Palestine, Israel and the United States: The Politics of Occupation, Democracy and Reform

A Compendium of Palestine Center Analysis, 2004-05

Including
Information and Policy Briefs
“For the Record” Summaries and Transcripts
Reports and Commentary

Compiled by
Sasha A. Ross, Publications Manager

The Palestine Center • Washington, DC • 2006
To the memory of

Hisham B. Sharabi, 1927-2005

&

Samih K. Farsoun, 1937-2005

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Since 1991, The Palestine Center has brought together analysts, academics, government officials, journalists and others to analyze US policies, regional events, and political trends in the Middle East and their implications for Palestinians. From the passing of Palestinian leader Yasser Arafat and democratic election of President Mahmoud Abbas to Israel's continued construction of the Wall and settlements after its disengagement from the Gaza Strip, recent local events have placed a premium on informed analysis of the history and politics of the Middle East no less than have more global events such as the US-led “war on terror” and invasion of Iraq.

The Palestine Center's ability to draw on the expertise of policy-makers and scholars in both Palestine and the United States gives its constituency unique and insightful perspectives on US foreign policy. The Center's approach and broad audience also enables it to deliver a thoughtful presentation of data and events that might otherwise go unnoticed. Through briefings, symposia, conferences and commissioned studies, The Palestine Center confronts the divisive issues that have stalled Palestinian-Israeli negotiations and that characterize the political economy of the Middle East. It remains the only think tank in the United States addressing these issues from a uniquely Palestinian perspective.

As demonstrated herein, The Palestine Center relies on international standards of human rights to address Israel's occupation, Palestinian national aspirations, Palestinian-Israeli negotiations, and final status issues. Through its events and publications, as well as the humanitarian and cultural work of its parent organization, the Jerusalem Fund for Education and Community Development, the Center offers timely and informative commentary on US foreign policy and the evolution of the Middle East. While the content of its educational outreach may have political implications, the Center's parent organization, The Jerusalem Fund, is a 501(c)(3)-registered non-governmental organization. As such, the Fund's educational and humanitarian programs have no direct affiliation with, nor are they funded by, any government, political entity or religious group in the United States or abroad.

The content of this compendium focuses on key developments in the Palestinian arena and surrounding region since October 2004, the month that preceded Arafat's passing. In the subsequent year, two other symbolic figures were also lost to the Palestinian people: intellectual historian Dr. Hisham B. Sharabi, the founding chairman of The Jerusalem Fund and a long-time professor at Georgetown University; and sociologist Dr. Samih K. Farsoun, one of the first members of the Fund's Board of Directors, a long-time professor at American University, and a former Dean of Academic Affairs at the newly-established American University of Kuwait. Both voiced the cause of Palestinian human rights and sought a more informed analysis of US policy toward Israel and Palestine. Both are sorely missed. In their personal and professional lives, Sharabi and Farsoun embodied a vision of democratic reform within both traditional and plural societies. Their quest for the Palestinian narrative to be heard remains The Palestine Center's guiding principle.

While the 2005 election of Abbas, the changing landscape of Palestinian politics and the Palestinian Legislative Council (PLC) elections seem to mark a new phase in Palestinian political life, true change for Palestinians awaits the end of occupation. The Palestine Center has consistently held that in order to reach a final-status agreement and for stability to endure in the Middle East, Israel's policies of border control, economic growth and defense must address Palestinian security, self-determination and freedom. Indeed, Israel's occupation of the West Bank and East Jerusalem and Palestinians' Right of Return to their homeland remain two of the most important legal issues confronting the international community. Internal democratic reform, an end to Israeli occupation and the establishment of a viable, contiguous Palestinian state are three additional, crucial issues confronting Palestinians and the international community today.

This compendium contains information and policy briefs as well as the summaries and transcripts of briefings by various experts, political leaders, scholars, and activists held at the Center during the fall of 2004 and throughout 2005. In addition, it provides a record of various reports, articles, editorials, and human rights documentation that further enhances the reader's understanding of recent events in Palestine, Israel and the United States. The purpose of collecting this information and chronicling the political economy from the time of Arafat's passing to date is to deepen understanding of the current themes in Palestinians' quest for a comprehensive and viable end to Israel's occupation of their dwindling homeland. Like other Palestine Center publications, this volume and the individual briefs and reports enclosed herein go to a constituency of more than 2,500 analysts, journalists, governmental officials, scholars, diplomats, students, and supporters around the world.

It is our hope that this compendium also solidifies your trust in The Palestine Center as a reliable source of information. We appreciate your continued interest in the Center's endeavors and urge you to submit comments and observations. The continued development and usefulness of our work depends on the response of our readers.
An 8-person Board of Directors governs the humanitarian, educational and cultural programs of the Jerusalem Fund for Education and Community Development. Its members as of January 2006 are as follows (in alphabetical order):

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Chapter 1

Information Briefs
Policy Briefs
Kerry-Edwards:  
Following a Failed Bush-Cheney Policy

By Samar Assad

Statements by presidential candidate Sen. John Kerry and his running mate Sen. John Edwards on issues concerning the Palestinian-Israeli conflict indicate that if elected on 2 November 2004, they would follow the same policies as the Bush-Cheney administration concerning the Israeli-Palestinian conflict. Four years of unbalanced policies by President George W. Bush and Vice President Richard B. Cheney have failed to secure an end to the violence or a resumption of negotiations between Palestinians and Israelis.

President Bush’s reversal of decades-long policy regarding Israeli-Palestinian borders, Jewish settlements, Palestinian refugees, and the principle of bilateral Palestinian-Israeli negotiations has damaged the United States’ (US) credibility in the Middle East and the international community. Kerry and Edwards’ pledge to rebuild America’s credibility abroad cannot apply only to Iraq. The greatest test in the Middle East is Palestine. The Bush administration has dealt a blow to US credibility due to its actions in Iraq and its inaction in the Occupied Territory, which a Kerry administration must resolve if it is to be better.

In an effort to gain support among pro-Israel Americans, both campaigns have been competing to outbid each other on their support for Israel. On 6 October 2004, the Bush administration vetoed a draft resolution regarding Israel’s military attack on Gaza which led to the death of over 80 Palestinians. During the vice-presidential debate on 5 October 2004, Edwards failed to recognize Palestinian deaths and suffering, referring only to the loss of life on the Israeli side.

To bolster support among Jewish Americans, Kerry proudly opposed the International Court of Justice (ICJ) ruling which argued that the separation Wall that Israel is building in the Occupied Palestinian Territories is illegal, and added that Israel’s “fence” only exists in response to the “wave of terror” attacks against Israel. His opposition differs little from Bush’s endorsement of Israel’s plan to annex six major West Bank settlement blocs into Israel.

Neither candidate recognizes that the Wall’s route does not separate Israelis from potential Palestinian attackers. Instead, it separates Palestinians from Palestinians, and from their homes, schools, jobs and medical facilities. Once completed, the Wall will establish Israel’s new and non-negotiated border with the West Bank and will separate the West Bank not only from Jordan on the east and Jerusalem on the west, but also the northern areas from the southern areas.

Both Bush and Kerry say they support the creation of a Palestinian state, but they fail to discuss what territorial shape such a state would have if Israel maintains its current plan to keep the settlements and to complete the Wall around the entire West Bank.

Bush has stated consistently that he would never pressure Israel to take any action it feels would compromise its security; John Kerry concurs. Israel believes that ending its 37-year military occupation of Palestine compromises its security. It feels that “disengaging” from part of the Occupied Territories while maintaining overall control of that area will strengthen its security. Bush endorses this plan; John Kerry concurs.

The Palestinian-Israeli conflict seems to be the one thing that the Bush and Kerry camps agree on. Both sides seem to have outsourced US foreign policy to Israel.

Israel’s security is best served when the sovereignty and national interests of Palestinians and Israelis are equally addressed. Israel’s security and that of the entire region is bolstered when a credible America abroad institutes its principles of freedom, democracy and the rule of law.

This policy brief may be used without permission but with proper attribution to The Palestine Center, the educational arm of The Jerusalem Fund. For a listing of all Palestine Center policy briefs from 1999 to present, see http://www.thejerusalemfund.org/palestinecenter/reportsandcommentary.php.
Palestinian Elections: 
At the Core of Palestinian Calls for Reform

By Samar Assad

Overview: On 7 October 2004—the scheduled deadline for voter registration in the Occupied Palestinian Territories—60,000 Palestinians rushed to the 1,000 voter registration centers across the West Bank and Gaza Strip. Their registration brings the total of registered voters in Palestine (excluding East Jerusalem) to 985,000. This unprecedented single-day turnout prompted Palestinian election officials to extend the registration process, which began on 4 September 2004, an additional six days. Palestinian voter registration will now close on 13 October 2004.

The Palestinian Central Elections Committee (CEC) expects that 70 percent of Palestinians will have registered by the new deadline. A September 2004 poll taken by the Palestinian Center for Policy and Survey Research (PCPSR) found that if given enough time, 80 percent of Palestinians will register to vote. According to CEC officials, 1.6 million Palestinians in the West Bank and Gaza (excluding East Jerusalem) are eligible to vote.

Registered voters—men and women over the age of 17—will be eligible to vote in the planned local municipal elections and the national presidential and legislative elections. While no date has been set for national elections, municipal elections will be held in four stages, the first stage of which is slated for 9 December 2004 in 36 minor localities. Palestinian political analyst Ziad Abu Amr said that the first-phase localities are regions of heavy support for incumbents.

The last municipal elections in the Occupied Territories were held in 1974, after which the nationalist mayors were either assassinated or narrowly escaped Israeli assassination shortly after their election. On his return to the West Bank and Gaza in 1994, President Yasser Arafat appointed interim mayors until local elections were organized; however, the Palestinian Authority (PA) continuously postponed the process. Political opponents accused the PA of delaying municipal elections out of fear that the Islamic groups would win. Palestinian presidential and legislative elections were held in 1996, for what was expected to be a four-year term. New elections were to be held after Israeli troops withdrew from the Palestinian areas as stipulated in the Oslo peace agreements, which was by May 1999. To date, Israel has yet to withdraw.

The Internal Political Impact

Ten political parties have registered to vote. Both Muslim and secular groups have urged their members to register, including the Islamic Resistance Movement (Hamas), the Islamic Jihad, the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP), and the former communist party, the Palestinian People's Party, whose political opposition to the Oslo Agreements with Israel led to their boycott of the 1996 general elections. New parties like the Palestinian National Initiative, one of the main advocates for political reform in the PA, also joined the registration campaign. Returning parties include the PLO's main party Fateh and the DFLP splinter group FIDA.

Abu Amr said the registration of opposition groups like Hamas, DFLP and PLFP does not necessarily mean that they will take part in the presidential and legislative elections. Although the groups have energetically called on their members to register and have declared they will take part in the municipal elections, Abu Amr believes it is a matter of “keeping their options open,” noting that if the Islamist groups decide to participate in the general elections, the incumbents—Arafat and other PA officials—will face serious competition.

According to the PCPSR poll, which was taken between September 23-26, 25 percent of those surveyed in the West Bank and Gaza Strip said they believe that Arafat's Fateh party candidates would win if local elections take place in the near future and if they are fair (compared to 34 percent who said that in June 2004). Twenty-seven percent of all polled said Hamas and Islamic Jihad candidates would win. Twenty-two percent said they would vote for Hamas and Islamic Jihad candidates; 21 percent said they would vote for Fateh; 16 percent for independents; and 14 percent for family candidates. In Gaza, 30 percent of respondents said they would vote for Hamas and Islamic Jihad candidates, 18 percent for Fateh; 14 percent for independents; and 10 percent for family candidates. While the PCPSR poll found that only 56 percent of Palestinians in the West Bank and Gaza Strip believed that the PA is serious about holding national elections in the near future, 72 percent said that they plan to participate when such occurs.

Another poll, which was released on 20 September 2004 by the Birziet University Development Studies Programme, found that Arafat would receive 58 percent of the vote if he were to be challenged by Hamas' Mahmoud Zahhar and independent Haidar Abdel Shafi.

Abu Amr said skepticism over whether the PA would hold national elections was reflected in the low turnout at the start of the registration process. People were also skeptical about the feasibility of conducting elections under continued Israeli occupation.
Abu Amr explained that should presidential and legislative elections be held, Israel and the United States, who have demanded that Palestinians elect new leaders, will have to deal with the democratic choice of the Palestinian people. He added that Palestinians have been calling for elections and reform in the PA long before the Bush administration and Israel. Palestinians have been unsatisfied with the PA's performance both regarding internal matters and negotiations with Israel.

The Registration Process

The CEC has accredited 6,500 election observers. Three international organizations, including the National Democratic Institute for International Affairs (NDI), will serve as observers, along with 82 Palestinian institutions, 3,000 local observers and 3,500 party agents. In addition, the CEC recruited 2,500 volunteers for a wide-scale voter education campaign. Volunteers distributed materials door-to-door and booked dozens of radio and TV spots.

CEC Chief Public Relations Officer Baha Bakri said the registration process has been disrupted constantly by Israeli closures, incursions and harassment of volunteers. Israeli checkpoints have made the distribution of material to registration centers difficult and at times impossible. The process has been disrupted the most in the Gaza Strip. Centers were forced to close due to Israeli military attacks and prolonged area closures. However, Bakri said that despite the difficulties the high registration turnout proves that Palestinians are eager to exercise their democratic rights.

In East Jerusalem, Israel closed six voter registration centers one week after they were open. Israeli police confiscated electoral material and registration forms, detained and interrogated election volunteers, and intimidated voters. Israel accused voter registration centers of being PA representative offices and said they are not allowed to operate within the borders of Israel.

The very essence of self-determination within civil society is the right to vote. Israel’s closure order violates this guarantee recognized under the United Nations’ International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. Israel is a state signatory to both documents. The Palestinians of Occupied East Jerusalem have the same legal status as Palestinians in the rest of the Occupied Territories. Israel’s annexation and/or changes to the legal status of East Jerusalem and its residents therefore have no legal validity according to the international community and international law.

This information brief may be used without permission but with proper attribution to The Palestine Center, the educational arm of The Jerusalem Fund. For a listing of all Palestine Center information briefs since 1999, see http://www.thejerusalemfund.org/palestinecenter/informationbriefs.php. For more information about Palestinian elections, please go to the Central Elections Commission of Palestine’s website at http://www.elections.ps/english/english.php.
European Trade Agreements, Human Rights and Palestine

By Raymond Deane

Overview: The spotlight is on the European Union (EU)'s use of trade as "soft power" in furthering human rights and international law, especially in relation to its dealings with Israel. Developing countries that implement conventions on non-discrimination, the environment, and labor standards will enjoy lighter tariffs, the EU trade commissioner announced on 20 October 2004. The EU is pushing for controls on "weapons of mass destruction" in the trade association agreement it initialed with Syria on October 19. It is negotiating similar language for an "action plan" with Israel that will allow it to further share the benefits of the single market. For all the fanfare surrounding its human rights approach, however, the European Union seems curiously reluctant to implement this when it comes to the Israeli occupation of Palestine.

The European Parliament Takes on Israel

The Euro-Mediterranean Association Agreement with Israel grants Israel preferential trading terms conditional on its observance of Article 2, which states that "Relations between the Parties... shall be based on respect for human rights and democratic principles..." Article 79 of the Agreement provides for measures such as suspension to be taken when one signatory fails to comply with its obligations under the Agreement.

The European Union is obliged under the Fourth Geneva Convention to ensure that all occupying powers respect the human rights of those people(s) under occupation. In view of the patent illegality of the Israeli occupation, this Agreement should have been suspended therefore long ago.

The European Coordinating Committee on the Question of Palestine (ECCP), a coalition of non-governmental organizations, has been calling for the suspension of the Agreement until Israel ends its occupation and upholds human rights. Members of the ECCP have repeatedly contacted their representatives to the European Parliament to protest Israeli practices and communicate the strength of popular feeling on the issue.

Eventually, ECCP efforts were marked by success. On 10 April 2002, in the wake of Israel's savage assault on the Palestinian refugee camps and towns, the European Parliament voted to suspend the Agreement. However, the European Commission disregarded the vote. Two years later, on 1 April 2004, after Israel's assassination of Hamas spiritual leader Sheikh Ahmed Ismail Yassin, the Parliament determined "that if Israel continued its targeted assassinations policy, the council of ministers and the European delegations should act to suspend the Association Agreement. . . ." On April 17, Yassin's successor Abdel Aziz al-Rantissi was killed in an Israeli air-strike, yet the Agreement was not suspended.

The Commission's Argument

On May 5 and 6, 2004, EU foreign ministers discussed the Euro-Mediterranean Agreement and process at their meeting in Dublin Castle. A delegation from the ECCP met with Dermot Gallagher, Secretary General of Ireland's Department of Foreign Affairs, to call for suspension, or a threat of suspension, of the Agreement. They presented a petition signed by 275 parliamentarians from across the European Union. The Irish representatives also presented 11,700 signatures collected on the streets of Irish towns.

Gallagher maintained that suspension of the Agreement was inconceivable and "would remove any possible influence we might have on Israel." That "influence" was graphically demonstrated nine days later when Israel began "Operation Rainbow" in Rafah. By 20 May 2004, 43 Palestinians had been killed (38 of them civilians) and 134 additional non-combatants had been injured. The United Nations (UN) Security Council condemned the operation. Even the United States abstained rather than wield its expected veto, yet still the Agreement was not suspended.

Attempts to shift the stance of European governments are an uphill struggle, as the author's own experience shows. As Ireland's presidency of the European Union drew to a close, I published an opinion piece in The Irish Times suggesting it had been a disappointment as far as the Israel/Palestine conflict was concerned, and criticizing the International Quartet's May 4 statement for its one-sided focus on Palestinian responsibilities.

