to negotiate the terms. Hamas is extending a hand of peace to those who are truly interested in a peace based on justice.

B2. PA PRESIDENT MAHMUD ABBAS, ADDRESS TO THE SECOND PALESTINIAN LEGISLATIVE COUNCIL, RAMALLAH, 18 FEBRUARY 2006 (EXCERPTS).

In his speech following the swearing in of the new Palestinian parliament, President Abbas outlined his government program, to which he would expect a Hamas-led cabinet to adhere. His focus was on the need to continue negotiations with Israel, leading to a two-state solution, and the PA’s rejection of further unilateral, partial, or interim policies, including “a state with provisional borders.” The full text, including a long section reviewing the PLO’s leadership role and the failure of the Oslo process, is available online from the Palestine Media Center at palestine-pmc.com.

Ladies and gentlemen, the results of our elections have led to the creation of a new political reality, in which Hamas won the majority in the PLC. Therefore, it will be tasked with the formation of the new government. I expect the person forming the government to be designated, and the usual consultations regarding this issue to start. All of this will be accompanied with the election of the PLC’s

presiding body and the establishment of its various committees so as to be ready to receive the new government and its program, leading to granting it confidence.

We are looking forward to the completion of this process in accordance with procedures as soon as possible, because the tasks that await you are large, very large indeed. You will find from my part all the cooperation and encouragement you need, because the national interest is our first and final goal, and is above any individual or faction. . . .

While there were mistakes and excesses in the past, we still must remember the achievements in terms of institution building and reconstruction in all fields, particularly education and health. The previous governments started—under the direction and supervision of the PLC—a comprehensive reform process aimed at correcting this exceptional situation financially through rationalizing the public sector and lightening the burden on the budget. Despite the challenges that face this process, especially the continuation of the Israeli measures and the resulting difficult economic situation, considerable progress has been recorded. The upcoming government has—out of a sense of national responsibility—to continue this effort.

Ladies and gentlemen, from my position as elected president of the PA and as president of the PLO, and based on my program on which I was elected, I would like to emphasize the following:

First, we, as presidency and government, will continue our commitment to the negotiation process as the sole political, pragmatic, and strategic choice through which we reap the fruit of our struggle and sacrifices over the long decades. We will find practical opportunities as we wisely manage the negotiations so as to achieve our national aims that are supported by international resolutions.

As we depend on the negotiation process as a political choice, we should continue to develop other forms of peaceful popular struggle.

We are all required to continue activating and strengthening the role of the PLO as the sole legitimate representative of our people, to lead and oversee all matters relating to its destiny, including the negotiations with the Israeli side.

Second, the obstruction of the negotiation process and its replacement with the iron fist policy, unilateral adventures, and the continuation of the separation wall, settlement expansion, and assassinations will

only lead to further deterioration, leaving peace and stability behind.

Anybody who thinks that these kinds of policies would force our people to hoist the white flag and to give up is mistaken. He does not know the reality of this people, its faith, determination, and perseverance toward obtaining its full rights.

Here, I would like to emphasize our full rejection of unilateralism. I urge the world, eager as it is to see peace and stability in the Middle East, and especially the Quartet and the U.S. administration, to immediately start serious efforts toward re-activating the negotiation process. This in turn should be conducted on the basis of international legitimacy and President Bush's vision; the Arab peace initiative; and the agreements and understandings signed from Oslo to the road map.

Third, the internal changes—which occurred in the aftermath of the second PLC elections—and which led to Hamas members having the majority in the PLC, should not be used to justify further aggression against our people, or as a pretext for blackmailing it. The Palestinian people should not be punished for its democratic choice that was expressed through the ballot box. The leadership of this people, and I personally, refuse this blackmail. I ask everyone to abandon it.

Fourth, the process of reform within the PA should not stop. I will continue to sponsor all reform initiatives, whether carried out by the Palestinian judiciary, as an implementation of a decision from our part, or any new initiatives in the same direction. I am determined to carry out my program, on which I was elected and mandated, and to apply the main tenets that I have hoisted to reach a stable, unified, strong, effective authority that provides security and safety to all its citizens; an authority which has the ability to keep its commitments and protect the interests of its people; an authority that respects the law and commits to implementing it; an authority whose institutions are committed to the separation of powers, particularly in terms of strengthening the judiciary, imposing the rule of law for all, with one legitimate arm, with a pluralistic system; an authority that lays the foundations for the establishment of our independent Palestinian state with Jerusalem as its capital. We hope to see this state as a qualitative addition to the list of countries in the region; an addition that carries out its commitments in a credible manner, and which enjoys its rights based

on justice. We do not want more than what we are entitled to by international law.

As we have carried out free and transparent elections, we yearn to see a government that faces the challenges and performs its tasks efficiently and capably. As we are speaking of our government, I would like to remind the members of the PLC—and members of the future government—of the need to respect all signed agreements and to work according to the national interest to end the chaos of arms. Since everybody is participating currently in the structure and framework of a national authority with all its institutions, everybody should honor the presence of one arm, i.e. the arm of legitimacy.

Fifth, I would like to reiterate a fact which has always been the protective shield of our revolution, the PLO, and the PA. Namely, we will not be led into any axis of any sort. As Palestinians, we are proud of the depth of our Arab and Muslim belonging; we are proud of our uniting and unifying role therein, just as we are proud of everybody standing by us, by our rights, by the justice of our cause, while respecting our independent national decision.

Ladies and gentlemen, allow me to dwell on one of the most important aspects of our experience within the PA, namely security.