In reply, Foreign Affairs Press Counselor Dermot Brangan asserted that the Quartet statement was "very warmly welcomed in the Arab world and in particular by the Palestinian leadership." My criticism of the ineffectuality of the Irish EU presidency was "all the more astonishing when so many Arab leaders, including President Yasser Arafat and Prime Minister Ahmed Qurai' of Palestine, have been very warm and generous in their appreciation of the distinctive and effective role of the Irish presidency in this process."

Palestine, Israel and the United States
NGOs Undercut by Palestinian and Arab Leaders

Brangan's response highlights a key problem with international activism in support of Palestinian rights: the unwillingness of Palestinian and Arab leaders to use pressure to support their cause. While European activists fully appreciate the innate courtesy of the Palestinian and other Arab peoples, they are now advising their partners to temper their gratitude with a more steely insistence that Europe should live up to its responsibilities. Indeed, they argue, it is time the Palestinians appropriated a favorite and fully legitimate Israeli stratagem: the appeal to Europe's conscience.

While the case of Germany obviously stands out, few European countries have clean hands when it comes to anti-Semitism, as even some who played no role in the pogroms or Nazi genocide failed to grant asylum to Jews fleeing persecution. European politicians must be forcibly reminded that Palestinians are victims of Europe's victims.

As long as the European Union continues to treat the "human rights clause" of its Association Agreement with Israel as a dead letter and fails to suspend the Agreement in response to Israel's crimes—possibly as the first step towards the imposition of full sanctions—the European Union will be open to the accusation that it is sacrificing the Palestinian people on the 'altars of Mammon' and acting in bad faith.

The International Court of Justice's ruling on July 9 that the Wall is illegal and the subsequent UN General Assembly resolution make this a most opportune moment for such action. In mid-October, Jean Ziegler, the UN Special Rapporteur on the Right to Food, called on the European Union to suspend its Agreement with Israel, saying that suspension was the only leverage available to stop alleged violations of Palestinians' right to food. He noted that the Agreement laid out respect for human rights as an "essential condition" of the trade deal.

European NGOs believe that their campaign must be matched by strong pressure from Palestinians themselves and cite European responsibility for the existing situation in the Middle East with as much insistence as Israelis cite European responsibility for the pogroms and the Holocaust.

The repeated flouting of the European Parliament by the EU Commission displays an elitist contempt toward the only EU institution for which Europeans vote. It also seriously undermines the EU's efforts to promote rights-based trade and foreign policy negotiations with partners. If the European conscience finally awakes on behalf of Palestinian rights, such would be of real collateral benefit to Europeans themselves.

Raymond Deane is Chairman of the Dublin-based Ireland-Palestine Solidarity Committee. This information brief is based on remarks delivered by Deane at the United Nations' International Conference of Civil Society in Support of the Palestinian People. It may be used without permission but with proper attribution to The Palestine Center, the educational arm of The Jerusalem Fund. For a listing of all Palestine Center information briefs since 1999, see http://www.thejerusalemfund.org/palestinecenter/informationbriefs.php.
Governing vs. Leading:  
Who Can Succeed Arafat?

By Samar Assad

Overview: What opportunities or challenges does a post-Arafat Middle East pose for Palestine, Israel and the United States (US)? Will the Bush Administration renew its commitment to the moribund peace process? As expected, Israel and the US are framing the question in terms of personalities rather than the issues that lie at the heart of the conflict. The list of possible successors is short and the line-up appears obvious. However, some groups are waiting in the background for the right opportunity to lay claim to the reins of power. For Palestinians, who for the past four decades have known no other leader, the question is not who can succeed President Yasser Arafat, but who can lead their national struggle at a time of great uncertainty.

The Chain of Command

Although Arafat has never designated a successor, the chain of command established within the Palestine Liberation Organization (PLO) and the Palestinian Authority (PA) Basic Law sets the stage for a successor until elections are held.

Former Prime Minister Mahmoud Abbas has long served as Arafat's deputy in the PLO's Executive Committee (EC)—the highest executive PLO body. It represents the PLO internationally and consists of 18 members elected by the Palestinian National Council (PNC), the legislative body of the PLO. Abbas is also Arafat's deputy in the Fateh Central Committee—the decision-making body of Fateh, the largest group within the PLO.

Post-Arafat, Abbas is not likely to be challenged in either position. The Islamic groups are not members of the PLO and have no representation in its Executive Committee. The leaders of the two largest groups after Fateh who have representation in the Executive Committee, the Popular Front for the Liberation of Palestine (PFLP) and the Democratic Front for the Liberation of Palestine (DFLP), do not pose a challenge: their senior leaders have been either killed, imprisoned by Israel or live in exile. The only challenge to Abbas would be if the PNC is convened to elect a new Executive Committee and Fateh puts forth a new candidate. A meeting of the PNC, whose members are spread around the world, is unlikely.

According to the PA's Basic Law, if the President dies or is incapacitated, the Speaker of the Palestinian Legislative Council takes his place for 60 days until elections are held. However, after the appointment of a prime minister, that clause seems to have been unofficially amended. Currently, the speaker is Rouhi Fattooh, a member of Fateh who has not challenged Prime Minister Ahmed Qurai’s takeover of some aspects of the PA. Neither, for that matter, has any of the 88-member Legislative Council. Qurai’, Fattooh and Abbas seem to have reached an understanding over the course of events after Arafat, and Fattooh was included in the delegation visiting Arafat in Paris this week. It is worth recalling that until September 2003, Qurai’ was the Council Speaker.

Other Contenders

Security chiefs Mohammed Dahlan and Jibril Rajoub, the “insiders”, have lived in the Occupied Territories, fought against Israeli occupation and served in Israeli prisons before being deported. They both have considerable power bases—Dahlan in Gaza where he served as head of the Preventive Security Service and Rajoub in the West Bank where he commanded that division of the Service. Both have made sure to recruit local Palestinians—men and women who took part in the 1987 uprising (intifada) against Israel—into the Service, which strengthens their local base. Both have taken part in political negotiations as well. However, accusations of corruption and disputes with Arafat have eroded the popularity of both Dahlan and Rajoub.

The Islamic group Hamas has also long challenged the legitimacy of the PA. It sees the PA as a creation of Israel to implement the Oslo Agreements, which it opposes. Hamas has constantly questioned the PA's negotiation style with Israel, accusing it of giving up Palestinian rights. Hamas refused to take part in the PA or the 1996 elections. Recently, they urged their members to register to vote in a move they described as "keeping their options open." With Arafat, the unchallengeable candidate, gone, Hamas may seize the opportunity to "reclaim the national struggle." However, Hamas may find it difficult to come up with a winning candidate since prominent and respected leaders like Sheikh Ahmed Ismail Yassin, Abdel Azziz Rantisi and Isamil Abu Shanab have been assassinated.

Fateh holds a slim lead in popularity polls and remains the party that will most likely elect the next PA president. Within Fateh's ranks, Marwan Barghouti is the most popular candidate. He is the youngest of all possible successors, an “insider” serving five life sentences in an Israeli
prison for his resistance to occupation. He possesses the trust and respect of the people and commands the loyalty of most of Fateh. Indeed, many Palestinians see within him a young political and military Arafat. Abbas and Qurai’ will have to work hard on building an alliance with the young Fateh militants who have challenged Arafat in his appointment of the “old guard” and people they consider as corrupt “outsiders,” as some refer to those who returned with Arafat in 1994 from Tunisia. Barghouthi would have little problem securing the loyalty of the “young guard.”

Some leaders of non-governmental organizations have recently articulated a different strategy for the Palestinian national struggle, known as the New Palestinian Initiative. This effort is spearheaded by Mustafa Barghouthi, one of the founders of the Palestinian Medical Relief Committee (and unrelated to Fateh’s Marwan Barghouthi). Independents from this new movement could win a respectable number of legislative seats, but are unlikely to win in a presidential election.

PLO and the PA

As head of the PLO Executive Committee, Abbas is in a stronger position than Qurai’. The PLO is the policymaking body that deals with negotiations and other international issues and oversees the PA, which runs the day-to-day local governance of the Palestinians. As such, Abbas is in effect Qurai’s boss. For a smooth transition to take place, Qurai’ would have to accept being Abbas’ deputy. If Qurai’ has higher ambitions, this may develop into a problem as the lines of authority begin to blur and competition over diplomacy and local rule collide. In the past this was not an issue because Arafat was head of the PLO and the PA.

Governing vs. Leading

Although Abbas and Qurai’ seem to have things under control and seem to be in agreement over their respective governing roles, the question remains: does the Palestinian people trust that they can lead the national struggle for freedom? To Palestinians, Arafat was both governor and leader. The current Abbas-Qurai’ arrangement is temporary, as is the cooperation of the political groups and security services. Soon, political factions and some security chiefs may want a share in governance, and Palestinians will have to head to the polls.

How successful will Qura’i and Abbas be at the polls? Both men are considered outsiders. They have the political experience of the last decade in negotiations with Israel and the US, but they lack the much-needed grassroots support and backing of the security forces, key factors for sustaining political authority in Palestine. A power struggle is likely to erupt as contenders within Fateh forge new alliances and power bases are secured.

In order to secure calm, Palestinians will need to hold elections. Israel and the United States will play a major role in making sure that elections are held. However, free elections require Israel’s removal of checkpoints and lifting of travel restrictions. The US will have to show leadership and re-engage in the conflict to secure this.

However, elections are not the only determinant for calm and stability. Whatever their outcome, the newly elected Palestinian leadership will have to prove it can lead the people in a national struggle based on the principles of freedom, self-determination and human rights.

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Palestinian Presidential Elections:  
A Test for Palestinians, the United States and Israel

By Samar Aasad

Overview: The interim Palestinian leadership announced recently that Palestinian Authority (PA) presidential elections will be held on 9 January 2005. The elections are potentially the most significant step forward for Palestinians in the post-Arafat era, but their fate rests in the hands of Israel and the United States (US), to the extent to which the latter is willing to invest its diplomatic resources. Israel’s refusal to allow elections in East Jerusalem and Palestinian insistence that Arab Jerusalemites participate, could bring the election process to a screeching halt.

Israel, the United States and East Jerusalem

The involvement of East Jerusalem residents in the upcoming Palestinian election may become Condoleezza Rice’s first challenge in Middle East peace-making as the new US Secretary of State. Rice’s action on the issue will set the tone for how the Bush administration will deal with Israeli violations of international law during its second term, and the fate of the Terms of Reference (TOR) established in past negotiations.

In the 1996 national elections, Palestinian residents of East Jerusalem voted at election booths held in post offices and schools, electing seven representatives to the Palestinian Legislative Council. The Jerusalem elections were held after Israel and the Palestinians carefully drafted TOR with the help of the United States. Palestinian officials hold today that the same TOR can be used for the January 2005 elections.

Ahmed Qurai’ is an elected Jerusalem representative and the current Palestinian prime minister. Another well-known Jerusalem representative is Hanan Ashrawi. Palestinians in Occupied East Jerusalem have the same legal status as Palestinians in the rest of the Occupied Territories.

On 13 October 2004, the Palestinian Central Elections Committee (CEC) concluded the voter registration process in the Occupied Palestinian Territories. Israel did not allow registration in East Jerusalem and it will likely try to convince Palestinians and the world that without registered voters in Jerusalem, legitimate elections cannot be held in the city. Palestinians must address this issue immediately in order to get eligible voters (age 17 and over) to register and to give anyone over 35 years old who wants to run for office time to announce their candidacy.

Palestinians and the United States

The Palestinians will look to the US to exert the same effort toward them as it did toward Afghan elections and the current effort in Iraq. However, where as the US sent troops into the cities of Afghanistan and Iraq to secure the elections, in the Occupied Territories the US must work with Israel to get troops out of the cities so that Palestinians can get to the polls.

To facilitate the elections, the US must demand that Israel lift its closure on the Occupied Territories, remove the military checkpoints that restrict movement within the West Bank and parts of the Gaza Strip, and refrain from intimidating and/or arresting campaign workers, election volunteers, and the candidates themselves including Hamas candidates and supporters. Palestinians will closely follow the way the interim leadership deals with elections in Jerusalem. A compromise on the issue by PLO leader Mahmoud Abbas and PA Prime Minister Ahmed Qurai’ will be perceived as a sign of weakness and imminent compromises over key Palestinian rights.

Without elections, the fragile interim Palestinian leadership will be denied the legitimacy it desperately needs to carry out the day-to-day duties of governing and maintaining order through the rule of law. Most importantly, it will lack the proper mandate needed to negotiate the future of the Palestinian people. Without enabling free elections, Israel will lose its claim to have been waiting for a “partner in peace” and the Bush administration will lose a crucial opportunity to reengage in the Middle East.

Presidents in Waiting

Candidates have until 20 November 2004 to announce their candidacy. Campaigning is scheduled to last from 27 December 2004 to 8 January 2005. Although no official announcement has been made and despite the differences within Fateh, it is most likely that Abbas will win the party’s nomination. Abbas’ candidacy will be official only after the 21-member Fateh Central Committee (of whom only thirteen remain alive) nominates him and the majority of the 165-member Fateh Revolutionary Council (of whom five are dead and over half live in the Occupied Territories) approves the nomination.

Farouk Qaddumi, the new Fateh leader who chose to remain in exile, has endorsed Abbas. Abbas has also received the endorsement of former Gaza Security Chief Mohammed Dahlan, who some thought might compete for the top position. Qurai’, another possible successor, has an-
nounced that he does not plan to run for president. Interim PA President Rawhi Fattooh has also said he has no interest in the job beyond the 60-day interim period.

The most important endorsement Abbas needs is from Marwan Barghouthi. Barghouthi is serving five consecutive life sentences in an Israeli prison for the charge of leading an armed resistance against the Israeli occupation. Barghouthi, an elected lawmaker representing the Ramallah district, maintains that he is a political prisoner whom Israel abducted from Palestinian-controlled Ramallah in 2002. He argued during his trial that as long as Palestinians are under occupation they have the right to resist that occupation.

Barghouthi is the most popular leader of Fateh among the party’s young generation of Fateh known as the “young guard.” Commanders of the Al-Aqsa Martyr’s Brigade and Fateh’s “young guards” see Barghouthi as the Palestinian most fit to lead after Arafat. Leaders of the Brigade have sent mixed signals regarding Abbas. Some said they will support Abbas as long as he remains in line with basic Palestinian principles on all the key issues especially Jerusalem, the Right of Return and sovereignty. Others demand that Arafat’s medical records be released before elections are held, while others are waiting for word from Barghouthi.

Barghouthi himself has not said whether or not he will run for president. He is aware that the Palestinian people need a hands-on leadership to deal with the challenges ahead. His loyalty to a united Fateh, where its members are not forced to choose between two of its leaders, is another reason why he will not likely run.

Barghouthi’s endorsement of Abbas would strengthen Abbas among the “young guard,” which Abbas needs to carry out his election campaign and persuade Palestinians to vote for him. In exchange Abbas will have to give the young guard assurances that their voices will be heard when it comes time for decision making. One of the first conditions the young guard may demand is that Abbas work on a prisoner release that would include Barghouthi. Whether or not Barghouthi himself would accept being released through a deal with Israel remains to be seen. His influence over the Fateh base and his popularity among Palestinians will be stronger in prison.

While Abbas may be the only Fateh candidate, two independent candidates have announced their intention to run. A third—former Hamas supporter Talal Sader—is weighing the possibility and has announced his candidacy. In 1993, Sader dissolved his ties with Hamas and joined the PA as its Minister of Youth and Sports. After a year in the post, he became Arafat’s advisor on religious affairs. He is a resident of the West Bank town of Hebron.

Abdel Sattar Qassem, a political science professor at An-Najah University in Nablus has also thrown his hat in the ring. He describes himself as an independent nationalist and has been a strong voice against corruption in the PA. Palestinian millionaire and Arafat’s long-time friend Munib al-Masri, from Nablus, is also considering running as an independent and puts a priority on building the Palestinian economy. A coalition of leftist and independent groups are studying the possibility of nominating a candidate as well.

Hamas has said it will not put forth a presidential candidate and has conditioned its cooperation with the interim leadership on having legislative elections. Parliamentary elections are to take place within the first half of 2005.

Arafat and the Elections

Even in his death, Arafat will have an influence over the new leadership and the course of action it takes. The proposals Arafat rejected at Camp David 2000 cannot be accepted by the new leadership if not amended to fulfill Palestinian rights and come in line with international law. Although Arafat has passed away, the 37-year occupation lives and is showing no signs of weakening.

Arafat’s death, unless clarified, will remain a source of suspicion and mistrust that could trigger protest against the new leadership. The outpour of emotion and loyalty toward Arafat when his remains arrived in Ramallah showed that whomever runs, Arafat will retain the popular vote.

After the last ballot is counted and the new Palestinian leadership assumes its powers, it will find that the issues that plagued Arafat remain the same. Arafat’s “failure” in state building was enabled in no small part by the Israeli occupation, an increase in the size and number of Israeli settlements, and continued restrictions on movement that debilitated the economy and civil institutions. Palestinians were pressured with the task of state-building while under occupation; this remains the case.

The US must avoid the mistakes of the past. Now with Arafat no longer the primary focus, the US must address the real issue: the occupation. While the new Palestinian leadership “gets its house in order,” the US must work with Israel to improve the daily lives of the Palestinian people and to address the causes for the violence.

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On the Path of Democracy:  
The Palestinian Presidential Candidates

By Samar Aasad

Overview: The smooth transfer of power in the Palestine Liberation Organization (PLO) and the Palestinian Authority (PA) following the death of President Yasser Arafat contradicted predictions of chaos and Palestinian infighting. By upholding the by-laws of their political institutions, Palestinians dispelled myths that they need to be guided toward the path of democracy. They are well into the process of organizing multi-level elections, starting with municipal elections on 23 December 2004, followed by presidential elections on 9 January 2005 and legislative elections in May 2005. Fateh, the PLO’s largest political party, plans to reform itself and will hold elections in August 2005 for the first time in 16 years.

Until Fateh’s imprisoned West Bank Secretary General Marwan Barghouthi’s sudden decision to run, PLO leader Mahmoud Abbas’s victory was considered certain. Contrary to what some analysts predicted, however, the Barghouthi candidacy has yet to create a split in Fateh or push Palestinian politics into turmoil.

Despite of its promise to the United States (US) and European Union (EU) to “facilitate” elections, Israel’s occupying forces physically attacked Mustafa Barghouthi, one of the top three candidates, and his aides and have prevented them from traveling freely to campaign. A day later, Israeli soldiers arrested independent candidate Bassam al-Salhi after a scuffle with troops who barred him from Jerusalem. In the West Bank town of Dharyieh, four municipal candidates were arrested on charges they belong to the Islamic Resistance group Hamas.

The Candidates

The 9 January 2005 election will be the second time Palestinians head to the polls to elect a leader. The first election in 1996 had only two candidates—Arafat and Samihah Khalil, a 73-year-old West Bank social worker who won 13 percent of the vote. In 2005, nine candidates will compete for the Presidency. This time, however, Palestinians will not be voting for “the symbol” of the Palestinian national struggle but for ordinary politicians who need to convince the public to vote for them.

Six candidates are running as independents and three are backed by Palestinian political parties. Of the nine, three are leading the polls: Fateh’s Mahmoud Abbas (Abu Mazen); the independent, yet largely Fateh-supported Marwan Barghouthi; and grassroots leader Mustafa Barghouthi, also running as an independent. Palestinian election law prohibits candidates from speaking about or presenting their platform until 25 December 2004, the start of the two-week campaign period. A closer look at the personal backgrounds of candidates with some insight into their political positions may be helpful.

Mahmoud Abbas

Abbas is one of the few surviving founders of the ruling Fateh party. In November, the 69-year-old politician who spent most of his life living in the Arab world succeeded Arafat as head of the PLO’s decision-making executive committee. Abbas was the first Palestinian prime minister appointed by Arafat, but his term was short lived. He resigned after less than five months, citing a lack of Israeli and US cooperation and differences with Arafat. Palestinians, Israelis and Americans see Abbas as a moderate. From the early days in the PLO, Abbas, who constantly spoke out against violence, established dialogue with the Israeli Left. His anti-violence positions, namely his objection to a “militarized” al-Aqsa intifada and his pledge to collect weapons from Palestinian groups, have put him at odds with Fateh’s younger generation, specifically its military wing. His relationship with the Islamic groups, although cordial, is limited by his ideological opposition to suicide bombings. A recent poll shows that 58 percent of Palestinians oppose military attacks against Israel.

Abbas, who was one of the first Palestinians to recognize Israel’s right to exist, signed the Declaration of Principles with Israel in 1993, which launched the Oslo negotiations. However, Abbas has faced heavy criticism from Israelis for writings in which he downplayed the number of Jews killed in the Holocaust. Abbas has a bachelor of arts in law and doctorate of philosophy in history.

Abbas’s moderate positions earned him a reputation among Palestinians of being eager to appease Israel specifically on the issue of the Palestinian Right of Return. Although Abbas, a refugee from Safad who fled with his family to Syria in 1948 at the age of thirteen, believes that Israel must recognize the right of Palestinians to return home, he argues that the implementation of that inalienable right should be mutually accepted by Israel and the Palestinians. He is well received internationally. His recent visits to several Arab countries to restore relations indicates that he would like to have a strong Arab role in the peace process. He also understands the importance of a strongly engaged US administration. He would like an immediate resumption of negotiations in order to achieve a two-state solution through non-violent means.
Marwan Barghouthi

Marwan Barghouthi was born in the West Bank village of Kobar in 1959. At the age of 15, he joined Fateh and rose within its ranks, becoming its West Bank Secretary General in 1994. He studied for his high school diploma while serving four and a half years in an Israeli prison for membership in Fateh. After his release from prison in 1983, he enrolled in Birzeit University—a hotbed for Palestinian political activism. A founding member of Fateh’s student movement, he served as president of the university’s Fateh-affiliated student group and, later, its student body. In 1987, shortly after the eruption of the first Palestinian intifada, he was deported to Jordan for his role in the uprising and later moved to Tunis.

Barghouthi holds a Bachelor of Arts in history and political science from Birzeit. In 1998, while serving as a lawmaker in the Palestinian legislature, he earned a Master of Arts in international relations from Birzeit. In 1996, he was elected to represent the Ramallah district in the Palestinian Legislative Council where he lobbied for women’s rights and criticized Arafat for tolerating corruption among Palestinian officials and the abusive behavior of security forces.

Barghouthi was a strong supporter of the Oslo Accords and convinced many West Bank Fateh members to support the peace process. He used the Hebrew he learned in prison to cultivate relationships with the Israeli Left to promote coexistence.

He soon realized that Fateh’s reputation as a staunch supporter of the peace process was dealt a blow every time that Israel reneged on its commitments. The land-for-peace agreement was disappearing as Israel continued the occupation and the building of settlements and by-pass roads.

In 2002, Barghouthi was sentenced by an Israeli court to five life terms on charges of being responsible for the killing of 26 Israelis. Speaking in Hebrew, he challenged the legitimacy of the court saying that as long as Palestinians are under occupation, they have the right to resist. In 2002, Fateh’s military wing, al-Aqsa Martyr’s Brigades, issued a statement claiming he was its leader.

Barghouthi believes the US is biased towards Israel and that a solution to the conflict should be based on UN resolutions. He does not see any contradiction between engaging in negotiations while carrying out the resistance.

Mustafa Barghouthi

Mustafa Barghouthi, not related to Marwan, is a medical doctor who, in 2002, helped found the grassroots movement known as the Palestinian National Initiative. Barghouthi claims that he represents the “silent majority” of Palestinian reformists. He supports the Palestinian Right of Return and a Palestinian state with Jerusalem as its capital. He has urged Palestinians to use non-violent methods to resist the occupation and has criticized the PA for its corruption and the PLO’s “old guard,” such as Abbas and other members of the current transitional leadership, for their mismanagement of peace talks with Israel.

Barghouthi is the president of the Union of Palestinian Medical Relief Committees, the largest non-governmental organization providing healthcare and community services to Palestinians in the Occupied Territories. In 1996, he lost the race for a seat in the Palestinian Legislative Council.

Other candidates include Taysir Khaled, who resigned from the PLO Executive Committee in 1993 after serving two years as the representative of the Democratic Front for the Liberation of Palestine (DFLP), a Marxist-Leninist group. Khaled resigned in protest over the PLO’s signing of the Oslo Accords with Israel. He is backed by the DFLP, whose Secretary-General Nayif Hawatmeh lives in exile. Abdel Sattar Qassem, who is a professor of political science and running in the campaign as an independent, does not recognize the state of Israel and believes the Palestinian “old guard” is corrupt. In 1999, Arafat ordered his arrest for signing a petition criticizing widespread corruption in the PA. In the 1996 presidential election, Qassem considered running against Arafat but decided not to in the end. Bassam al-Salhi, another candidate, is backed by the Palestinian People’s Party (formerly the Palestinian Communist Party). The 44-year-old al-Salhi served time in Israeli prisons during the 1980s and 90s for his “resistance activity.” While at Birzeit University, al-Salhi led student protests against the Camp David Accords between Israel and Egypt. The remaining three candidates, all independents, are Abdel Karim Abhier, Abdel Halim al-Ashqar and Alsaied Barakah.

The Top Three Candidates in the Polls

According to four recent surveys, three candidates are leading in the polls: Abbas, Marwan Barghouthi and Mustafa Barghouthi. Three polls forecast a close race between Abbas and the imprisoned Barghouthi while a fourth gave Abbas the lead.

In the poll conducted by the Palestinian Center for Policy and Survey Research, 40 percent of the 1,320 people surveyed said they supported Abbas, while 38 percent saying their support to Marwan Barghouthi. Among the 1,198 people surveyed by Birzeit University’s Development Studies Programme, 35 percent said they supported Abbas; Marwan Barghouthi was a very close second at 34 percent. The Palestinian Center for Public Opinion surveyed 997 Palestinians, 40 percent of whom said they would support Abbas; 22 percent said they backed Marwan Barghouthi.

A 5 December 2004 poll by the Jerusalem Media and Communications Center (JMCC) found that Abbas had the support of 32 percent of the 1,200 people surveyed, compared to Marwan Barghouthi’s 26 percent and Mustafa Barghouthi’s 9 percent. Support for Abbas in the West Bank
is higher than that for Marwan Barghouthi. According to the JMCC poll, 32 percent of West Bankers support Abbas while 24 percent favor Marwan Barghouthi. The percentages in Gaza are closer, with the former receiving 31 percent and the latter 30 percent.

Mustafa Barghouthi placed third in all four polls, scoring between 6-14 percent. All four polls noted a 3 percent margin of error.

Abbas’s numbers may be a reflection of a growing support for Fateh over the past six months. Fateh’s handling of governance and the post-Arafat succession, as well as its ability to limit its differences over Barghouthi’s candidacy to verbal disagreement, has been well received by Palestinians.

According JMCC, 40 percent said they trust Fateh compared to the 19 percent who said they trust Hamas. Only 3 percent said they favor an Islamic state in Palestine, compared to 57 percent who support a democratic two-state solution. About 22 percent said they trust Abbas; 15 percent said they trust Marwan Barghouthi.

For Fateh, the elections will be a win-win situation. A victory either by its official candidate, Abbas, or its popular Secretary-General, Barghouthi, is a victory for the party. Some of Barghouthi’s colleagues believe he may still withdraw by the 15 December 2004 deadline. If he runs and loses, they say it may be a personal loss for him but not for his supporters, who will have proved to have a strong base that cannot be ignored and that can put them in a better position to demand participation should Abbas win.
Mahmoud Abbas Elected President: The Challenges Ahead

By Samar Assad

Overview: On 9 January 2005, Palestinians in the Occupied Territory elected Mahmoud Abbas as president of the Palestinian Authority (PA). Abbas claimed victory over the six other candidates, taking 62 percent of the vote. The organized transparent election surprised many in the international community; however, for Palestinians it was a day carried out with respect for the rule of law, similar to the smooth transfer of power within the Palestine Liberation Organization (PLO), the PA and Fatah following the death of Palestinian President Yasser Arafat.

With the election behind him, Abbas now faces several challenges from his own people and the international community. Can he build on the mandate given to him and widen his base among the 20 percent of Palestinians who supported Mustafa Barghouthi? Will Israel enable Abbas to deliver on promises made to the international community?

The Challenges Ahead

Palestinians will almost immediately look to Abbas to improve their quality of life. After over four years of violence, the Palestinian economy has greatly deteriorated, as has Palestinian civil society. Israeli closures, military incursions and hundreds of checkpoints—which separate Palestinians from Palestinians, and Palestinians from vital services—have pushed the Palestinian economy to the verge of collapse. For this to change, Israel must cooperate with Palestinians and allow the free movement of people and goods and the delivery of vital services. Israel must allow Palestinian laborers, many of whom Israel does not consider to be security risks, to return to their jobs in Israel. Israel should remove checkpoints and cooperate with Palestinian officials regarding border crossings. Such moves by Israel are necessary to create the positive atmosphere among Palestinians that Abbas needs to resume political negotiations with Israel.

On his part, Abbas will have to act on his words. He will have to begin taking steps to end the lawlessness in many parts of the Occupied Territory—a condition created as a result of Israel’s destruction of the PA and Palestinian security forces. Abbas should begin reforming the security forces immediately by consolidating the various services and launching a weapons collection campaign. These two factors will bring an end to the “militarized” uprising, or second intifada. As conditions improve and negotiations resume on the basis of international law, Palestinians will be able to give negotiations a chance.

Abbas must also address Palestinian grievances regarding corruption among government officials. He will need to create a government of competent ministers and to strengthen and support democratic institution building. He must allow freedom of political expression and continue to dialogue with Hamas, despite its opposition to the presidential elections and its discouragement, though not forbiddance, of its members from voting. Hamas’ decision not to use arms to disrupt the election and its participation in last month’s municipal elections, as well as its planned participation in the upcoming legislative election, are encouraging signs that Abbas may not face insurmountable difficulty in bringing Hamas closer to national political participation.

The United States (US) should be careful not to repeat the mistakes of the past with Abbas. He will need political and financial support from the US to help him strengthen his mandate and sustain the credibility he gained in the election. The US should ensure that Israel take immediate, concrete steps to end its aggravation of daily life in the Occupied Palestinian Territory. At the same time, the US must bring the two sides back to the negotiating table and ensure that the Gaza Disengagement plan is a part of—not separate from—the Road Map. US mediators must listen to Palestinian concerns and not adopt carte blanche Israeli positions regarding final status issues, including the status of Jerusalem, Palestinian-Israeli borders, Refugees’ Right of Return, sovereignty over water resources, and the cessation of Israeli settlements.

An American financial package for vital Palestinian services, such as health care, schools, infrastructure and job creation, would ease Palestinian hardships and help Abbas as he heads into negotiations with Israel.

The main challenge for Abbas, Israel and the United States is to not allow the democratic process in Palestine to slip into anarchy, but to build on the opportunity to achieve peace and justice. The election—praised by international observers as fair and free—was carried out under occupation. The three sides must now work together to make the Palestinian state a free, democratic, viable and independent state that can continue to serve as a model to the Arab world.

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Palestine, Israel and the United States

Reviving the Absentee Property Law: Another Step in Consolidating the Occupation

By Samar Assad

Overview: Israel’s recent decision to apply the 1950 Absentee Property Law to lands in Occupied East Jerusalem, in order to justify its further acquisition of territory in the city, is a step toward excluding Jerusalem from final status negotiations. Applying the 1950 law to East Jerusalem property is one of several acts taken by Israel aimed at changing the legal status of the city and maintaining permanent control over it.

History of Israel’s Land Grab Policy

In 1950, two years after Israel’s creation, it applied the Absentee Property Law to the land of any Palestinian who fled or was forced to leave their property during the 1948 war. The same law was later applied to Palestinians in the West Bank and Gaza Strip after the 1967 war. The property rights were transferred to the Custodian of Absentee Property without compensation to the property owner or provision for him/her to appeal the take over.

In the Occupied Territories the seized land has been used predominately for military bases, Jewish-only by-pass roads and settlements. Although Palestinians may have been away from their lands during both periods, they did not intendend to leave permanently. Those who fled in 1948 and 1967 were prevented by Israel from returning to their property.

Unlike Palestinians shut out of the newly created state in 1948, many of whom ended up in neighboring Arab countries or just a few miles away in the West Bank and Gaza Strip, East Jerusalem landowners are not absent at all. Many landowners still live in the surrounding Jerusalem suburbs and in the West Bank.

East Jerusalem’s Legal Status

East Jerusalem landowners are kept outside the illegally expanded Jerusalem municipal boundaries due to a series of Israeli measures. Those measures include revoking or denying Palestinians Jerusalem residency permits; denying Palestinians housing permits and access to public housing in the city; continuing to demolish Palestinian homes; and cutting Palestinians off from their properties through settlement expansion, Jewish-only bypass roads and most recently the separation Wall.

Israel refers to both Occupied East Jerusalem and West Jerusalem as its capital. This conflicts with international law and the stated policies of the United States (US), the United Nations (UN) and the European Union (EU) regarding the status of Jerusalem.

According to the 1947 UN Partition Plan, from which Israel draws its legitimacy as a nation-state, the areas of East and West Jerusalem were not allocated to either the Arab or Jewish states. Instead, the areas were to be internationally administered. In 1948, Israel ignored the UN resolution and occupied over 80 percent of Jerusalem. In 1967, Israel occupied East Jerusalem along with the rest of the West Bank, the Gaza Strip and the Golan Heights. Almost immediately after the occupation, Israel expanded the borders of city’s eastern sector. The expansion was designed to incorporate undeveloped Palestinian land while excluding Palestinian population centers. Israel went further in 1980 by annexing East Jerusalem to Israel.

The 1967 UN Security Council Resolution 242 rejects the admissibility of acquisition of territory by force. Israel’s occupation and annexation of East Jerusalem is therefore illegal under international law. The UN recognizes East Jerusalem as occupied territory and states that subsequent action taken by the occupying power to alter the status of Jerusalem has no legal validity.

The official US position does not recognize the annexation of East Jerusalem. The 1991 US “Letter of Assurances to the Palestinians” states:

[We] do not recognize Israel’s annexation of East Jerusalem or the extension of its municipal boundaries, and we encourage all sides to avoid unilateral acts that would exacerbate local tensions or make negotiations more difficult or preempt their final outcome.

In a 1996 declaration by the EU Council of Ministers, the EU declared:

East Jerusalem is subject to the principles set out by the UN Security Council Resolution 242, notably the inadmissibility of the acquisition of territory by force and is therefore not under Israeli sovereignty. The Union asserts that the Fourth Geneva Convention is fully applicable to East Jerusalem, as it is to other Territories under occupation.
For 37 years, Israel has carried out a plan of creating facts on ground that would permanently link East Jerusalem to West Jerusalem and Israel. The revived application of the Absentee Law is a component of this plan.

In 1967, occupation and settlement were the first facts on the ground designed to consolidate Israel’s hold on Jerusalem. The ring of settlements around Jerusalem serves to cut off the symbolic city from Ramallah in the north and Bethlehem in the south, and to prevent any contiguity along the central axis that divides the northern and southern sections of the West Bank.