As experience in the last ten years has shown, our performance on security is the backbone on which depends the future of national project.

Security means securing the citizens and the entire community, securing life in all its aspects. It means the security of all those who live on our land and the implementation of our international commitments. We all have the responsibility of confronting the aspects of chaos that reign in some of our cities, such as looting, armed attacks, kidnapping of our foreign friends and Arab brothers who live on our land and who are among us to offer support and cooperation.

I will not permit, and the government should not permit it either, the continuation of this disgraceful phenomenon. Firm and effective measures should be taken to put an end to it. No irresponsible person will be allowed to manipulate the highest of ideals to justify the most deplorable attacks against citizens and their property or against guests and diplomatic missions.

Achieving security requires giving the security establishment all the attention it needs to enable it to perform its role, including equipment and training. The Israeli side, along with the Quartet members, should

facilitate the delivery of arms and equipment to the security forces. It is also important to continue the process of restructuring the forces in accordance with the Basic Law. In this context, we will work in a serious and determined manner to activate the work of the National Security Council, so that it can play its role in drawing security policies and directing the work of the security forces. . . .

I address myself to the Israelis, especially since they are on the verge of parliamentary elections. I guarantee to them that the path to security can only pass through a just peace. We are confident that there is no military solution to the conflict. Negotiations between us as equal partners should put a long-overdue end to the cycle of violence.

I tell them in all honesty and clarity that the continuation of occupation and settlement expansion—with its latest attack targeting the Jordan Valley area to isolate it from the remainder of the Palestinian lands in the West Bank—that checkpoints, arbitrary killings, the separation wall, and arrests will only lead to hatred, despair, and continued conflict.

Let us together make peace today before tomorrow. Let us live in two neighboring states. Let us educate our children the culture of life, not the culture of death. Let us teach them that the free man is the one who defends the freedom of the other and that he who loves God, loves mankind.

I would like to stress, in particular, that the era of a unilateral solutions is over. Attempting to determine the future of our people through cantonization, reservations, the tearing-up of the West Bank, land grab in the Jordan Valley, the separation of Jerusalem, and the consolidation of settlement blocks will close the window for a solution between us.

There is a Palestinian partner who is ready to sit at the negotiation table with an Israeli partner so as to reach a solution that is based on international legitimacy, the Arab peace initiative, and the road map. A solution that is based on respecting all previous agreements and commitments.

We want a just solution that guarantees the fulfillment of peace, not a unilateral, partial, or temporary solution that will kill the chance for peace, nor a state with provisional borders. We are awaiting the Israeli government to determine its direction and make its decision in this regard. Our decision is to be completely ready to start permanent status negotiations immediately.

I assure the world that we strongly believe that justice prevails over force. We will have the same perseverance in attaining our rights and desire for peace. The entire world should bear its responsibility to make this dream come true: peace in the Holy Land, peace in the land of peace. Thank you.

ISRAEL

C1. ACTING ISRAELI PRIME MINISTER EHUD OLMERT, ADDRESS TO THE SIXTH HERZLIYA CONFERENCE, HERZLIYA, 24 JANUARY 2006 (EXCERPTS).

Since its inauguration in December 2000, the exclusive, closed-door Herzliya Conference has established itself as Israel's most important annual policy-making event, bringing together the country's top leaders in government, the military, intelligence, business, the media, and academia, as well as selected invitees from abroad, to reflect on Israel's future. As in previous years, security was the main theme (conference title: "The balance of national strength and security in Israel"), with panels over the four days devoted to such issues as demography, defensible borders, Jerusalem, the peace process, the Galilee, global trends, relations with the United States, and so on. With his allusions to unilateral determination of permanent borders, Acting Prime Minister Olmert in his address closing the conference followed the tradition of Ariel Sharon's Herzliya speeches, foreshadowing Israel's immediate future directions. The full text of the speech is available on the Israeli Foreign Ministry Web site at fma.gov.il.

Distinguished guests, unfortunate circumstances have led to my appearance before you here this evening in place of Prime Minister Ariel Sharon. Two years ago, at this conference, Prime Minister Ariel Sharon delivered his speech later known as the "Herzliya Speech," the speech in which he announced the disengagement plan. From this place, one of our greatest commanders embarked on the most dramatic and significant, campaign of his life, the diplomatic, public, and political campaign of the disengagement plan. That speech, and the disengagement plan which followed, are milestones in the history of the State of Israel. . . .

The State of Israel is still a young nation. There are many more steps we must take in order to build an ethical society with strong values: building a value-based education

system, infusing our lives with Jewish content, strengthening our connection to the Jews of the Diaspora, shaping a system of equal opportunities with the Arab minority, based on rights and responsibilities, and developing a strong, just, compassionate, and reactive economy. However, there is no doubt that the most important and dramatic step we face is the determination of permanent borders of the State of Israel, to ensure the Jewish majority in the country.

Zeev Jabotinsky defined the importance of a Jewish majority in his insightful and keen way: "The term 'Jewish nation' is absolutely clear: it means a Jewish majority. With this, Zionism began, and it is the basis of its existence, it will continue to work toward its fulfillment or it will be lost."