The Jerusalem section serves the same purpose as the whole Wall: it separates Palestinians from their land and from each other. The introduction of the “Absentee Law” is a tactic to further separate Palestinian land from Palestinians, in order to prevent the establishment of a viable Palestinian state.

The political ramifications of Israel’s continued violation of international law and its effect on the region do not serve the interests of Israelis or Americans. Moreover, by prejudicing final status talks, obstructing peace-making efforts and barring any viable two-state solution, Israel’s revival of its Absentee Property Law and continued unilateral action exacerbate resentment among Palestinians and further prevent economic development. An economically impoverished Palestine will spill over into Israel and serve only to further destabilize the fragile Israeli society.

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Palestinian Political Prisoners in Israel

By Samar Assad

Overview: On 28 February 2005, the Department of State’s Bureau of Democracy, Human Rights and Labor released its 2004 human rights report, Country Reports on Human Rights Practices. In the section on Israel and the Occupied Territories, the report points to “problems in some areas” in reference to Israel’s treatment of Palestinian prisoners and detainees. The report quotes complaints made by “credible” non-governmental organizations (NGOs) against the Israeli Prison System (IPS)—complaints that Palestinian NGOs and prisoners’ rights groups have been making for decades—that Israel’s treatment and detention of Palestinian political prisoners is in violation of international law and human rights.

Torture, Inhumane or Degrading Treatment

The United States (US) government’s Human Rights Report states that “some” members of Israel’s security forces abuse Palestinian detainees. However, according to the Israeli human rights group B’Tselem, “for years, torture was commonly used by Israel’s General Security Service (GSS) interrogators. Since 1987, the GSS interrogated at least 850 Palestinians a year by means of torture. The methods included violent shaking, binding the detainees in painful positions, and covering their head with a foul-smelling sack. All governmental authorities—from the Israeli army to the Supreme Court—took part in approving torture, in developing new methods, and in supervising them.”

In 1999, the Israeli Supreme Court ruled that only “some” methods of interrogation used against Palestinian detainees were illegal and unacceptable. By not fully banning torture, the Israeli Supreme Court has legally condoned some forms of torture, which is in violation of international law. Article 5 of the 1948 Universal Declaration of Human Rights and article 7 of the 1966 International Covenant on Civil and Political Rights provide that no one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. This principle was ratified by the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Adalah, the Legal Center for Arab Minority Rights in Israel, argued that Chief Justice Aharon Barak’s ruling came after pressure from American legal academics. Adalah lawyers added that in the past, Barak had issued many decisions in favor of the use of torture to extract information or confessions from Palestinian suspects.

Israel and International NGOs

The US human rights report points out that in June 2003, Physicians for Human Rights (PHR) in Israel petitioned the Israeli Supreme Court to end the IPS’s “systematic abuse of prisoners” in Israel’s Sharon Prison. In July the Court closed the case after the appointment of a new prison warden. However, a November 2003 PHR report found that Palestinian detainees in Jerusalem’s Russian Compound Interrogation Center were given medical examinations upon arrival to determine if the prisoner could endure “the application of violent approaches to those jailed.” The US report states that “a reputable international organization with access to this facility also reported during 2003 that it is investigating the use of Israeli doctors in this capacity.”

The US report found that although IPS facilities—home to common law criminals and convicted security prisoners—generally meet international standards, the International Committee of the Red Cross has reported that police detention and interrogation facilities for Palestinians were “overcrowded and had austere, provisional conditions.”

Palestinian Prisoners’ Rights Groups

According to the Palestinian Prisoners’ Association, there are close to 8,000 Palestinians currently being held in Israeli prisons or detention centers. Of those, 400 Palestinians were sentenced before the Oslo Peace Accords and remain in prison despite the Accords’ call for their release. Nineteen are serving sentences of 20 years or more; 140 are sentenced to over 15 years; 300 are children; and 1,200 are being held under administrative detention. Israeli law allows its military to hold Palestinians under administrative detention for up to six months without charge or trial. Israel routinely renews the detention orders and may do so without limitation, thereby holding Palestinians indefinitely without charge or trial. There are 128 Palestinian female prisoners in Israeli jails.

In February 2005, Israel released 300 Palestinians as part of the Sharm el-Sheikh agreement. However, according to the IPS, the majority of those released were administrative detainees. The bulk of the released prisoners—250—are members of PA President Mahmoud Abbas’ Fatah party. One hundred seventy are members of Hamas and Islamic Jihad. The remaining eighty have no political affiliation.

Palestinian prisoners’ rights advocates and the Palestinian Authority (PA) were not happy with the recent release. They argue that the release was not coordinated with them through a joint committee as stipulated in the Sharm agreement. Furthermore, they argue that the release did not address the urgent need to release prisoners who are ill, the elderly, those who are serving sentences of 20 years or more, or most importantly, child prisoners.
Child Prisoners

According to the Palestinian Prisoners Club, 3,000 Palestinian children have been arrested since 2000. Today, there are 300 Palestinian children in Israeli custody. Four percent of the incarcerated children are in administrative detention. The majority (55 percent) were arrested for throwing stones at Israeli soldiers. According to Israeli military orders, Palestinian children 16 and older are treated as adults and are tried and sentenced by Israeli military courts as adults. Israeli military orders are applied to Palestinian children, even as juvenile legislation defines Israeli children as 18 or younger.

Furthermore, Palestinian children receive the same treatment as adult prisoners. They are subject to torture, solitary confinement, and/or overcrowded cells. They are deprived of sleep, adequate education, medical treatment, family visits, and recreational programs.

International organizations including Defense for Children International and Save the Children have stated that Palestinian children are being "physically and mentally abused." They confirm Palestinian accusations that children are denied access to their families and legal representation during interrogation and are held in overcrowded and unsanitary conditions.

Political Prisoners

Israel insists that it will not release Palestinians convicted of killing Israelis. However, in most cases, Israeli courts fail to prove a detainee's direct responsibility for the death of Israelis. According to the IPS, only 2,731 Palestinian prisoners have "blood on their hands." If that is the actual number, then the vast majority of Palestinian prisoners are political prisoners who have been arrested for political expression or for no legitimate security reason. Imprisonment for political reasons is in contradiction to international covenants enshrining the freedom of speech for all persons, especially political dissidents.

According to B'Tselem, “Security is interpreted in an extremely broad manner such that non-violent speech and political activity are considered dangerous. . . . [This] is a blatant contradiction of the right to freedom of speech and freedom of opinion guaranteed under international law. If these same standards were applied inside Israel, half of the Likud party would be in administrative detention.”

Minimum Standards under International Law

Administrative detentions and imprisonment of Palestinians from the Occupied Territories inside Israel are both illegal under the Fourth Geneva Convention (or the Geneva Convention relative to the Protection of Civilian Persons in Time of War, adopted 12 August 1949).

According to Article 76, “Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein. They shall, if possible, be separated from other detainees and shall enjoy conditions of food and hygiene which will be sufficient to keep them in good health, and which will be at least equal to those obtaining in prisons in the occupied country.”

Furthermore, Palestinian prisoners are routinely tortured by Israel and held in detention centers and prisons that do not meet the minimum international standards and are routinely denied visitation rights. Article 1 of the Convention defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or confession. . . .”

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Settlements, Outposts and the Law

By Samar Assad

Overview: An Israeli report released on 9 March 2005 found that “some of the illegal settlement outposts” in the West Bank were both planned and funded by the Israeli government—through the Israeli Ministry of Housing—and were built on “private Palestinian land.” The report, which is said to have been commissioned by Israeli Prime Minister Ariel Sharon, recommended that the Housing Ministry be “stripped” of its authority over construction of settlements in the West Bank. After the report was released, the United States (US) warned that Israel’s failure to remove all outposts established since March 2001 would have an “impact on US aid to Israel.” However, what the report does not mention and what the US administration excludes from its warning is that all settlement activity—be it outposts or full-fledged settlements—is against international law.

Unauthorized Settlement Outposts

Historically, Israel has used the dismantling of “unauthorized” settlements to legitimize its retention and expansion of other settlements. If Sharon’s government acts on the recommendations of its recent report, it would gain leverage with the US, whose call on Israel to dismantle outposts received international coverage. The United States did not call on Israel to dismantle its settlements.

The word “unauthorized” in terms of outposts—that is new, fledgling settlements—gives Israel the right to remove those outposts that it, in its sole discretion, deems “unauthorized.” According to the Israeli organization Peace Now, there are approximately 100 outposts throughout the Occupied Territories. The majority of these outposts—60 percent—were established after Sharon became Prime Minister in February 2001. Peace Now defines the term “outpost” as an area, generally on a hilltop, “with a number of structures that is totally separated from the closest permanent settlement.” Many outposts become de facto settlements in that they collect their own taxes and have their own secretariat and absorption committees for recruiting new settlers.

The question remains that if Israel orders the dismantlement of “some” of its “unauthorized” outposts established after March 2001, and is praised by the United States and international community for doing so, will the remaining settlements then be deemed “authorized” by the international community?

There is no such thing as an authorized settlement. All settlements are illegal under international law. The Fourth Geneva Convention prohibits an occupying power from deporting or transferring parts of its own civilian population into the territory it occupies, either directly or indirectly. The rule applies to all structures—from the one-trail outpost to the 8,750 acre Ma’ale Adumim settlement housing nearly 30,000 settlers.

Sharon and the Settlements

In 1998, then-Foreign Minister Sharon—who is known as the father of the settlement movement—called on Jewish settlers to “grab the hilltops” and encouraged them to “stake your claim.” As minister of construction and housing from 1990-1992, Sharon initiated and carried out a campaign to absorb new Jewish immigrants from Russia. To accommodate the newcomers, the government approved thousands of new settler units in the Occupied Territories. Moreover, successive Israeli governments have encouraged even non-ideological Israelis to settle Palestinian lands by giving them tax breaks and child allowance incentives. This allows Jewish citizens of Israel to get more for their money by moving into settlements than by remaining in Israel proper.

According to Palestinian researcher and cartographer Khalil Toufakji, there are 155 settlements in the West Bank, 17 in the Gaza Strip (not including the industrial zones and outposts) and 15 in East Jerusalem. Toufakji puts the settler population in the Occupied Palestinian Territory at 452,863 persons. Of those, there are 236,000 Jewish settlers in the West Bank, 182,000 in East Jerusalem, and 7,600 in the Gaza Strip.

In 2004, as part of his Gaza disengagement plan—the redeployment of Israeli troops and the evacuation of the 7,600 settlers—Israeli Prime Minister Sharon, with the approval of US President George W. Bush, announced that Israel will keep five West Bank settlement blocs as well as the settler enclaves in the center of the city of Hebron. All West Bank settlements, like those slated for evacuation in the Gaza Strip, are illegal under international law.

The West Bank Settlements to be Annexed to Israel

Divided into four regions—Western Hills Strip, Mountain Strip, Eastern Strip, and the Jerusalem metropolis, the total amount of the West Bank slated to be annexed to Israel is 6 percent. Palestinian officials warn that the issue is not one of percentages but of the strategic location of settlements and the detrimental impact the annexed blocs will have on the contiguity of the future Palestinian state and its access to natural resources such as water.
The land area of the settlements provided below are designated in the Settlements Master Plan of the Israeli Civil Administration. Settlement population figures are based on 2002 Israeli statistics.

**The Ma'ale Adumim Bloc** (in the eastern West Bank): The Adumim bloc consists of six settlements and an industrial area. The land area for the Adumim bloc is 52,493 dunums (13,123 acres). There are 30,000 settlers living in the Adumim settlement bloc. One of the six settlements in this bloc is the Ma'ale Adumim settlement where 25,000 settlers live on 35,000 dunums (8,750 acres). The borders of Ma'ale Adumim connect with the other settlements in this bloc, creating a contiguous bloc of settlements across the center of the West Bank.

**The Gush Etzion Bloc** (south of Jerusalem): Fourteen settlements comprise the Etzion bloc in the south. This bloc contains one of the fastest expanding settlements, Betar Illit. It sits on 4,200 dunums (1,050 acres) and has a population of 22,600 settlers. Efrat, the largest settlement in geographic size, is 12,500 dunums (3,125 acres) and has a population of 7,000 settlers. Expansions to the Etzion bloc have consumed 20,690 additional dunums of Palestinian land (5,173 acres) and now boast a combined settler population of 28,886.

**Givat Zeev Bloc** (northwest of Jerusalem): The Givat Zeev settlement is the largest and most populous of the five settlements in this bloc. It has a population of 10,774, and the developed area of 5,000 dunums (1,250 acres). The total area of the Givat Zeev bloc is 7,450 dunums (1,863 acres). In all, 14,603 settlers live in this settlement bloc.

**The Ariel Bloc** (in the northern West Bank): Fourteen settlements comprise the Ariel bloc. The largest settlement in this bloc is Ariel with 17,091 settlers on a land area of 16,000 dunums (4,000 acres). There are 47,848 settlers living in the Ariel bloc of settlements which covers a total of 39,333 dunums (9,833 acres). Development of the Palestinian city of Nablus, which includes eight villages and two refugee camps, is effectively prohibited by the size and position of the Ariel bloc of settlements.

**Hebron Bloc** (in the southern West Bank): South of the Palestinian city of Hebron, 6,400 settlers live in the settlement of Kiryat Arba. Another 2,670 settlers live in nine settlements surrounding Kiryat Arba. The Hebron settlement bloc is 2,543 dunums (635.75 acres). This does not include the area of Kiryat Arba which blocks the developmental capacity of Hebron in the east. The city's developmental area to the south is also blocked by the Hebron area settlements. In the heart of Hebron, 750 settlers live in four enclaves. The Palestinian population of Hebron, in contrast, is approximately 140,000.

**Majority of Settlers to Remain**

The settlement blocs house 80 percent of the West Bank settler population. In exchange for the evacuation of the 7,600 settlers from the Gaza Strip and the dismantling of a few “unauthorized” and strategically expendable outposts, Israel intends to annex the majority of the settlers and the remaining illegal yet “authorized” settlements.

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Palestinian Municipal and University Elections:
The Political Indicators

By Samar Assad

Overview: Palestinians held the second phase of their municipal elections today, 5 May 2005. The official results are expected on May 8, however exit polls indicate a close race between the Islamic resistance movement Hamas and Palestinian President Mahmoud Abbas’ party, Fatah. During the first phase of municipal elections held on 23 December 2004 and 27 January 2005, Hamas secured a respectable 36 percent compared to Fatah’s 44 percent in the West Bank. Hamas won an overwhelming 64 percent in the Gaza Strip. In last week’s student council elections, historically seen as a litmus test for political attitudes, Fatah and Hamas came out almost even in an overall comparison. Palestinian political observers argue that the results, both on the municipal and university levels, presents Fatah with a very tough political fight in the July 2005 Palestinian Legislative Council (PLC) elections. Fatah is plagued by internal friction and accusations of corruption and bad governance. Strong support for Hamas in the legislative elections could present Abbas with a powerful and legitimately elected political opposition that will challenge his domestic policies and style of negotiation with Israel.

Municipal Elections: Current Phase

In today’s elections, the second of four phases, 2,519 candidates are vying for 906 seats in 84 municipal councils throughout the West Bank and Gaza Strip. There are 399 women running for local office. According to elections officials, nine women have automatically secured council seats based on the quota allocation process. Some 400,000 Palestinians are eligible to vote in today’s elections. The third phase of municipal elections is scheduled to be held in September 2005, with the fourth and final phase to follow in December 2005.

Municipal Elections: Previous Phase

Hamas won in the first phase of municipal elections three months ago, along with the exit results of today’s race, cast a shadow over predictions that Hamas will not make significant gains in the upcoming legislative elections. Although Fatah won the majority of seats at a municipal level, Hamas’ performance in the December and January elections was strong. With an 81 percent turnout in the first phase of elections, Hamas won 75 of 118 municipal seats in the Gaza Strip compared to Fatah’s 39 seats. In the West Bank, Hamas won 109 of the total 306 seats, while Fatah secured 136 seats.

University Elections

Given that the municipal elections are the first in the Occupied Palestinian Territory since 1976, political analysts have come to use the results of university elections as an indicator of Palestinian political attitudes.

In the past two weeks, student body elections were held in Palestinian universities. The results showed that support for Hamas and Fatah were almost equal. Fatah’s campaigns in Nablus’ an-Najah University and Abu Dis’ Al-Quds University shed light on the internal crisis the party is facing. The Fatah bloc in an-Najah University chose Marwan Barghouthi, the jailed Fatah leader and one-time presidential challenger to Abbas, as their campaign’s leading image. At Al-Quds, the late Palestinian President Yasser Arafat was the figure most used to rally support among students.

In West Bank universities, the results were close but there were no landslide victories like in the Gaza Strip. At Birzeit University, Fatah won 23 seats with Hamas close behind at 21 seats. At an-Najah, Fatah’s 38-seat win was matched by Hamas’ 37 seats. The two major affiliations of students on the Al-Quds University student council are Fatah (26 officers) and Hamas (25 officers). At Bethlehem University, 15 seats went to Fatah, 10 went to Hamas. At Hebron University, Fatah controls 13 seats whereas Hamas holds 25 seats. At the Hebron Technical College, Fatah won 14 seats, Hamas 16.

In Gaza’s Al-Azhar University, Fatah won all 36 seats. However, in the Islamic University of Gaza, Hamas won all 24 seats.