The existence of a Jewish majority in the State of Israel cannot be maintained with the continued control over the Palestinian population in Judea, Samaria, and the Gaza Strip. We firmly stand by the historic right of the people of Israel to the entire Land of Israel. Every hill in Samaria and every valley in Judea is part of our historic homeland. We do not forget this, not even for one moment. However, the choice between the desire to allow every Jew to live anywhere in the Land of Israel to the existence of the State of Israel as a Jewish country—obligates relinquishing parts of the Land of Israel. This is not a relinquishing of the Zionist idea, rather the essential realization of the Zionist goal—ensuring the existence of a Jewish and democratic state in the Land of Israel.

In order to ensure the existence of a Jewish national homeland, we will not be able to continue ruling over the territories in which the majority of the Palestinian population lives. We must create a clear boundary as soon as possible, one which will reflect the demographic reality on the ground. Israel will maintain control over the security zones, the Jewish settlement blocs, and those places which have supreme national importance to the Jewish people, first and foremost a united Jerusalem under Israeli sovereignty. There can be no Jewish state without the capital of Jerusalem at its center. . . .

The existence of two nations, one Jewish and one Palestinian, is the full solution to all the national aspirations and problems of each of the peoples, including the issue of refugees who will be absorbed solely in a Palestinian state. We will not allow the entry of Palestinian refugees into the State of Israel. This is our clear stance, which is backed by the unequivocal American po-

sition expressed in the United States President's letter of April 2004, to the prime minister. The only way to achieve this goal is the full implementation of the road map and of President Bush's vision of June 2002.

The road map is based on a simple and just idea: If the Palestinians abandon the path of terror and stop their war against the citizens of Israel, they can receive national independence in a Palestinian state with temporary borders, even before all the complicated issues connected to a final agreement are resolved. All these issues will be resolved later during negotiations between the two countries, in the accepted manner in which countries resolve their differences. . . .

Israel has already proven, including through the disengagement, that it is prepared to advance peace. It will continue to act so in relation to the commitments it has taken upon itself, in exchange for Palestinian commitments. This includes limiting construction in the settlements, improving the quality of life of the Palestinian population, and dismantling unauthorized outposts.

The Government of Israel will not be deterred by the threats of a minority of lawbreakers. The unauthorized outposts will be dismantled, and I have already given the appropriate instructions in this regard to our security forces and those entrusted with upholding the law. We will forcefully defend the values of the rule of law, even when attacked from within.

We have begun fulfilling our commitments, which are not easy to implement given the internal disagreements in our country, and the disengagement from the land of our ancestors. Loyal to the path of Sharon, we prefer the wisdom of compromise to emotion, and we demand that the chairman of the Palestinian Authority and his government act similarly.

The Palestinians, headed by Chairman Mahmud Abbas, have committed themselves to implementing a series of concrete steps, which will abrogate the capability to threaten Israel and the political process with terror. Among them is the dismantling of all terror organizations starting with the Hamas, confiscating illegal weapons, enforcing law and order in their territory, implementing government, security and financial reforms, and ceasing the incitement and education of hatred against Israel. . . .

The Government of Israel, under my leadership, will insist on the full implementation of the road map, and of all its phases, exactly as was agreed, because this is the only

way to preserve security and bring about peace. It would be a serious, historic mistake to allow the Palestinians to avoid the fulfillment of their commitment to dismantle terror organizations. We must adhere to the road map, conduct negotiations on its implementation, and act to create massive international pressure on the Palestinians to fight terror.

Those who are in a rush have asked whether, because of the elections, the present government has already committed to another disengagement if future contacts with the Palestinians are not successful. We would prefer an agreement. If our expected partners in the negotiations in the framework of the road map do not uphold their commitments, we will preserve the Israeli interest in every way. . . .

I am not a partner to all the doomsayers who are already telling us how hard and horrible it will be here after the elections in the Authority. Israel will know how to operate and act in any circumstance, faced with any scenario, in order to preserve its security and political horizons and advance the hopes for a changed reality.

Backed by broad international support, Israel will continue to demand that all the phases of the road map be carried out. If the Palestinians continue to evade their commitments, we have the ability to defend Israel and strike back at terror and those who carry it out, as we have until today, and even with more intensity.

The difficult war against terror has not stopped and will not stop as long as there is a threat to the security of the citizens of Israel. Acceleration of the construction of the security fence, together with the improved ability of the IDF and other security forces, as well as Israel's increased latitude—will be our answer to terror.

**C2. ISRAELI DEFENSE MINISTER SHAUL MOFAZ,
ADDRESS TO THE SIXTH HERZLIYA
CONFERENCE, HERZLIYA, 21 JANUARY 2006
(EXCERPTS).**

The defense minister was part of the conference's opening panel, "Assessing Israel's National Security and the 'Herzliya Indices 2006.'" The full text of his speech is available online at herzliyaconference.org.

I would like to start by saying that while we are convening here, not far from here members of the Axis of Evil are also convening—the President of Iran and the

President of Syria—in what can be referred to as the "Terror Summit." In order to make sure that terror against Israel continues, they met with the leaders of Islamic Jihad and Hamas, while at the same time the Iranian president is doing everything he can to continue his nuclear program and support violence against Israel.

Iran supports terror through propaganda, by supporting weapons including long-range missiles and others that were seen when the *Karin A* was caught in January 2002. But the most important way that Iran supports terror is by supporting money, which is like petrol for terror. This money flows through Hizballah to Palestinian terrorist groups, who execute attacks in Israel, including the one last week in Tel Aviv. This past year Islamic Jihad received more than 10 million dollars, as opposed to 5 million in 2004. It is obvious to most that the combination of an extremist regime, long-range missile capability, and support for terror constitute an existential threat to Israel and to the world.

There are also serious social challenges that together with the security threats will continue to keep us occupied in the short and long term.

Israel's strategic balance depends on the following points. On the positive side:

1. Its strategic deterrent capability is a major point of strength.
2. As a result of the disengagement, Israel's diplomatic situation has improved for the long term. The prime minister has been commended by international leaders, and in addition Israel's security situation has improved, as we can now target ticking bomb terrorists without putting Israeli citizens or soldiers at risk.

Since 11 September, and the understanding of the coalition forces that we have to deal with suicide bombings every day, every hour, we now have the legitimacy to fight terror that we didn't have 4-5 years ago.
3. American dominance in the region and its support for Israel is at its strongest.
4. There is a lack of potential for a coalition to be created—Syria is under intense international pressure, and this doesn't allow for the creation of an Arab coalition against Israel.
5. We should cultivate our relations with the countries we are at peace with—Egypt and Jordan.

There are also some difficult points:

1. The lack of stability in the Palestinian regime.
2. The continuing activities of the terrorist groups and the fact that al-Qa'ida and global terrorism are moving closer and closer to Israel.
3. Iran's nuclear program.

What can we do in response to these threats?

2006 will not be a year for decisive action, but rather a year of transition. In the coming years we must make every effort to strengthen our coordination with the United States. We should also continue to strengthen our cooperation with Jordan and Egypt, especially in terms of intelligence-sharing. Bashar al-Asad has made every mistake possible since coming to power. He continues to support terror—through activities in Lebanon against Israel, and against the U.S. and its actions in Iraq.

We have to make every effort to accelerate international action. In Lebanon, we have to make sure that their policy is responsible and is not transferred to any other body. Security Council Resolution 1559 is essential in getting Syrian forces out of Lebanon. Israel must keep its northern borders quiet and will respond if escalation occurs.

Regarding Iran—the combination of a regime that calls for the destruction of Israel, its development of nuclear weapons, and the ability to move closer to Israel through Syria and Lebanon requires Israel to act responsibly and quickly to respond to this threat. At this stage, the diplomatic channel is our main focus in stopping Iran's nuclear capability. A decision by the United States to impose sanctions on Iran would be the appropriate move at this point. Israel will maintain its ability to defend itself. We must advance an international process to denounce Iran's actions. . . .

Israel's policy at this stage is toward the UN, but Israel must continue to defend itself.

The Palestinian regime is undergoing serious changes—this is a turning point for the Palestinians to determine what kind of partner they will be, if at all. We must demand from Abu Mazin that he act to stop terror, according to the road map—that he implements the necessary reforms and act according to a committed timetable. He must not recognize terrorist organizations in the government. Immediately after the Palestinian elections, if there is a legitimate partner, we must act according to the road

map toward reaching an agreement, with an uncompromising stance on dismantling terrorist groups as a necessary precondition.

If there is no partner to be found, then Israel must take its fate into its own hands, by preserving a Jewish majority, defensible borders, a united Jerusalem as the capital of Israel, and American and international backing. Israel is committed to finding the right balance for the Jewish state—in social, foreign, and security policy—to be a homeland for all Jews that continually strive for peace.

**C3. ACTING PRIME MINISTER EHUD OLMERT,
STATEMENT ON THE HAMAS LEGISLATIVE
VICTORY, JERUSALEM, 29 JANUARY 2006.**

The statement was issued as part of the cabinet communiqué at the end of the weekly cabinet meeting; the communiqué also summarized briefings on the electoral results by Defense Minister Mofaz and Foreign Minister Tzipi Livni, and included Olmert's verbatim remarks on the elections. The text was distributed by the Israeli Foreign Ministry and is archived online at fma.gov.il.

- A. The State of Israel upholds the road map and continues to demand that PA Chairman Abu Mazin carry out the commitment to dismantle all terrorist organizations and their infrastructures.
- B. The State of Israel will not conduct any negotiations with any Palestinian administration even part of which is composed of an armed terrorist organization that calls for the destruction of the State of Israel.
- C. Israel will continue to act against the terrorist organizations wherever necessary.
- D. The State of Israel will work with the international community so that no dialogue is conducted with Hamas or with the PA before it and its chairman fulfill the following terms:
 - i) The terrorist organizations are disarmed and the path of terrorism is abandoned;
 - ii) The existence of the State of Israel is recognized and the Hamas Covenant, which calls for Israel's destruction, is annulled;
 - iii) All agreements and understandings that were signed and entered into between Israel and the PA are recognized.
- E. In the coming days, I will consult regarding the various issues on the agenda with

the Palestinians following the results of the elections, such as financial transfers, passage of Palestinian MPs between Gaza and Judea and Samaria, etc. After consulting with all of the relevant bodies, we will formulate decisions and act accordingly.

C4. ISRAELI CABINET, DECISION ON GOVERNMENT MEASURES VIS-À-VIS THE PALESTINIAN AUTHORITY FOLLOWING THE SWEARING IN OF THE NEW PALESTINIAN LEGISLATIVE COUNCIL, JERUSALEM, 19 FEBRUARY 2006.

The decision was included in the cabinet communiqué that followed the regular weekly cabinet meeting. The text was distributed by the Israeli Foreign Ministry and is archived online at fma.gov.il.