Legislative Elections

Recent reports from the Occupied Palestinian Territory claim that Abbas is trying to convince Hamas privately to agree to support his alleged desire to postpone the PLC elections. Insiders say Fatah is concerned that it will be unable to “get its house in order” before the July elections, giving Hamas an opportunity to score a considerable victory in the legislature. According to some Palestinian officials, Hamas has so far refused to comply with Abbas’ request, reminding him that the group’s cease-fire is contingent on July elections.
Hamas is not alone in its demand to hold elections on schedule. According to a 28 April 2005 poll by the Development Studies Programme at Birzeit University, 84 percent of Palestinians support holding the PLC elections on 17 July 2005. Seventy-three percent said they plan to participate in the elections. However, based on the responses of the 1,200 people surveyed, Fateh will receive 41 percent of the vote and Hamas 23 percent. The poll points to an interesting revelation that could prove helpful to either Hamas or Fateh: 30 percent said they were undecided.

**Hamas Enters the Domestic Political Fray**

Palestinians are divided over the impact that Hamas’ decision to enter Palestinian political arena will have on Fateh. Some believe it will bring a fragmented Fateh together, reinforcing the spirit of internal unity. Others see it as a development that will encourage competition, further fragmenting the group. The latter group bases its belief on the fact that the “glue,” referring to Arafat, which held the “always internally divided” Fateh intact in the past, is no longer alive to keep Fateh together.

Hamas seems to be responding to the regional political changes. Following in steps of Hizballah in Lebanon, Hamas is taking advantage of the opportunity to transform itself from a charitable, resistance group to a political power. Hamas believes it needs to get involved with the Palestinian political process because its future is linked to the Palestinian territory and its constituency in the West Bank and Gaza Strip.

**Fateh and Abbas: A Troubled Political Future?**

How much of a threat does Hamas, whose street credibility comes from its charitable services, religious piety, and ongoing resistance to the occupation, pose to Fateh? According to the Birzeit poll, Fateh should not be ruled out.

The poll found that a majority of Palestinians trust Fateh to achieve success in four areas of concern to them: 70 percent said they rely on Fateh to provide progress in the peace process; 57 percent looked to Fateh for maintaining national unity; 53 percent believe Fateh will carry out internal reforms; and 57 percent trust Fateh to improve the economy.

Fifty-three percent of respondents in the West Bank and Gaza Strip blame Israel for Abbas’ inability to carry out his campaign promises to date. Abbas ran in January 2005 on a platform of non-violence, reform, and a negotiated peace settlement with Israel. The survey showed that Palestinians still hold hope in Abbas, as 61 percent believe that peace negotiations with Israel will resume under Abbas and 57 percent believe that he will improve the performance of the Cabinet and governmental institutions.

Abbas’ future and that of Fateh may depend on Israel and the United States. For Abbas to become the new glue holding Fateh together, to carry out the needed reforms, and to keep Hamas at bay, he needs Israel to abide by its commitments to withdraw from Palestinians cities, remove checkpoints, release Palestinian political prisoners, and enter into final status talks. He also needs the US administration’s political and financial backing.

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Palestinian Legislative Elections: The Catalyst for Political Reform

By Samar Assad

Overview: In the midst of speculation that the July 2005 Palestinian legislative elections may be postponed, the Palestinian Legislative Council (PLC) is scheduled to hold a special session on 18 May 2005 to finalize its discussions on whether or not to amend the Palestinian Election Law. The special session comes just before the primary elections that President Mahmoud Abbas’ party, Fatah, is scheduled to hold on 27 May 2005. The candidates Fatah selects will face the Islamic resistance movement Hamas in what is posed to become a decisive election.

On Wednesday, Palestinian lawmakers are expected to decide on replacing the current legislative voting process, whereby each electoral district votes for a separate list of candidates, with a national list process whereby all districts vote either for or against a single, nation-wide list of candidates for each party. Lawmakers will also vote on increasing the number of council seats from the current 88 to 132. Many in Fatah favor the “one slate per political party” approach. Hamas, confident that it has gained support throughout the Occupied Territory, said it will not oppose the national list approach.

The results of the PLC elections may give way to a new Palestinian political landscape and trigger a significant reconstruction of the Palestine Liberation Organization (PLO).

The Debate within Fatah

Although Palestinian government officials publicly maintain that the legislative elections will be held according to schedule on 17 July 2005, Fatah is divided by calls to postpone the vote. Some argue a delay would give the party time to improve its standing in the public’s eye. They argue that with more time, Fatah can heal its internal battles and gain political capital from Israel’s anticipated disengagement from Gaza.

Others believe a delay would serve only to damage the party further by giving the impression that Fatah either is afraid to face Hamas or has reneged on its promise of reform. Those in favor of holding the elections on schedule believe that Hamas is unlikely to exceed the percentage gains it already received in the recent municipal elections. Separately, they do not believe that Fatah can take credit for a “unilateral” withdrawal from the Gaza Strip, whereas they believe Hamas could more likely convince the public that Israel’s decision to quit Gaza is due its resistance and launching of Qassam rockets into Gaza settlements.

Prominent Fatah leaders like Marwan Barghouthi, who favors holding the elections on schedule, argue that Fatah should not to rely on help from Israel and the United States.

National Lists vs. District Lists

In 1996, 88 representatives were elected in 16 multi-seat electoral districts. The West Bank was divided into 11 districts and the Gaza Strip into five. A simple majority system was used. Of the 88 seats, Fatah won 49 seats; Fatah-affiliated independent candidates won 15; non-affiliated independents won 17; independent candidates affiliated with Islamist movements won four; and candidates from leftist factions won the remaining three. Seven seats were reserved for religious minorities—six for Christians and one for Samaritans living in Nablus.

The 88 members of the PLC formulate laws by which the Palestinian Authority (PA) governs in the Occupied Territories. They are automatically members of the PLO’s legislative body, the Palestinian National Council (PNC). The PNC is a quasi-parliament in exile, representing Palestinians worldwide.

A Two-Party Race

Should the PLC adopt a national list approach to legislative elections, a group must secure the vote of 5 percent of the total electorate at least to qualify for seats. The percentage requirement would not pose a problem for Fatah or Hamas; however, it would be an obstacle for the shrinking leftist groups and the emerging independent parties. Groups like the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP), and independent parties like Mustafa Barghouthi’s New Palestinian Initiative would have to join forces and run as one party or a coalition under the national list approach.

The proposed changes would thus narrow the political landscape into two dominant camps: Fatah and Hamas. A third, broadly pluralist coalition might take shape but competition with the established political and resistance movements would prove difficult to surmount.
The results of the recent municipal elections, in which Hamas and Fateh emerged as the major players, further indicates that the upcoming PLC elections will be a two-party showdown.

**The PLC and the PNC**

To determine the power base of Palestinian groups world-wide, Hamas has called for elections in the PNC. Abbas has agreed to include PNC elections as part of the overall reform process. However, Fateh questions the feasibility of holding PNC elections worldwide, specifically in Jordan, Syria, and Lebanon. Hamas, on the other hand, insists that elections are possible in Syria and Lebanon since campaigning and voting will be restricted to the Palestinian refugee camps.

Hamas wants PNC elections to be held so that membership in the PLO Executive Committee—the highest decision-making body of the PLO—is based on the percentage of seats each party has secured in the PNC, thus giving it a way in. The Executive Committee consists of 18 members elected by the PNC. Traditionally, Fateh has held a majority in the Executive Committee, with groups like the PFLP, DFLP, independents and others limited to one representative each. To circumvent the difficulties of holding PNC elections, the Executive Committee has in the past simply appointed PNC members.

Hamas believes that if it wins a strong showing in the upcoming PLC elections and in new PNC elections, it would gain an almost equal number of seats to Fateh in the PLO Executive Committee. On the flip side, the smaller leftist groups and independents would find themselves out of the elite PLO decision-making body for good.

**Palestinian Political Attitudes**

A May 2005 poll by the Jerusalem Media and Communication Center found that 75 percent of the 1,200 Palestinians surveyed said they would participate in the PLC elections. Although the poll found that the majority still trusts Abbas and is satisfied with his performance, support for Fateh dropped from 42 percent in December 2004 to 36 percent in May 2005. Meanwhile, public support for Hamas remained consistent at 20 percent between December 2004 and May 2005.

Despite Fateh’s dropping numbers, a majority of Palestinians support Abbas’ election platform. Fifty-seven percent oppose military operations against Israeli targets. Although 53 percent of respondents supported the continuation of the second intifada, the poll found a “significant” increase in Palestinians who favor ending the intifada: 44 percent compared with 27 percent in June 2004. Furthermore, there was a 12 percent decline in support for suicide bombings against Israeli civilians. Support for such acts dropped from 62 percent in June 2004 to 50 percent in May 2005.

If the PLC elections are held on schedule, Fateh has less than two months to solidify its approval rating with the Palestinian public and to keep its place at the helm of the PA and the PLO. For Hamas, the July elections could be the first step in an extreme makeover of the Palestinian political landscape.

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Bringing a Palestinian Vision to the White House

By Samar Assad

Overview: On Thursday, 26 May 2005, Palestinian President Mahmoud Abbas is scheduled to meet President George W. Bush. This is the first meeting between Bush and a Palestinian president. For the Palestinian leadership, the meeting comes at a sensitive time. Domestically, Abbas’ Fatah party is facing tough political competition from the Islamic resistance movement Hamas in local elections. Internationally, Abbas is wrapping up a multi-country trip aimed at re-establishing high-level contacts that diminished during Israel’s confinement of the late Yasser Arafat to his Ramallah headquarters.

According to Palestinian officials, Abbas will present Bush with a Palestinian vision of the requirements for a lasting peace between Israelis and Palestinians. However, there are some who doubt that the United States (US) administration will give Abbas the political and financial support he needs to face the challenges at home.

The Palestinian Vision

Fully aware of the Bush administration's enthusiasm for the unilateral Israeli withdrawal from the Gaza Strip, Abbas will assure Bush that the Palestinians will work to ensure its success. However, Abbas will reiterate that the withdrawal’s success hangs on a US guarantee to the Palestinians that Israel’s disengagement from Gaza is the first step in a clear political process known as the Road Map. Furthermore, Abbas will explain that the Palestinians expect the Israeli disengagement from Gaza to be a full withdrawal, including from Gaza’s northern and eastern sectors. To ensure a stable Gaza Strip, Abbas will emphasize the political and economic necessity for territorial linkage between Gaza and the West Bank. Furthermore, Palestinians’ free access to the world will require Palestinian control over Gaza’s airspace, port, and borders with Israel and Egypt.

To quell criticism at home, Abbas will need US guarantees, or an “antidote” to the letter Bush gave Israeli Prime Minister Ariel Sharon last year regarding settlements, refugees and borders. Abbas will call on Bush publicly endorse the Road Map once again, and to privately call on Israel to enter final-status negotiations. For Abbas and the Palestinian leadership, initiating final status talks on issues such as borders, Jerusalem, and settlements—even if through “back channel” talks—is a priority. Abbas will look to come out of this meeting with some Palestinian “ownership” of the process.

Financially, Abbas will ask Bush to expedite movement on the $200 million aid package to the Palestinian Authority (PA), despite debate in Congress that indicates only $139.5 million will be allocated and only via the US Agency for International Development (USAID) and certain non-governmental organizations rather than to the PA directly. Fifty million dollars of the allotted money has been designated to Israel for the construction of border crossings. By designating the border-crossing money solely to Israel, the political message is that Israel has the final word over border crossings. Abbas will underscore need for direct aid to the PA in order to rebuild the Gaza airport and sea port, to grow the Palestinian economy, and to support human development projects. Abbas needs to provide the US administration with a list of “priority economic projects” that the PA needs to start developing in the Occupied Territory.

The US Commitment

Some Palestinian and US officials believe that the Bush administration will not give Abbas written guarantees. Nevertheless, Abbas would benefit from a public acknowledgment from Bush that the measures the PA has taken fall under its Road Map obligations. Most importantly, a confirmation from Bush that the first phase of the Road Map is underway would help Abbas in his quest for a guarantee that the Gaza disengagement is part of a larger political process. With that acknowledgement, the message to Sharon, who has said Israel considers the parties at a pre-Road Map stage until the Palestinians dismantle what he calls the “terror” infrastructure, would be that Israel must meet its obligations under the Road Map—mainly, easing restrictions on the movement of Palestinians and a freeze in settlement activity.

Abbas will stress the fact that the PA has completed most of its Phase One obligations under the Road Map. In particular, it has consolidated the security services into three apparatuses and advanced democratic reform by appointing a prime minister and holding free elections.

Abbas will remind Bush of the US administration’s public statements that Israel should not carry out actions that prejudice the final status talks. Speaking before the American Israel Public Affairs Committee (AIPAC) on 23 May 2005, US Secretary of State Condoleezza Rice said, “Israel must take no actions that prejudice a final settlement or jeopardize the true viability of the Palestinian state, and Israel must help to create the conditions for the emergence of that democratic state.” Palestinians need Bush to go a step further and spell out the steps that would prejudice a final settlement, including construction of the separation Wall deep inside Palestinian territory, settlement expansion specifically around Jerusalem, and alterations to the borders.
Language Matters

Palestinians, Israelis and especially Hamas supporters will be following carefully the results of Thursday's meeting between Abbas and Bush. Israel will listen for what Bush says, Palestinians for what he does not say, and Hamas for what it can use to gain ground against Fateh in the legislative election campaign.

With diplomatic momentum at a low, Abbas will look to Bush for assurances that there will be political movement toward talks on a Palestinian state—that is, final status negotiations after Israel's disengagement. Without a political breakthrough, Abbas will have to explain to Palestinians whether the actions he has taken to appease Bush have been worth the political cost. He will need to assure Palestinians that his election platform of a negotiated settlement with Israel will lead to an end to occupation and not push Palestinians into civil war.

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Bush Evades Timelines for Middle East Peace

By Samar Assad

In a press conference with visiting Palestinian President Mahmoud Abbas, United States (US) President George W. Bush today called on Israel to halt settlement activity in the Occupied Palestinian Territories. Bush also stated that the Road Map is the only means through which his two-state vision for a Palestinian-Israeli peace can be achieved. However, the American president refrained from setting timelines—a critical issue for Palestinians who maintain that unabated settlement expansion and the construction of the Wall will prevent the establishment of a viable, contiguous and independent Palestinian state.

Bush called on Israel to improve the daily lives of Palestinians but did not list the steps or deadlines required of Israel to create the necessary changes. There was no mention of checkpoints or travel restrictions, two of the greatest obstacles to Palestinians’ freedom of movement and quality of life.

While acknowledging the democratic reforms undertaken by Abbas in accordance with Palestinian obligations under the 2003 Road Map, Bush did not point out that Israel has yet to fulfill its Road Map requirements, saying only that the US continues to “remind” Israel of its obligations.

Bush noted that “as progress toward security is made” in accordance with the Road Map, Israel should withdraw to positions held on 28 September 2000. However, Palestinians have already completed the major security requirements required to secure that withdrawal by Israel. A Minister of the Interior has been appointed to oversee the Palestinian security apparatuses, and those apparatuses have been incorporated into three services. Also, a cease-fire has been secured and maintained, which has reduced the level of violence.

Contradicting his own prior statements that Israel should not undertake any activity in contravention to its Road Map obligations or which prejudices final status negotiations toward the Gaza Strip, the West Bank and Jerusalem, Bush stated in his press conference today that Israel’s “barrier must be a security barrier, not a political one.” Such a position could be interpreted as a US acceptance of the Wall depending on how it is labeled, despite its de facto annexation of Palestinian land.

Bush’s commitment that US Secretary of State Condoleezza Rice will visit the region before the scheduled mid-August unilateral withdrawal by Israel from the Gaza Strip indicates a US desire to see that the withdrawal is coordinated, which is helpful to the Palestinians. However, Bush did not go the next step by committing US diplomatic effort to final status talks or pinpointing a timeline by which to start those negotiations after the withdrawal, which could prove detrimental to the overall peace process.

Focusing on the Gaza disengagement, Bush pledged $50 million in direct economic aid to the Palestinian Authority. The funds will be used for new housing and infrastructure projects in Gaza. This is a positive development for the poverty-stricken people of the Gaza Strip. Nonetheless, Bush excluded the immediate reconstruction of the Gaza airport and construction of the Gaza seaport. Such could project a US disinterest in Palestinian sovereignty over the means of Palestinians’ access to the world after the Israeli withdrawal. The moderate financial support Bush pledged to such projects should be complemented by a more comprehensive show of political support as well.

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One Year After the ICJ Ruling:
Israel's Construction of the Wall and Settlements Continues Unabated

By Samar Assad

Overview: One year after the International Court of Justice found that Israel’s construction of the Wall in the Occupied Palestinian Territory and in East Jerusalem contravenes international law, Israel continues its construction of the Wall and the expansion of settlements, particularly around East Jerusalem.

On 9 July 2004, the Court found that Israel is obligated to stop construction and dismantle the Wall, to terminate its breaches of international law involved in the Wall regime, and to nullify all related legislation and policies. It ruled that Israel must “return the land, orchards, olive groves and other immovable property seized from any natural or legal person for purposes of construction of the Wall in the Occupied Palestinian Territories” (par. 153).

The Court also determined that to build the Wall, Israel destroyed or confiscated Palestinian property in violation of international law (par. 132). It found that Israel’s severe restrictions on Palestinian movement violate international human rights and humanitarian law (par. 134), that the Wall impedes Palestinians’ right to work, health, and education (par. 134), and, the Wall severely impedes the exercise by Palestinians of their right to self-determination (par. 122).

Israel’s Response to the ICJ Ruling

According to a 6 July 2005 report by the Israeli newspaper Ha'aretz, Israeli Prime Minister Ariel Sharon complained that the construction of the Wall was moving at a slow pace and ordered his defense department to speed up construction. Israel’s Defense Minister Shaul Mofaz reportedly gave orders as well to accelerate construction of the Wall around Jerusalem.