It is decided that, upon the swearing-in of the Hamas dominated PLC yesterday (Saturday, 18 February 2006), and upon the upcoming conclusion of the PA transitional government, the PA will become a terrorist authority unless Hamas, which controls the PA, fully accepts the following threshold conditions as determined by Israel and approved by the Quartet:

- Recognition of the State of Israel and the abrogation of the Hamas Covenant;
- Renunciation of terrorism and the dismantling of terrorism infrastructures;
- Recognition of agreements and understandings between Israel and the Palestinians.

A. Therefore, the cabinet immediately decides—at this stage—to implement a series of measures vis-à-vis the PA:

- i. Upon the conclusion of the transitional government, no funds will be transferred from Israel to the PA;
- ii. Israel will appeal to the international community so that, upon the formation of the transitional government, the international community will refrain from all financial assistance to the PA except for humanitarian aid given directly to the Palestinian population;
- iii. Transfers of means and assistance to the Palestinian security services will be prevented;
- iv. The movement of VIPs connected to Hamas, including members of the PLC, will continue to be restricted in all areas under Israeli control;

- v. Given the heightened security risks, security checks at crossings—especially Qarni and Erez—will be increased, regarding both people and goods. Activities to upgrade the Gaza Strip crossings will continue in order to enable more effective security oversight.

B. All measures necessary to thwart acts of terrorism against Israel will continue, both in the Gaza Strip and in the Gaza Strip [*sic*]; acceleration in construction of the security fence will continue.

C5. B'TSELEM, SUMMARY FINDING OF RESEARCH ON ISRAEL'S DE FACTO ANNEXATION OF THE JORDAN VALLEY, JERUSALEM, 13 FEBRUARY 2006.

B'Tselem's report documenting Israel's effective annexation of the Jordan Valley since spring 2005 is available online at btselem.org.

In the Jordan Valley, the eastern strip of the West Bank, Israel has instituted a regime of permits and harsh restrictions on the movement of Palestinians. These actions have, in effect, served to annex the area to Israel. This is the essential finding of research recently conducted by B'Tselem.

As a rule, the army forbids the entry of Palestinians to the Jordan Valley. Only Palestinians listed as residents of the area are allowed to enter. Severing the Jordan Valley from the rest of the West Bank severely violates the human rights of the Palestinian population. The action has been taken although the government has made no decision in the matter, and without informing the public.

The eastern strip of the West Bank is 120 kilometers long, and runs from the northern Dead Sea, in the south, to the Green Line south of Beit She'an, in the north. It is fifteen kilometers wide. Some 47,000 Palestinians live in this area in about twenty permanent communities, including the city of Jericho. Thousands more live in temporary communities.

Since the occupation of the West Bank began, in 1967, every Israeli government has considered this strip to be the "eastern border" of Israel and has sought to annex it.

To strengthen its hold over this area, since the early 1970s, Israel has established in the Jordan Valley twenty-six settlements and five Nahal brigade encampments, which contain 7,500 residents. Over the years,

most of the strip has been declared state land and assigned within the jurisdictional area of the Arvot Hayarden and Megillot regional councils, in which framework most of the settlements in the area function. As part of the Oslo Agreements, this strip, except for the enclave around Jericho, was classified as Area C, in which Israel has complete control. Recently, Israel's acting prime minister Ehud Olmert stated in a TV interview that the Jordan Valley will remain under Israeli control in any future diplomatic agreement.

Israel initially planned to construct an eastern barrier to separate the Jordan Valley from the rest of the West Bank. These plans were abandoned following international criticism of the route of the separation barrier as a whole and the High Court of Justice's decision of June 2004. It is now apparent that what Israel was unable to achieve by a separation barrier is being realized through other means. For several months, Israel has instituted a regime of permits and harsh restrictions on the movement of Palestinians. These acts have served as a substitute for the construction of a physical barrier, creating a situation in the Jordan Valley almost identical to that of the "seam zone" between the separation barrier and the Green Line.

In recent years, Israel has set up seven permanent checkpoints west of the Jordan Valley and north of the Dead Sea, four of them around the Jericho enclave. In 2005, the army placed much harsher restrictions on Palestinians wanting to cross these checkpoints. In response to an inquiry by B'Tselem, which the organization received in January 2006, the IDF Spokesperson's Office stated that crossing these checkpoints is allowed, in general, only to residents of the Jordan Valley whose identity cards indicate that they live in one of the villages in the valley. Other residents of the West Bank are allowed to cross only if they have a special permit issued by the Civil Administration. Only in "humanitarian cases," can Palestinians cross without a permit. This prohibition does not apply to Palestinians wanting to enter Jericho, but travel from Jericho north to other parts of the valley, including travel by residents of Jericho, is forbidden except by permit. "Palestinians caught in the Jordan Valley without a permit," the IDF Spokesperson's Office said, "are handed over to the police."

The response of the IDF Spokesperson's Office made a distinction between the "territory of Judea and Samaria" (i.e., the West Bank) and "the Jordan Valley," indicating that

Israel does not view the two areas as a single territorial unit. B'Tselem wrote to the IDF's legal advisor for the West Bank to ascertain the grounds for this distinction and to learn if military orders had been issued to formalize the closing of the Jordan Valley to Palestinians and the arrest of persons who remain there without a permit. To date, B'Tselem has not received a reply to its inquiry.

Severing the eastern strip from the rest of the West Bank severely violates the human rights of Palestinians. Route 90, which runs the length of the Jordan Valley, was once the main traffic artery connecting the northern part of the West Bank to Jericho and the Allenby Bridge, which is the sole crossing point between the West Bank and Jordan and the rest of the world. With the outbreak of the intifada, the army prohibited private Palestinian vehicles from using this road, except for taxis and vehicles that received special permits. Since the closing of the Jordan Valley, in 2005, Palestinian traffic has been directed to side roads, which increases travel time and expense.

Palestinians living outside the Jordan Valley, who have farmland inside the valley, are now separated from their land. Regarding this group, the IDF Spokesperson's Office stated that, "there is no specific procedure . . . but their passage is allowed, as it is for all residents of the West Bank, on the basis of the permits . . . in accordance with the relevant procedures." These procedures have never been made public. B'Tselem's research indicates that Palestinians who live in villages bordering the valley and have farmland there, or are employed in agriculture in the area, have lost their source of livelihood.

The IDF makes it very hard for residents of Palestinian villages north of the Jericho enclave to host their relatives and friends who live outside the Jordan Valley or in Jericho. Events such as weddings and funerals have become almost impossible. Women who married valley residents and moved there, but did not change their address in their identity cards, cannot leave their villages without fear that they will not be allowed to return to their homes. Also, service providers and delivery trucks no longer have access to these villages.

The Dead Sea area is known as a unique nature and vacation site. The northeastern section of the Dead Sea lies inside the West Bank. However, the Dead Sea is detached from the rest of the West Bank, including from the Jordan Valley, and the IDF prohibits Palestinians from traveling there. The Dead

Sea is also an economic resource of major importance for industry and tourism, but the restrictions imposed by Israel have denied Palestinians the opportunity to utilize this resource.

Israel's permit regime in the eastern strip of the West Bank, together with statements of senior officials, give the impression that the motive underlying Israel's policy is not based on military-security needs, but is political: the de facto annexation of the Jordan Valley. This annexation, similar to the de facto annexation of broad tracts of land west of the separation barrier, constitutes a flagrant breach of the right of the Palestinian people to self-determination.

UNITED STATES

D1. U.S. HOUSE OF REPRESENTATIVES, RESOLUTION EXPRESSING OPPOSITION TO HAMAS'S PARTICIPATION IN THE PALESTINIAN ELECTIONS, WASHINGTON, 16 DECEMBER 2006.

Introduced by Reps. Eric Cantor (R-VA), Robert Menendez (D-NJ), and Ileana Ros-Lehtinen (R-FL), with support from 160 cosponsors, H. Res. 575 was passed by a vote of 397 to 17. The dissenters were Reps. Neil Abercrombie (D-OH), Earl Blumenauer (D-OR), John Dingell (D-MI), E. B. Johnson (D-TX), Carolyn Kilpatrick (D-MI), Dennis Kucinich (D-OH), Barbara Lee (D-CA), Jim McDermott (D-WA), Cynthia McKinney (D-GA), Jim Moran (D-VA), Dave Obey (D-WI), Ryan Paul (R-WI), Nick Rahall (D-WV), Pete Stark (D-CA), Maxine Waters (D-CA), Diane Watson (D-CA), and Mel Watt (D-NC). For further information on the measure, see the Library of Congress Web site at thomas.loc.gov.

Whereas the foundation for the Israeli-Palestinian peace process was Palestinian recognition of Israel's right to exist and a solemn obligation to end terrorism and violence;

Whereas the removal of all Israeli presence in Gaza signifies an end to Israeli responsibility there and a shift in security responsibility of Gaza to the Palestinian Authority;

Whereas Israel's evacuation of Gaza affords the Palestinian Authority, now the responsible governing authority in Gaza, the opportunity to demonstrate its ability to govern, to establish the rule of law, to end corruption, and thereby to demonstrate that it is a partner for peace;

Whereas Palestinian Authority President Mahmoud Abbas has repeatedly called for the establishment of "One Authority, One Law, and One Gun";

Whereas since the withdrawal of Israeli military forces, the Palestinian Authority has taken few steps to establish rule of law in Gaza;

Whereas Hamas, Islamic Jihad, the al-Aqsa Martyrs' Brigade, and other terrorist organizations have vowed to continue terrorism against Israeli civilians, seek the destruction of the State of Israel, and employ violence and terror in fulfillment of that aim;

Whereas the inclusion of Hamas, or any other terrorist group on the State Department list of foreign terrorist organizations, into the Palestinian structure could be construed as an implicit endorsement of their anti-American and anti-Israeli terrorist ideology;

Whereas the first provision of the Road Map to Middle East Peace calls for the Palestinians to dismantle the terrorist infrastructure;

Whereas these terrorist organizations, including Hamas and Islamic Jihad, operate virtually without interference from the Palestinian Authority;

Whereas Hamas has announced its intention to run in Palestinian legislative elections scheduled for January 2006;

Whereas Abbas has indicated his willingness to see Hamas participate in the elections without first calling for it to disband its militia or for it to renounce its goal of destroying the State of Israel;

Whereas the United States has clearly stated that armed militias attached to political parties are incompatible with democratic societies;

Whereas President Bush has stated that Hamas "seeks to end dissent in every form, to control every aspect of life . . . the terrorists are preparing a future of oppression and misery";

Whereas the forces of freedom must continue to keep an untiring vigil against the enemies of rising democracies; and

Whereas the United States has a long-standing policy of not dealing or negotiating with terrorists: Now, therefore, be it

Resolved, That the House of Representatives—

- (1) reaffirms its commitment to the safety and security of the democratic State of Israel;
- (2) asserts that terrorist organizations,