During 2004, the Israeli organization Peace Now found that Israel carried out large-scale construction in 42 Jewish settlements on both sides of the Wall. The group stated that Israel’s Wall construction and land confiscation continued unabated, particularly around East Jerusalem and the southern West Bank.

On 21 March 2005, Israel approved plans to build 3,500 new housing units between the Jewish settlement of Ma’ale Adumim and Jerusalem (E-1 Plan). The new units would consolidate Israeli control over East Jerusalem and divide the West Bank in half. The Wall’s route continues to threaten Palestinian viability by segmenting the West Bank, annexing Palestinian resources, restricting Palestinian freedom of movement, separating Palestinians from schools, health services and jobs, and depriving thousands of Palestinians from their ability to earn a livelihood. Upon its completion, the Wall will be approximately 832 km (516 mi) in length, or twice the length of the 1949 Armistice Line (also known as the pre-1967 “Green Line”).

Wall Update

On 20 February 2005, the Israeli government approved a new Wall route. However, 80 percent of the Wall’s route remains inside the Occupied Palestinian Territories, thereby annexing about 10 percent of the West Bank and leaving 240,000 Palestinians outside the Wall. Moreover, the new route leaves intact most Wall sections deep inside the northern and central West Bank, while making only minor changes in the northwest Jerusalem area. The revised route would circle the Ariel settlement and several other settlements known as the “Ariel Finger.” The Ariel settlement of some 20,000 settlers is 17 km (10.5 mi) inside the West Bank.

The Wall has severed Bethlehem from its historic religious and economic ties to Jerusalem, while isolating 19,300 Palestinians in five adjacent villages from their socioeconomic hub in Bethlehem.

According to recent Israeli press reports, 28 percent of the planned route has been completed and 24 percent is under construction. Forty-two percent of the Wall is in various stages of planning while 11 percent is under consideration by the defense establishment and the State prosecution. Five percent of construction is on hold due to petitions made to the Israeli Supreme Court and 8 percent in new construction is to start “soon.”

Palestinians argue that the Wall facilitates Israeli settlement expansion plans, particularly in Jerusalem and the areas trapped between the Wall and Israel. For Palestinians, the Wall is another means for Israel to achieve its strategy of annexing as much Palestinian land as possible and confining as many Palestinians as possible.
Settlement Activity during 2005

In February, the Israeli media revealed approved plans to build thousands of new housing units in West Bank settlements, particularly around East Jerusalem. On 25 February, Reuters reported that Israel plans to build 6,391 new housing units in major West Bank settlements in 2005. That is more than 3.5 times the number in 2004 (1,784) and 5.5 times that in 2003 (1,224). Nearly half of the total units under consideration are slated for use in expanding the Jerusalem settlements.

Since January 2005, Israel has issued 123 new tenders for West Bank settlements, over half of which are in the Jerusalem area. The remainder are for settlements in the central West Bank.

Despite Israel’s Road Map obligation to dismantle all settler outposts created since March 2001, a January 2005 report by the Israeli group Peace Now found ongoing, permanent construction in fifteen of the 99 or more settler outposts in the West Bank. Another twelve outposts are undergoing other forms of expansion.

Land Confiscation

A 2005 study by the Palestinian Monitoring Group (PMG), which documents Israel’s Wall activity, reported that Israel continued to confiscate Palestinian land for the construction of the Wall, particularly around East Jerusalem.

The group found that in January the Israeli army issued confiscation orders for 938 dunums (equivalent to 234 acres) north of Jerusalem for the construction of the Wall in order to expand the Givat Ze’ev settlement.

In February, confiscation orders were issued for 25 dunums (6.4 acres) of land for the construction of the Wall in Jerusalem and 128 dunums (32 acres) for that in the northern West Bank. In April, confiscation orders were issued for 280 dunums (70 acres) near the northern West Bank town of Tulkarem for fences around the nearby Jewish settlements Avnei Hefetz and ‘Enav.

Palestinian Home Demolitions

According to PMG, in March 2005 the Israeli army issued demolition orders for fourteen Palestinian homes and agriculture buildings near the approved route of the Wall and planned expansion area of the Efrat settlement southwest of Bethlehem. Two Palestinian homes were demolished northeast of Jerusalem and orders for four other homes were issued. All six homes are located near the approved Wall route around the Adumim settlement bloc.

Israeli Infrastructure

In order to link the Ariel settlement in the northern West Bank with those in the Jordan Valley, Israeli construction is under way for two massive four-lane settler highways. The Trans-Samaria Highway will cut across the central West Bank when completed. A second Trans-Samaria Highway is also underway, isolating several Palestinian communities north of the Wall.

Israeli plans for a network of Israeli-controlled roads and tunnels are underway to connect Palestinian communities isolated by the Wall, Israeli settlements, and the various closure systems. Seven of 27 tunnels planned for Palestinians in the West Bank have been completed.

The Significance of the ICJ Ruling

The July 2004 ruling is the first from the Court regarding the legality of Israel’s actions in the Occupied Palestinian Territory, including East Jerusalem. The conclusions reached by the Court pertaining to Israel’s obligations are based on binding laws such as United Nations Security Council resolutions and the Fourth Geneva Convention. States are obliged to ensure that international law is followed.

The Court’s ruling specifically recognizes the role of the international community by calling upon nations to “ensure compliance by Israel with international humanitarian law” (par. 146).

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A Defiant Sharon at the United Nations

By Samar Assad

Overview: On 15 September 2005, Israeli Prime Minister Ariel Sharon disregarded the opinions of the 60-year-old United Nations (UN) and other international peacekeeping bodies when he stated, moments into his speech before the fully-convened UN General Assembly, that Jerusalem will remain the “undivided and eternal capital of the State of Israel.” During his speech he also stated, wrongly, that Israel ended its control of and responsibility for the Gaza Strip with the “last Israeli soldiers leaving Gaza last week.” Sharon further disregarded numerous UN resolutions when he announced that Israel will complete the construction of the separation Wall it is building in the Occupied Palestinian Territory.

The UN Position on Jerusalem

The UN recognizes East Jerusalem as occupied territory in accordance with the provisions of the Fourth Geneva Convention. It therefore rejects Israeli claims of full sovereignty over East Jerusalem. Moreover, customary international law, as reflected in the UN Charter Article 2 paragraph 4, rejects the admissibility of acquisition of territory by force, making Israel’s annexation and authority over East Jerusalem illegal under international law.

In 1967, in response to Israel’s occupation of the West Bank and East Jerusalem, the UN Security Council called for the “withdrawal of Israeli armed forces from Territories occupied in the recent conflict” through its adoption of Resolution 242. The following year, the Security Council stated its opposition to Israel’s expansion of Jerusalem’s borders when it adopted Resolution 252, which “considers that all . . . actions taken by Israel. . . which tend to change the legal status of Jerusalem are invalid and cannot change that status.”

Thirteen years later, the Security Council again stated that “all . . . actions taken by Israel, the occupying Power, which purport to alter the character and status of . . . Jerusalem have no legal validity and constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War and also constitute a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East” (UNSC Res. 476).

Gaza Still Occupied Territories

Only hours after Sharon delivered his address at the United Nations, the Israeli Ministry of Defense announced plans to establish a new “security zone” 150 meters wide in the north of the Gaza Strip. Even as Palestinians are rejoicing that Israeli soldiers no longer control Gaza’s roads and traffic intersections through the checkpoints once bisecting the improvised and densely populated Strip, they must now prepare for a new “security zone” that violates Palestinian sovereignty in the region.

Regardless of this new development, the departure of Israeli soldiers from within Gaza did not end Israel’s control over the territory, contrary to Sharon’s statement. Israel continues to control the borders and people of the Gaza Strip militarily and politically. In particular, the Israeli army controls the Erez border crossing between northern Gaza and Israel even as it does the Rafah crossing between southern Gaza and Egypt. It also patrols the sea waters and airspace around Gaza. Israel has not started talks with the Palestinian Authority over the reopening of either, despite their singular importance to Palestinians’ economic development and freedom of movement.

Israel also maintains its control over the fate of the Erez Industrial Estate as well as the “safe passage,” or territorial link that once existed between Gaza and the southern West Bank. People and goods wanting to leave or enter Gaza still need Israel’s permission, must apply for Israeli-issued permits, and must pass through border checkpoints. As Karen Koning AbuZayd, UNRWA Commissioner-General (the UN Relief and Works Agency for Palestine Refugees in the Near East), said recently, the only thing Israel did in Gaza during its occupation of the territory was to protect the settlements and build checkpoints. The causes of Palestinian poverty and statelessness thus remain despite the removal of its soldiers and settlers from inside the Gaza Strip.

The Wall

In his speech, Sharon also told the General Assembly that the Wall is “vitaly indispensable,” and “saves lives.” The statement is the first public admission from Israel that the Wall is not a temporary fixture but rather a permanent fact on the ground. This mirrors Israel’s public statements regarding its plan to retain and expand the West Bank settlements.
By announcing that his government intends to complete the construction of the Wall, Sharon brazenly reaffirmed Israel’s dismissal of the advisory opinion that the International Court of Justice (ICJ) issued on 9 July 2004, in response to UN General Assembly Resolution Es-10/14. The ICJ ruled that, *inter alia*, the construction of Israel’s Wall in the Occupied Palestinian Territories contravenes international law and that Israel is obliged to stop construction and make reparations for all the damage it has caused.

Sharon’s claim that the Wall has saved lives is premised on the belief that the only lives who matter are Israeli’s. The Wall impairs access to hospitals for Palestinians’ living in isolated areas, such as East Jerusalem and the northern West Bank cities of Tulkarem and Qalqilya.

The Ramallah–based Health, Development, Information & Policy Institute has found that 71 primary health clinics are isolated from the rest of the West Bank because of their location between Israel’s border and the Wall. These clinics are under-funded and inadequately equipped to serve their constituencies despite the essential service they provide. They often do not have delivery rooms or specialized doctors because of their limited financial resources. The Wall thus increases the likelihood of Palestinian deaths due to preventable causes—whether a lack of specialized doctors, inaccessibility to hospitals for the injured and sick, or a stagnant Palestinian economy.

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Palestinian Attitudes Ahead of the Abbas-Bush Meeting

By Samar Assad

Overview: A recent poll conducted in the Occupied Palestinian Territories found a gap in attitudes between Palestinians in the West Bank and the Gaza Strip on several key issues in the wake of Israel’s disengagement. The survey, although not linked to the visit, comes as Palestinian President Mahmoud Abbas and United States (US) President George W. Bush prepare to meet on 20 October 2005 to discuss progress in a post-disengagement Gaza Strip and other salient issues in the Palestinian arena such as security, elections and rule of law. Despite the gap in perception, the poll found that a majority of Palestinians in both the West Bank and Gaza Strip (64 percent overall) believe that Israel’s disengagement from Gaza will reinforce occupation in the West Bank.

Post-Disengagement: Attitudes in the West Bank and Gaza

Abbas heads to Washington with increased support among Palestinians in the Gaza Strip, where 89 percent describe his performance as “good.” However, a 12 October 2005 poll by the Birzeit University Development Studies Programme revealed that 69 percent of Palestinians in the West Bank do not feel secure; 34 percent in Gaza agree.

Public support for the fragile truce is high especially in Gaza; 83 percent in Gaza and 69 percent in the West Bank favor it. Forty-six percent of respondents in Gaza support disarming the various Palestinian militant groups while 29 percent in the West Bank said they support such. Palestinians in Gaza (22 percent) said they feel pessimistic, whereas 39 percent in the West Bank shared that feeling.

Internal Palestinian Priorities

According to the survey, a majority of Palestinians (61 percent) said they expect the Palestinian Authority (PA) to enforce order and the rule of law. Ninety-one percent in Gaza said they would like to see an end to public disorder, security anarchy, and the armed chaos and 82 percent in the West Bank expressed a similar desire.

Palestinians also poll high on the release of Palestinian prisoners from Israeli jails and an improvement of economic conditions which requires the easing of the Israeli siege on Palestinian cities. Among respondents, 64 percent in Gaza and 46 percent in the West Bank believe that the disengagement from Gaza will improve economic conditions. The majority overall (56 percent) expect consolidation of ties and a territorial link between the two areas in the aftermath of Israel’s disengagement.

Upcoming Legislative Elections

The survey found that Fateh is the favorite to win in the 25 January 2006 Palestinian legislative elections. According to those surveyed, 46 percent of respondents will vote for Fateh compared to 23 percent for Hamas. Sixty-seven percent of respondents said they plan to participate in the vote.

The poll revealed that the Fateh slate would receive the clearest majority vote if it is led by Marwan Barghouthi, the group’s grassroots leader serving a life sentence in an Israeli prison. Support for a Fateh ticket headed by Palestinian Prime Minister Ahmed Qurai’ dips ten points to 36 percent; Hamas’ popularity increases by three points to 26 percent in that scenario.

Leading up to the January vote, Palestinians on all sides of the political map will debate Abbas’ progress. In his ten months at the helm, Abbas has made some progress. He has consolidated the security forces into three branches, maintained a shaky truce, held presidential and municipal elections, and decreed legislative elections. However, the to-do list remains long. Although aides close to Abbas argue that establishing new institutions and a system of accountability and transparency will take time, the Palestinian people believe the time for action is now.

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One Year after Arafat, Peace Remains Elusive

By Samar Assad

Overview: In the years preceding his mysterious death on 11 November 2004, Israeli, American and some Palestinian officials painted the late Palestinian leader Yasser Arafat as an obstacle to peace. Although it was not the first time his character was maligned, this campaign was the most damaging at many levels.

Shortly after taking office as Israel’s Prime Minister, Ariel Sharon held Arafat hostage in his West Bank headquarters. He also held Palestinian economic, civil and political life hostage by constructing a Wall in the West Bank, expanding settlements, extending the network of checkpoints, and suspending the peace process. Furthermore, Sharon managed to hold United States (US) foreign policy hostage by blurring the Bush administration’s two-state vision and derailing the Road Map.

In the year since Arafat’s departure, violence continues. Israel’s construction of the Wall and expansion of settlements also continues. The peace process remains on hold; the Roadmap is at a dead end; and Israeli dictates on the negotiating table at Camp David have been translated into the unilateral disengagement from Gaza.

Was Arafat the man really an obstacle to peace, or was he the last holdout against Israel’s unilateralism?

Gaza Disengagement

Israel and the United States promoted the Gaza disengagement as an opportunity to restart the peace process in a post-Arafat era. However, under the terms of Israel’s plan, overall control over Gaza was and continues to remain with Israel.

In a 17 October 2005 letter to the Quartet, special envoy James D. Wolfensohn explained that “the government of Israel with its security concerns, is loathe to relinquish control, almost acting as if there has been no withdrawal, delaying making difficult decisions and preferring to take difficult matters back into slow-moving subcommittees.” Wolfensohn’s sentiments are shared by many in the Palestinian Authority (PA).

Several Palestinian-Israeli meetings regarding the Rafah border crossing with Egypt have failed to produce an agreement. The crossing is just one of a number of outstanding post-disengagement access issues including the Gaza seaport, airport and a territorial link between the Gaza Strip and the West Bank.

“Israel is addicted to occupation—to control,” said Ghassan Khatib, the PA Minister in charge of coordinating such issues with Israel. “Israel does not seem to understand that both Israeli and Palestinian security depends on Israel letting go.” According to Khatib, Israel “continues to press for ultimate control” in terms of the flow of people and goods between Gaza and Egypt.

In recent meetings, Israel has called for live transmissions to monitor crossings and veto power over persons and goods traveling through Rafah. Palestinians point out that since 12 September 2005, when Israel concluded the evacuation of its settlers from Gaza, it has tightened its control over all of Gaza’s entry and exit points. Palestinians argue that without the free flow of people and goods between Gaza and the West Bank—and between Gaza and the world—Gaza will remain embroiled in a humanitarian crisis and political instability.

International agencies agree. A 31 October 2005 report by the United Nations’ (UN) Office for the Coordination of Humanitarian Affairs reported deterioration in humanitarian conditions in Gaza since 12 September 2005. The report documented repeated and prolonged closures of Karni and Erez crossings to workers and traders, and the construction of an eight-meter-high Wall in the northern Gaza Strip.

Occupied East Jerusalem

In what seems to be payback for the Gaza evacuation, Israel has launched an aggressive campaign to consolidate its occupation of East Jerusalem. The fate of Jerusalem, a key issue that prevented Arafat from signing a peace deal at Camp David, is being decided off the negotiating table through Israel’s construction of the Wall, which further isolates Jerusalem from the West Bank and destroys Palestinian institutions.

Palestinians warn that Israel’s actions in Jerusalem are an obstacle to the negotiated two-state solution that Bush has endorsed.

According to Hind Khoury, the PA Minister for Jerusalem Affairs, the Wall will cut off approximately 55,000 Palestinian residents in Jerusalem from their city. Palestinian Christians and Muslims, including many Jerusalemites, will be denied free access to the holy sites located there. More than 6,500 Palestinians have already lost their residency rights. More than 50 Palestinian homes have been demolished, while 64
additional homes have demolition orders pending against them. According to the Israeli Committee Against Home Demolitions, there are more than 10,000 outstanding demolition orders against Palestinian structures in East Jerusalem.

In the meantime, Israel plans to build 3,500 Israeli housing units to the east of Jerusalem, in the Ma'ale Adumim settlement area, which will completely cut off East Jerusalem from the West Bank.

Palestinian Economy

In the World Bank's 2004 report, "Stagnation or Revival? Israeli Disengagement and Palestinian Economic Prospects," the World Bank explains that donor aid is not enough to bring about Palestinians' economic recovery. The international agency said that Israel's disengagement would do little for the economy in Gaza and proposed that such be accompanied by a series of measures including the easing of restrictions on the movement of Palestinian people and goods.