- such as Hamas, should not be permitted to participate in Palestinian elections until such organizations recognize Israel's right to exist as a Jewish state, cease incitement, condemn terrorism, and permanently disarm and dismantle their terrorist infrastructure;
- (3) calls on the Palestinian Authority President Abbas before the election to declare openly his intention to take action to dismantle the terrorist organizations;
 - (4) asserts that the inclusion of Hamas, or any other terrorist group on the Department of State's list of foreign terrorist organizations, in the Palestinian Authority's government will inevitably raise serious questions for the United States about the commitment of the Palestinian Authority and its leadership to making peace with Israel and will potentially undermine the ability of the United States to have a constructive relationship with, or provide further assistance to, the Palestinian Authority; and
 - (5) states its strong belief that, as underlined in every recent Israeli-Palestinian peace agreement, progress in the peace process requires sustained Palestinian effort to dismantle the terrorist infrastructure, and that delay in confronting that principal obligation only emboldens the opponents of peace and threatens its realization.

D2. U.S. VICE PRESIDENT RICHARD CHENEY, ADDRESS TO THE ANNUAL AIPAC CONFERENCE, WASHINGTON, 7 MARCH 2006 (EXCERPTS).

The focus of this year's AIPAC conference was on the nuclear threat posed by Iran and the dangers of Hamas's election victory. Cheney's speech outlines the U.S.'s five-point strategy in the "global war on terror," implicitly linking it to the threats Israel faces from the Palestinians, Iran, and Syria. The full text was released by the White House is available online at whitehouse.gov.

Nearly 58 years ago, in May of 1948, the new Jewish state was declared. On the day Israel came into being it was 12 midnight in Jerusalem—six o'clock in the evening here in Washington. Eleven minutes later, Harry S. Truman made America the first nation to

recognize Israel. From that moment to this very day, the United States has counted Israel as a special and valued friend that shares our basic principles.

As fellow democracies, both founded in struggle, we have shown our devotion to the ideals of liberty, equality, and the dignity of every person. We have shown, as well, great resolve and deep faith in times of testing and a true willingness to work and sacrifice for the cause of peace. We are, as President Bush has said, natural allies. There is no doubt that America's commitment to Israel's security is solid, enduring, and unshakeable. . . .

As a small country in a tough part of the world, Israel has always had to be on guard against enemies to have a clear-eyed view of potential threats, and to confront dangers squarely. Throughout its history, the country has faced sudden, random acts of terrorism—attacks intended to shake Israel's confidence and break the will of its people. Yet Israel has held firm and has defended itself with patience, with moral courage, and decisive action. Those are the very qualities by which freedom is preserved, innocent lives are protected, and wars are won. And by those qualities, Israel, and the United States, and all civilized nations will win the war on terror.

To prevail in this fight, we must understand the nature of the enemy. As Israelis have seen so many times, and as America experienced on September 11th, 2001, the terrorist enemy is brutal and heartless. This enemy wears no uniform, has no regard for the rules of warfare, and is unconstrained by any standard of decency or morality. We are dealing with enemies who plot and plan in secret, then attempt to slip into a country, blend in among the innocent, and kill without mercy.

This enemy has a set of beliefs—and we saw the expression of those beliefs in the rule of the Taliban. They seek to impose a dictatorship of fear, under which every man, woman, and child lives in total obedience to a narrow, hateful ideology. This ideology rejects tolerance, denies freedom of conscience, and demands that women be pushed to the margins of society. Such beliefs can be imposed only through force and intimidation, so those who refuse to bow to the tyrants will be brutalized or killed—and no person or group is exempt.

The terrorists have targeted people of every nationality and every religious faith, including Muslims who disagree with them. The war on terror is a fight against evil;

victory in this war will be a victory for peaceful men and women of every religious faith.

This enemy also has a set of clear objectives. The terrorists want to end all American and Western influence in the Middle East. Their goal in that region is to seize control of a country, so they have a base from which to launch attacks and wage war against governments that do not meet their demands. The terrorists believe that by controlling one country, they will be able to target and overthrow other governments in the region and ultimately to establish a totalitarian empire that encompasses a region from Spain, across North Africa, through the Middle East and South Asia, all the way around to Indonesia.

They have made clear, as well, their ultimate ambitions: to arm themselves with chemical, biological, and even nuclear weapons; to destroy Israel; to intimidate all Western countries; and to cause mass death here in the United States.

Some might look at these ambitions and wave them off as extreme and mad. Well, these ambitions are, indeed, extreme and they are mad. They are also real, and we must not wave them off. We must take them seriously. We must oppose them. And we must defeat them.

Over the last several decades, Americans have seen how the terrorists pursue their objectives. Simply stated, they would hit us, but we would not hit back hard enough. In Beirut in 1983, terrorists killed 241 Americans, and afterward U.S. forces withdrew from Beirut. In 1993 we had the killing of American soldiers in Mogadishu, and the bombing of the World Trade Center in New York. Then came the attack on the Saudi National Guard Training Center in Riyadh in 1995; the killings at Khobar Towers in 1996; the attack on our embassies in Kenya and Tanzania in 1998; and, of course, the attack on the USS Cole in 2000. With each attack, the terrorists grew more confident in believing they could strike America without paying a price—and indeed, believing that if they killed enough Americans, they could change American policy.

So they continued to wage those attacks—making the world less safe and eventually striking the United States in our homeland on September 11th. And we've seen the work of terrorists in many attacks since 9/11—in Jerusalem, Riyadh, Casablanca, Istanbul, Karachi, Mombassa, Bali, Jakarta, Najaf, Baghdad, London, and Madrid. The terrorists have declared war on

the civilized world. And America will lead the civilized world to victory.