In specific, the World Bank recommended that Israel remove checkpoints and barriers in Gaza and the West Bank; open internal routes between West Bank cities and from these cities to the borders; ease movement into and out of East Jerusalem; develop Gaza-West Bank transportation links; and improve the management of border passages and facilities.

Palestinian economist Mohammed el-Samhouri says that in the past five years, the Palestinian economy has lost a third of its gross domestic product (GDP), 40 percent of its per-capita income, two-thirds of its private investment, and more than half of its exports. As a result, two-thirds of the population is poor and over a third is unemployed, says el-Samhouri. In a recent poll, the Palestinian Center for Public Opinion found that 44 percent of Palestinians in the Gaza Strip would relocate to the West Bank if they had a job and the opportunity.

El-Samhouri, who coordinated the Palestinian technical committee overseeing Israel's withdrawal from Gaza, explains that at Wolfensohn's request, the PA produced a "Quick Impact Program," which included 35 projects covering a wide spectrum of areas like water, energy, housing, education, governance, the private sector, and so on. He reports that $750 million has been allocated to fund some of the projects.

One Year Later, the United States' Position Unchanged

Despite the fact that Arafat is no longer in the picture, the United States, which claimed that Arafat was an obstacle to its Roadmap, shows no intention to set a new timeframe for the establishment of an independent Palestinian state. Despite the PA's fulfillment of its obligations under the Road Map's first phase, the Bush administration has yet to push Israel to act. Bush has adopted the position of Israel during the Arafat days by saying the ball is in the Palestinian court and that the onus is on Palestinians to prove they can control, if their calls for statehood are to move forward. Only now, the test is in Gaza.

Although some progress has been made within the PA institutions since Arafat's passing, full-fledged state-building efforts remain hostage to Israel's occupation. Despite this, Palestinians held democratic presidential elections in January 2005 and by the end of the year, four sets of municipal elections will have been successfully held. Palestinians are preparing for legislative elections in January 2006. "Palestine is the only country where we are asked to achieve democracy before we achieve freedom," notes PA Chief of Staff Rafiq al-Husseini.

One year after Arafat's passing, the issues that plagued his leadership remain. Israeli dictates and unilateralism, an increase in the size and number of settlements, the construction of the Wall, restrictions on Palestinians' movement, and the debilitation of the Palestinian economy and civil infrastructure have not abated.

One year later, the United States itself has not fully addressed the real issue: Israeli occupation.

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Fateh to Compete on Two Slates:  
The Countdown to National Elections Begins

By Samar Assad

Overview: With only six weeks left until the 25 January Palestinian Legislative Council (PLC) elections, following the 12 midnight deadline (5:00 p.m. EST) on 14 December 2005 to register candidates, Palestinian President Mahmoud Abbas, the leader of the Fateh party, is now competing for the 132-member legislature with not only the Islamic resistance movement Hamas but also another Fateh-affiliated slate of candidates. This new development is a result of the fragmentation within Fateh, which was exacerbated by scenes of some of its armed members disrupting the party’s primaries and storming the offices of the Central Elections Committee (CEC), and of Abbas’ cancellation of some primary results and the creation of a Fateh slate based not solely on primary election results.

Two separate polls, conducted by the Jerusalem Media & Communication Center (JMCC) between December 5-9 and the Palestinian Center for Policy and Survey Research (PCPSR) between December 6-8, reveal that a majority of Palestinians plan to vote for Fateh. However, the split within the party may hurt its overall results.

Poll Results

Both polls found that a majority of Palestinians plan to vote: 78 percent according to the PCPSR poll and 68 percent according to the JMCC poll. Poverty and unemployment are the main concerns for Palestinians, according to the PCPSR poll. Israel’s continued occupation of the Palestinian Territories is ranked the number two concern in the West Bank and the fourth highest in the Gaza Strip. Internal anarchy and chaos ranked third on the PCPSR poll (12 percent). The PCPSR poll surveyed 1,316 people; the JMCC poll 1,119. Both polls have a 3 percent margin of error.

According to the PCPSR, 50 percent of those planning to vote said they will select Fateh; 32 percent indicated they will vote for Hamas; 9 percent said they will choose other groups, including independents; and 9 percent remain undecided.

The JMCC poll found that 60 percent plan to vote for the PLO—that is, Fateh’s—platform. Seventy-three percent described Hamas’ decision to participate in the election as positive step. Sixty-one percent believe that Hamas will abide by the decisions of the majority in the PLC. When asked which method they preferred for choosing Fateh candidates, 45.5 percent wanted to select candidates through primaries, meaning from within the bases of the party, while 29.7 percent said the Fateh’s Central Committee, headed by Abbas, should select the candidates.

The Electoral System

On 25 January 2006, the 1.3 million registered voters in Palestine will cast two different kinds of ballots—a district and a national ballot. At the district level, Palestinians will vote for individuals according to the number of seats allocated for each district. At the national level, voters will indicate their preference among the competing political slates.

There are 16 districts with the following seat allocations: Jerusalem (six seats, two reserved for Christians); Ramallah (five seats, one reserved for Christians); Bethlehem (four seats, two reserved for Christians); Hebron (nine seats); Gaza City (eight seats, one reserved for Christians); northern Gaza (five seats); Nablus (six seats); Qalqilya (two seats); Tulkarem (three seats); Jenin (four seats); Khan Yunis (five seats); Rafah (three seats); Deir al-Balah (three seats); Jericho (one seat); Salfit (one seat); and Tubas (one seat). The remaining 66 seats within the 132-member body will be determined by a simple majority vote of the district level.

According to the CEC list, 40 candidates are competing for the six seats representing Jerusalem. Thirty-eight are competing for the five seats representing Ramallah, and 34 for the eight Gaza City seats. The five seats representing Khan Yunis are sought after by 48 individuals. Thirty-two are competing for the four seats representing Jenin, and 56 for the nine seats representing Hebron.

According to Dr. Khalil Shikaki, head of the PCPSR, Fateh is highly vulnerable in four districts, three of which have the highest number of seats: Gaza City, Hebron, Nablus, and Qalqilya. Hebron, as the most conservative city, will likely be won by Hamas. Gaza City has been the most critical of corruption within the Palestinian Authority (PA), and Nablus has seen the greatest level of Fateh’s fragmentation.

The CEC has until 18 December 2005 to verify all candidacy applications and publish the names of the 444 candidates. The national ballot will be finalized on 2 January 2006, should any candidates drop out of the race or should any slate rearrange the order of its candidates.
Competing Slates at the National Level

As of the 12 midnight cut-off date for candidacy, the CEC reported that twelve political slates of candidates had registered. At the eleventh hour, members of the official Fateh slate, which was last to register, replaced Prime Minister Ahmed Qurai’ as its head with the popular leader Marwan Barghouthi, currently imprisoned in Israel. However, Barghouthi, along with a number of Fateh’s young guard, is also running as the head of the Future slate. Barghouthi’s associates called the move by the official Fateh slate a “bargaining chip.”

The Future slate, which was registered by Barghouthi’s wife, includes former PA Security Chief and Civil Affairs Minister Mohammed Dahlan and Abbas’ current Security Advisor Jibril Rajoub. The CEC will have to look into the legality of Barghouthi leading two slates.

Along with Fateh and Future, ten other slates are now competing: the Third Way slate, headed by former Finance Minister Salam Fayyad, which includes Dr. Hanan Ashrawi; the Alternative slate, headed by DFLP Secretary-General Qais Abdel Karim and made up of a coalition of the Palestinian People’s Party, the Democratic Front for the Liberation of Palestine (DFLP), and the DFLP’s offshoot FIDA; the Independent Palestine slate (National Initiative), headed by Dr. Mustafa Barghouthi (unrelated to Marwan Barghouthi); the Abu Ali Mustafa slate (Popular Front for the Liberation of Palestine, or PFLP), named after its former Secretary General who was assassinated by Israel and headed by its current Secretary General Ahmad Saadat who is in a PA-controlled jail in Jericho; Hamas’ Change and Reform slate, headed by Ismail Hanyeh; the Abu Al-Abbas slate (Palestinian Liberation Front); the Freedom and Social Justice slate; the Popular Struggle Front slate; the Freedom and Independence slate (the Palestinian Arab Front); the Palestinian Justice slate (independent); and the Waad slate (independent).

The remaining 66 seats within the 132-member body will be determined according to the percentage of votes received by each slate.

Marwan Barghouthi’s associates say the decision to create a second Fateh slate, Future, was due to dismay at Abbas’ decision to cancel some primary results and his placement of candidates who lost in the primaries on Fateh’s national slate. Barghouthi was also unhappy that the “young guards” who won the primaries were told to compete on the district level, making their success more difficult.

What Does This Mean?

The fragmentation within Fateh may have a negative affect on its performance in the upcoming election. With polls revealing that Palestinians want an end to anarchy and chaos, Fateh’s internal deterioration could sway the undecided votes away from Fateh.

A possible indicator for how badly Fateh has been damaged by the recent events will be the results of the 15 December 2005 municipal elections, which will be held in 40 districts.

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Chapter 2

“For the Record”
Summaries & Transcripts
Forty representatives in the 108th United States (US) Congress landed in the American Muslims for Jerusalem (AMJ)’s 2004 Congressional Scorecard “Hall of Shame.” Only 26 US congressional representatives earned a spot in the group’s “Hall of Fame.” According to AMJ Executive Director Khalid Turaani, the AMJ annual scorecard provides American citizens with a numerical analysis of elected officials’ voting patterns regarding legislation relevant to the Palestinian-Israeli conflict.

Turaani said that the scorecard’s numerical calculation offers an accurate and verifiable evaluation of a member’s position on policy toward Israel and Palestine. “The aim of using a numerical method is to find those who have made a career out of being anti-peace and anti-justice, and by supporting Israel right or wrong,” Turaani said during a 30 September 2004 briefing at the DC-based Palestine Center. He added that the voting record of members such as Congressman Tom Lantos, (D-CA), Congressman Gary Ackerman (D-NY) and Congressman Eliot Engel (D-NY) shows that their support for Israel “supercedes their support for the United States,” and that they “are willing to hurt US interests for the sake of Israel.”

Rep. Pete Fortney Stark (D-CA), who scored well at plus-ten (+10) on the AMJ scorecard for a balanced legislative voting record, and Rep. David Price (D-NC) who scored plus-four, were newcomers to the AMJ “Hall of Fame.” They joined 2003 high-scorers Rep. Nick Rahall (D-WV) and Rep. Barbara Lee (D-CA), who both received plus-eleven scores this year, and Rep. John Dingell (D-MI) at plus-twelve.


The AMJ poll scored members based on how they voted on the approximately 39 bills and resolutions pertaining to the Israeli-Palestinian issue, or if they introduced or co-sponsored any of the fourteen related resolutions. Members received four points if they introduced “positive legislation,” three if they were co-sponsors, two if they voted in favor of, zero if they abstained, and would lose two points if they voted against a pro-peace piece of legislation. Those who introduced “negative legislation” lost four points; co-sponsors lost three points. Anyone who voted for anti-peace and justice legislation received a minus-two score; those who abstained got zero points, and those who voted against such legislation received two points.

According to Turaani, AMJ considers legislation “negative” if it is “unbalanced, placed blame solely on Palestinians and holds them responsible for violence and/or does not justly hold Israel accountable for its actions.” Legislation is considered “positive” if it is balanced, or attempts to be balanced, encourages both sides to approach peace, and/or recognizes the plight of Palestinians.

AMJ identified three resolutions on the House side which it considered positive and eight which were considered negative. The three positive resolutions include House Concurrent Resolution (HCR) 111, introduced by Rep. Brian Baird (D-WA), expressing sympathy for the loss of American peace activist Rachel Corrie who was crushed in 2003 by an Israeli bulldozer in the Palestinian town of Rafah while trying to stop the demolition of a Palestinian home; House Res. 462, introduced by Rep. Darrell Issa (R-CA), which supports Israeli and Palestinian cooperation on achieving a plan for peace; and House Res. 479, introduced by Rep. Lois Capps (D-CA), which calls for an effort to fight terror and embrace efforts to achieve Israeli-Palestinian peace.

Four of the eight “negative” House resolutions are in favor of Israel’s separation Wall in the Occupied Palestinian Territory. They include HCR 371, introduced by Rep. Mike Pence (R-IN); HCR 390, introduced by Rep. Gary Ackerman (D-NY); House Res. 409, introduced by Rep. Roy Blunt (R-MO); and House Res. 713, introduced by Rep. Mike Pence (R-IN).

On the Senate side, AMJ found one “positive” resolution out of three that are relevant to Israel and Palestine. The legislation, Senate Res. 276, was introduced by Sen. Dianne Feinstein (D-CA) which called for fighting terror and embracing efforts to achieve Israeli-Palestinian peace.

With the absence of a “serious pro-peace and justice, pro-Palestinian lobby in the United States” Turaani believes members who scored a negative-two (-2), negative-one (-1) or zero are extremely crucial. “We need to focus on these members and support them,” Turaani said.
Josh Ruebner, Grassroots Advocacy Coordinator of the US Campaign to End the Israeli Occupation, agreed. Ruebner introduced Turaani and gave a closing statement, arguing that although the AMJ Voter Guide proves that much work remains to be done, there are some positive developments that are taking place throughout the United States. He said local groups have invested a lot of time and effort with their representatives to try to influence they way they vote and have had some successes. “There is widespread understanding that US policy towards Israel and Palestine is bankrupt and that things need to change. Representatives just need political support to make that change,” Ruebner explained.

Turaani hopes the AMJ Scorecard and Voter Guide will provide that kind of support and will empower Americans to hold their representatives accountable for their voting record. Turaani urges voters to make informed decisions when they head to the polls.

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Palestine, Israel and the United States

The U.S. Role in the Failure of Camp David 2000

Summary of a Palestine Center Briefing by Clayton Swisher

Rather than facilitating peace at the 2000 Camp David Summit hosted by the Clinton administration, the United States (US) facilitated a crisis that continues today for various internal political reasons—mainly because it abandoned its historic role as honest broker and impartial mediator.

In his recently published book *The Truth about Camp David: The Untold Story About the Collapse of the Middle East Peace Process* (Nation Books, 2004), former federal bodyguard and criminal investigator Clayton Swisher exposes critical mistakes made by the Clinton administration at Camp David and addresses similar mistakes made by US officials in mediations with the Syrians. On both the Palestinian-Israeli and Syrian-Israeli peace tracks, Swisher argues that it was the Clinton administration that missed the opportunity for peace in the Middle East.

Swisher quotes voices of dissent within the US negotiating team throughout the book. Speaking at a 13 October 2004 briefing and book signing at the DC-based Palestine Center, Swisher described his book as a collection of the accounts of 40 American, Arab, Palestinian and Israeli officials involved in both negotiation tracks. “It is the truth about Camp David as I see it, based on what was told to me,” Swisher said.

Swisher found that US officials involved in the Camp David talks were not prepared to mediate a summit that was expected to end decades of conflict. “The theme of the Americans not being prepared is something that is fleshed out almost to the point of nausea in both tracks,” Swisher said. He found that instead of coming to Camp David with their own proposals, US officials allowed the Israelis to influence the development of the only draft that was ever presented.

US Middle East Envoy Dennis Ross had been authorized to draft a proposal by former President Bill Clinton, who left the summit for a fundraiser on the third day. Swisher said Israeli Prime Minister Ehud Barak “watered down” the draft to a point that it “took out any semblance of honest American mediation or impartiality.” Ross took things further by changing in his own handwriting a clause on Jerusalem thus limiting the Palestinians to a capital in Abu Dis, a village at the outskirts of Jerusalem. Recognizing Ross’ handwriting, Palestinian President Yasser Arafat concluded that the summit was a trap. The Israelis were surprised that Ross presented Arafat with the text before showing it to Clinton. By the third night, both sides had lost confidence in the summit.

The Clinton administration rushed the sides to a summit based largely on internal political considerations. President Clinton was just emerging from near-impeachment, his wife Hillary Clinton was running a Senate campaign in New York and Vice President Al Gore was to be nominated as the Democratic choice for president. In addition to the domestic political context, Barak’s election in Israel also encouraged Clinton to push forward the summit plans. Barak defeated hardliner Benjamin Netanyahu, who had reneged on all the US-brokered Wye agreements and insisted on negotiating new ones. Yet although Barak ran on a platform of continuing with the late Israeli Prime Minister Yitzhak Rabin’s peace efforts, many Palestinians and Israelis and even some within the US administration were divided over whether Barak was going to do things differently than Netanyahu or whether he was going to send everyone on a “wild goose chase.”

Swisher said Barak set the chase in motion in May 1999. Clinton officials spent almost a year pursuing Barak—who had signaled a desire to get a peace treaty with the Syrians before the Palestinians—on the issue of an Israeli withdrawal to the 4 June 1967 line from the Syrian Golan Heights and Lake Tiberias. In March 2000, after being told by his advisors that Barak had agreed to the principle of a withdrawal to the 1967 line, Clinton asked Saudi Arabia to invite Syria’s President Bashar al-Assad to a summit in Geneva. Assad, believing this was going to be an end to the conflict and the start of an new strategic era with Israel and the United States, headed to Geneva with 150 experts. When Clinton presented the Israeli proposal that Ross delivered to him, it turned out that Barak had kept considerable territory for Israel, in the form of 10-400 meters around Lake Tiberias. The Israelis said it was only 10 meters; the Syrians argued it was 200 meters; Ross said it was 400 meters.

One thing on which the Israelis and Syrians agree is that the failure was more due to the Americans than either of them. The common understanding is, Swisher argues, that the Americans had deceived the Syrian president.