We have a strategy of our own in this fight. First, we are absolutely determined to prevent attacks before they occur, and so we are on the offensive against the terror networks. At home and with coalition partners abroad, we've broken up terror cells, tracked down terrorist operatives, and put heavy pressure on their ability to organize and plan attacks. The work is difficult and very often perilous, and there is much yet to do. But we've made tremendous progress against an enemy that dwells in the shadows. We've counted on the skill and the dedication of our professionals in law enforcement, intelligence, and homeland security—and, of course, on the United States military. They have been superb, and they make us proud each and every day.

Second, we are determined to deny safe haven to the terrorists. Since the day our country was attacked, we have applied the Bush Doctrine: Any person or government that supports, protects, or harbors terrorists is complicit in the murder of the innocent and will be held to account.

Third, we are working to halt the proliferation of weapons of mass destruction and to keep those weapons out of the hands of killers. In the post-9/11 world, the United States and our allies are determined: we will not live at the mercy of terrorists or regimes that could arm them with chemical, biological, or nuclear weapons. This requires that we deal with threats before they fully materialize.

The President has put it very well: "Terrorists and terror states do not reveal these threats with fair notice, in formal declarations—and responding to such enemies only after they have struck first is not self-defense, it's suicide." By whatever means are necessary—whether diplomatic or military—we will act to protect the liberty and lives of our people.

Fourth, we are determined to deny the terrorists the control of any nation, which they would use as a home base and a staging ground for terrorist attacks against others. That is why we continue to fight Taliban remnants and al-Qa'ida forces in Afghanistan. That's why we are working with President Musharraf to oppose and isolate the terrorist element in Pakistan. And that is why we are fighting the Saddam remnants and terrorists in Iraq. . . .

. . . Our strategy for victory in the war on terror has a fifth and crucial element:

Across the broader Middle East, we will work to replace hatred and resentment with democracy and hope.

Supporting political freedom and peaceful change in a troubled part of the world is a long-term commitment. And we already know that the work will be difficult. Yet there is no alternative. On 9/11, the United States learned that problems boiling in a far-off region of the world could lead directly to a sudden and murderous attack right here on our own soil. For decades in the Middle East, millions of people have known nothing but dictatorship and heavy-handed rule—resulting in misery, bitterness, and the ideologies of violence. If we simply accept the status quo, that region will be a source of conflict and mounting violence for this generation and beyond.

If the peoples of that region are given the rights of free men and women, and live under elected, accountable governments, and have a chance to work and succeed in hopeful societies, then the flow of radicalism and hate will one day come to an end.

In this way, as the President has said, America's ideals and interests are one and the same: The survival of liberty in our own land increasingly depends on the success of liberty in other lands; the best hope for peace in the world is the expansion of freedom throughout the world.

As Americans, we have faith in democracy, but no illusions. We know that it takes time and effort and patience for democratic values and free institutions to take hold, and the greater Middle East has a long way to go. The promise of democracy rests ultimately on free elections and the ability of free peoples to hold accountable those who govern them—but that is only the beginning.

A functioning democracy requires institutions that endure beyond a single vote. Democracy requires the protection of minority rights, religious liberty, equality before the law, freedom of expression, and an inclusive society in which every person belongs. And those who win elections have a duty to nurture institutions and laws that serve the peaceful aspirations of their people.

Such duties now belong to the newly elected government in the Palestinian territories. I recognize that the outcome of last month's election has caused some to question whether democracy is truly the way toward peace in the Middle East. They argue that, by promoting democratic change, we are actually destabilizing the region and undermining hopes for peace. I believe that's a faulty argument.

For one thing, it's hard to claim that you get lasting stability and peace by denying people a voice in their own government. In fact, the denial of legitimate means of expressing dissent is one of the causes of extremism in the Middle East. For decades, many thought it was worth tolerating oppression for the sake of stability in that region. But we were only buying time as problems multiplied, and demagogues stirred resentment, and the ideologies of violence took hold.

We must make a clean break with that history of failed policy. By helping the peoples of that region gain the freedom to express their views, to have open debate, and to choose their own leaders, we have a better chance of defeating the radicalism that threatens us all.

An alternative to democratic rule is command and control by a tiny elite. That's unfortunately what we have seen for much of the past decade in the Palestinian territories—and we're still living with the legacy of corruption, broken promises, abject poverty, the collapse of the rule of law and, ultimately, the outbreak of a terrorist campaign on Israel's doorstep. The Hamas candidates pledged to fight corruption and to improve social services, and they'll be held to that standard by the Palestinian people. If the leaders of Hamas desire the help of America and the international community to build an independent, prosperous Palestinian state, then the way forward is very clear. The Palestinian government must recognize Israel's right to exist. And Hamas must renounce terror and dismantle the infrastructure of terror. One thing is certain: The United States will not be a party to the establishment of a Palestinian state that sponsors terror and violence.

Nearly four years ago President Bush committed himself to the vision of two states, living side by side in peace and security. At the same time, he made it clear: There is simply no way to achieve that peace until all parties fight terror.

Ladies and gentlemen, one of the basic truths of the world we live in today is that George W. Bush is a man of his word. The policies of the United States reflect our ideals and the commitments we've made as a nation. And we will be consistent. We will not abandon our belief in democracy. We will not abandon our opposition to terrorism. And we will not abandon our commitment to the security of our friends and allies. Israel can count on the United States of America.

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