Months later the same set of circumstances repeated itself on the Palestinian track at Camp David. Again the Clinton administration rushed the Arabs to a summit, offered them a plan that no Arab leader could accept—a plan that was destined to fail—and then blamed them for rejecting peace.
Swisher stressed that because Barak wanted "deniability," a written offer was never presented at Camp David. Swisher argued that one cannot rely on oral agreements presented as a "take it or leave it" offer when negotiating an issue of such magnitude. "America needs to learn from its mistakes. The nation is at a critical time in history with a hotly-contested election coming up and the formulation of the next US policy towards the region. Next time, America needs to get it right," said Swisher.

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American policy in the region has historically focused on the people active at the political extremes: American "client" states and the groups who resist them. The United States (US) interferes with the internal politics of Middle Eastern states to protect its clients and persecute their violent critics, while largely ignoring the "oppressed and passive" majority trapped between them, according to Marwan Bishara, author Palestine/Israel: Peace or Apartheid, Prospects for Resolving the Conflict (Zed Press, 2001) and lecturer at The American University in Paris.

“The Middle East needs more policy, and less policing,” Bishara argued during a 27 October 2004 briefing at the DC-based Palestine Center. He analyzed the region’s most difficult political challenges and recommended that the next administration promote policies that move beyond petty “clientelism” and internal interference.

“America can best contribute to peace, justice and stability by replacing the politics of interference with policies that promote regional cooperation,” Bishara said. He added that American action in Iraq and inaction against Israel are the dominant issues that the next administration must address in the Middle East. “The complete fiasco in Iraq is an extreme caricature of America’s preoccupation with its clients and their internal enemies and its superficial concern with the lives of ordinary Iraqis.” Bishara argued that in Iraq, clientelism and insurgency directly feed off each other. The Iraqi regime’s dependence on the US, its acceptance of occupation, and its inability to stop chaos from spreading all fuel the people’s anger and resentment. This in turn sows the seeds for violence and rebellion, driving the regime to become further dependent on America. Bishara noted that the Iraqi people are polarized by poverty, war and injustice. He argued that they deserve an end to American interference and the chaotic violence of occupation.

Bishara sees the situations in Palestine and Iraq as very similar. Historically, “Israel has been the United States’ client-state par excellence,” said Bishara, acknowledging that the nature of the relationship has changed under the Bush Administration. While the US once dictated most of the terms of this relationship, the tables have now turned. The Sharon government dictates the terms of the relationship in an effort to destroy Palestinian society, to cement its control, and to capitalize on reality of suicide attacks. Americans’ focus on the political extremes has kept them from engaging with the little-heard moderate voices in Israel and Palestine. Bishara challenged the US to end this polarization, to listen more closely for these voices, and to pressure Israel to ease its hard-line policies. Rolling back the “Sharonization of America’s War on Terrorism” should be the next administration’s highest priority, he said.

Bishara noted that there is reason to be optimistic about the future of the Middle East, and outlined several policies that could enable the US to help the region realize its potential in the region. In addition to the resources that oil provides the region, 70 percent of the Arab population is under the age of 25. Bishara said the US ought to acknowledge that the “War on Terror” cannot be won by force alone and capitalize on the promise of this new generation. He urged the next US administration to abandon the current Bush-Cheney doctrine of pre-emptive war and to promote regional cooperation, dialogue, and exchange among Middle Eastern governments. Bishara said that regional stability and an end to nuclear proliferation would best be achieved through cooperation and the process of Arab states holding their neighbors accountable.

This prescription for a better US foreign policy would require America to sacrifice some of its prestige, Bishara said. He acknowledged the context of calls for the US to “put the necessary pressure on Israel,” but said that the benefits of such a policy shift would be profound and are in the United States’ interest more than the results of its current policies. Changing US foreign policy to replace America as the “policeman” with a broad-based regional means of cooperation would give all the states an greater interest in the creation of a peace, security and prosperity, Bishara said. Without such a change, Bishara warned that “more policing will lead to more of the same.”
Education in Palestine:
Coping with Challenges to Overall Development
Summary of a Palestine Center Briefing by Jacqueline Sfeir and Ibrahim Masri

Decades of Israeli occupation and Palestinian resistance have led to the steady deterioration of the Palestinian education system, said Dr. Jacqueline Sfeir, director of the Bethlehem University Education Development Center during a briefing at the DC-based Palestine Center on 17 November 2004. The most detrimental effect on the education system has been the recurrent and extended periods of school closures. Between 1987 and 1990, during the first Palestinian intifada against Israeli occupation, schools were closed 17 out of 28 months, explained Sfeir. Students were allowed to pass through the system despite the lack of necessary knowledge and skills. As a result, today's teachers and parents lack the necessary coping skills to deal with children who are now living through a traumatic psychosocial period—the second Palestinian intifada.

Sfeir discussed the impact of the 2000 Palestinian intifada on the Palestinian education system, after which Save the Children psychosocial specialist Ibrahim Masri presented findings from a separate research study into the effectiveness of classroom-based intervention (CBI) in Palestinian schools.

According to Sfeir's study, Palestinian children lost 15 out of 35 weeks of school due to Israeli closures, curfews and restrictions on movement by 2003. “What we are facing is a serious situation where not only knowledge and skill are affected but overall development,” Sfeir said. With 45 percent of the population under the age of fourteen, the long-term consequences are significant.

The study found that the impediments of closures and curfews, the inability to plan and the recurrent break in the solid structure of a child's life is further complicated by teachers who themselves lack proper education and coping strategies. Not only are children having difficulty understanding the current curriculum, it is beyond the comprehension of teachers. Education professionals and officials are trying to cope with and respond to the challenges. However, the state of the Palestinian education system has gone beyond simply trying to keep schools open. “We must work under mediation plans that are extremely well studied and adjusted to the needs of the Palestinian community as it stands now,” Sfeir said.

Using a method of classroom-based psychosocial intervention similar to models tested in US inner cities and post-disaster areas but customized to the special needs of Palestinian society, Save the Children launched a national project in conjunction with the Palestinian Ministry of Education to provide support and activities that targeted children, parents and teachers, said Masri. The United Nations Relief and Works Agency (UNRWA) also joined the effort along with 250 community centers. Within three years, 150,000 children were involved in the program. “What we found is a situation of ongoing traumatic stress disorder. It varies from one child to another and from one place to another,” Masri said. “We saw parents helpless and hopeless in helping their children.”

After training 63 professionals, the CBI was tested in thirteen schools and 1,477 counselors and professionals began working with children in over 1,200 West Bank and Gaza schools.

The results were encouraging. Children felt better, happier and more confident. Families saw an improvement in their children's behavior saying that children were more cooperative at home and more optimistic. Teachers said the children had become more focused, were ready to learn and were less aggressive. Masri said the best impact was on children age six to eleven and girls ages twelve to 16. Masri said the CBI would need further modification to address the specific needs of the older male group.

Overall, Masri believes that the “Palestinian” CBI model has had a positive impact on children, parents and teachers and will reduce the long-term effects of the current national crisis.

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The primacy assigned to geo-politics over international law in the so-called peace process has resulted in the marginalization of Palestinian rights, particularly refugee rights, said Naseer Aruri during a briefing at The Palestine Center to the Washington, DC chapter of Al-Awda, the Palestine Right to Return Coalition. International law does provide a principled framework for a durable resolution of the Palestine-Israel conflict, however the peace process did not. Aruri said during the briefing, which was held on 22 November 2004 in honor of the International Day of Solidarity with the Palestinian People (November 29th). Instead, Aruri said, the issue must be placed within the larger context of old-fashioned imperialism and settler colonialism.

Aruri explained that from the 1969 Rogers Plan to the 2003 Geneva Initiative, the diplomatic emphasis has always been on what is "possible" and "practical"—that is, what Israel will accept—rather than on what is just and legal by international standards. Putting geo-politics over international law is the name of the game, which has eroded the Article III of United Nations (UN) General Assembly Resolution 194 (11 December 1948), plus numerous resolutions affirming the rights of the Palestinian people to sovereignty, international protection, and the freedom to struggle for independence by all necessary means, including armed struggle as was seen during the 1960s and 70s.

The issue of refugees has been marginalized over the better part of the past fifty years, despite the fact that Israel's admission to the United Nations was contingent upon protection for and repatriation of Palestinian refugees, as outlined in Article 11 of Resolution 194. Resolution 273 on 11 May 1949 made Israel's admission to the UN conditional on its unambiguous commitment to respect "unreservedly" UN resolutions pertaining to the Arab-Israeli conflict, including Resolution 194. Twenty-five years later, Resolution 3216 of 22 November 1974 reasserted the "inalienable right of the Palestinians to return to their homes and property from which they have been displaced and uprooted." Resolution 42/62 reaffirmed that principle, saying in 1997 that the "Palestine Arab refugees are entitled to their property and to the income derived there from, in conformity with the principles of justice and equity."

Aruri contended that while the grounding of Palestinian rights in international humanitarian law—especially refugee rights—is self-evident, such rights have been marginalized by three factors at least: the Palestine Liberation Organization's (PLO) unwitting complicity due to its focus on sovereignty and its own rise to power, Israel's rejectionism and distortion of UN resolutions for its own purposes, and a peace process that domesticated Israel's occupation and allowed it to continue unchecked despite Palestinian concessions.

**Diplomatic Resolution and the PLO**

With the emergence of the PLO during the 1960s, the issue of rights under international law, including those of the refugees, was relegated to a humanitarian, charitable issue. The overarching objective of the PLO became global recognition of its status as the sole legitimate representative of the Palestine people on the question of sovereignty—"a good cause," said Aruri, "but not at the expense of refugee rights and the right of return."

For the following two decades, this quest for international recognition and for the creation of a mini-state in the West Bank and Gaza claimed the largest portion of Arab and Palestinian diplomatic energies, to the exclusion of refugee rights. While the PLO achieved its goal of becoming the focal point of the Palestine question, in 1993 it ironically became the first Arab party to sign an agreement that effectively deferred internationally recognized rights. More drastically, it agreed in the 2000 Camp David meetings not to insist on the right of return.

The PLO and the Arab states associated themselves with the basic elements of the global consensus about the Arab-Israeli conflict, namely a focus on ending the occupation and recognizing a two-state solution, as expressed in countless documents, including the 1971 Sadat offer, the Security Council Resolution of 1976 calling for implementation of Resolution 242 and a two-state solution, the European Council's Venice Declaration (12-13 June 1980), which recognized Palestinian self-determination, the 1981 Fahd Plan, the 1988 PLO recognition of Israel. This consensus continues as seen by the 1998 European Union Declaration and the 2002 plan put forth by Saudi Crown Prince Abdullah and adopted by the Arab League in Beirut, offering full recognition of Israel in exchange for ending the occupation.

Nevertheless, the joint Arab-Palestinian pursuit of the two-state solution was never taken seriously either by the United States or by Israel. Despite the PLO's concessions, Israel did not reciprocate by either ending the occupation or discussing the right of return. Instead, they continued the line of rejectionism that extends as far back as the Rogers Plan of 1969, even vis-a-vis US proposals that do not include full withdrawal from the Occupied Territories and/or Palestinian sovereignty.
The Distortion of International Law

In addition to the PLO’s emphasis on the issue of sovereignty during the 1970s and 1980s and Israeli rejectionism, Aruri contended that the peace process distorted the meaning of international law and diluted its effect in the interest of geo-politics. For example, the term sovereignty would appear with adjectives such as “dual” sovereignty, “shared” sovereignty, and a “sense of sovereignty.” The concept of withdrawal from occupied Territories was rendered as “redeployment,” which Aruri reiterated is not the same thing. In more than a thousand pages of Oslo documents, one never encounters the term “occupation” or sees any reference to refugees except in the context of final status issues, Aruri pointed out. These terms are governed by international humanitarian law and the law of war.

This watering down of UN resolutions and international law by the self-designated honest broker was aggravated by Israeli domestication of international law. Rather than rejecting it outright, Aruri argued that Israel has been utilizing international humanitarian law and legal discourse to justify its own policies and actions in the occupied Territories, in a way that the US is emulating now in matters relating to its declared “war on terror.” For example, while Israel agrees that the Fourth Geneva Convention’s rules apply to “occupied” Territories, it holds that the West Bank and Gaza are not occupied, but rather “administered” and “disputed.” Consequently, it argues that the Conventions are not applicable to Israel’s rule on de jure basis, but rather that Israel abides by them on de facto basis, namely to respect its “humanitarian provisions.” Such claims have been put to rest in the recent advisory opinion the International Court of Justice (ICJ) provided to the United Nations’ General Assembly on the issue of the Wall Israel is constructing inside the 1949 Armistice Line (or the pre-1967 “Green Line”) that separates the West Bank from Israel, as discussed below.

Oslo and Palestinian Concessions on Basic Rights

Aruri contended that the peace process has not only undermined and distorted international law in the Occupied Territories, but it has pressured Palestinian officials to concede aspects of Palestinians’ collective and individual rights, which they do not have the right to concede. The late Yasser Arafat and Mahmoud Abbas (Abu Mazen), for example, then number one and two respectively in the PLO and Palestinian Authority (PA), stripped the right of return and restitution of all meaning by publicly recognizing Israel’s demographic “concerns.” Arafat published the following opinion editorial in the 3 February 2002 edition of the New York Times:

We seek a fair and just solution to the plight of Palestinian refugees who for 54 years have not been permitted to return to their homes. We understand Israel’s demographic concerns and understand that the right of return of Palestinian refugees, a right guaranteed under international law and United Nations Resolution 194, must be implemented in a way that takes into account such concerns.

The secret agreement negotiated by Abu-Mazen and Israeli Labor minister Yossi Beilin on 13 October 1995 not only nullified ipso facto UN Resolution 194 but also other key international instruments and provisions of refugee law, human rights law, and humanitarian law in which refugee rights are enshrined. For example, Section 1 of Article VII of the Beilin-Abu-Mazen Agreement, also known as the Framework, requires the Palestinian side to reconsider its refugees’ rights under international law in light of the changing realities on the ground since 1948:

...the realities that have been created on the ground since 1948 have rendered the implementation of this right (ROR) impracticable. The Palestinian side, thus, declares its readiness to accept and implement policies and measures that will ensure, insofar as this is possible, the welfare and well being of these refugees.

In Section 2 of Article VII, Israel acknowledges “the moral and material suffering caused to the Palestinian people as a result of the war of 1947-1949,” even as in practice, Israel accepts neither legal nor moral responsibility for that “suffering.” The right of return as articulated by international law is, therefore, declared null and void inasmuch as its implementation falls on the shoulders of the PA, with Israel shirking any and all of its responsibility for the plight of the refugees. Former Israeli Prime Minister Ehud Barak reiterated the gist of the framework as he was departing for the negotiations of Camp David 2000. He assured the Israeli public that “Israel will not recognize any moral or legal responsibility for the Palestinian refugee problem.”

This agreement between Beilin and Abu-Mazen negates fundamental rights guaranteed by former agreements, including Article 13 of the Universal Declaration on Human Rights and the 1949 Fourth Geneva Convention (i.e., the Geneva Convention relative to the Protection of Civilian Persons in Time of War), which provides that “Everyone has the right to leave any country, including his own, and to return to his country”; the International Covenant on Civil and Political Rights’ provision that “no one shall be arbitrarily deprived of the right to enter his own country” was arguably eliminated; and the International Convention on the Elimination of All Forms of Racial Discrimination’s provision that a state may not deny, on racial or ethnic grounds, the opportunity “to return to one’s country.”

Perhaps one should recall, Aruri said, that the creation of the refugee’s problem in 1948 was intended to assure a permanent Jewish majority in the Jewish state. Today, more than a half century later, the overwhelming majority of Israelis consider the return of Palestinian refugees as a mortal danger and a demographic threat to Israel. No change has occurred in the Zionist movement’s reliance on ethnic cleansing as an instrument to assure that all of Palestine is its own domain, clean of non-Jews. The indigenous Palestinians can be tolerated only as a scattered minority living in enclaves under the overarching matrix of Jewish control.

The question of return has been also marginalized by the fact that it has already been considered by Oslo’s Declaration of Principles (DOP) as a regional matter affecting all refugees, including Jews who left property in Arab countries when immigrating to Israel. That is why both the Camp David Summit held in 1978 and the 1993 DOP call for a committee consisting of Israel, Jordan, Egypt, and the Palestinian Council to settle that problem, with Israel retaining an effective veto.
Israel and the Apartheid Wall

The erosion of Palestinian rights by the peace process must be remedied by international civil society action pursuant to the implementation of the International Court of Justice's ruling, released 9 July 2004, on the legality and consequences of the Wall Israel is aggressively constructing around the West Bank. Aruri argued that one can look to the ICJ ruling for a remedy to the question of refugee rights and the inevitable clash of discourse, for example between “occupied” and “contested,” “withdrawal” and “disengagement,” “legality” and “military necessity,” “restitution” and “justice for refugees.”

It is notable that the ICJ ruling did not mention the right of return. It spoke of self-determination within the 1967 borders and called for a two-state solution in accordance with the Road Map. However, Aruri reiterated legal scholar Susan Akram's argument that the ICJ ruling does help to push forward the refugee issue.

Aruri noted that there are five key points in the ICJ decision which are significant for Palestinian refugees: first, the Court’s affirmation of the applicability of law to the conflict (i.e., it is not a political issue only); second, affirmation of the Palestinian right to self-determination; third, articulation of the appropriate remedy for illegal land confiscation (i.e., restitution and compensation, which the Court argued was based on the law of states’ responsibility), which, while not referring to UN Resolution 194, affirms the principles underlying the resolution vis-à-vis the events of 1948; fourth, assertion by a fourteen-to-one vote that Israel is responsible for making reparations for all damage caused by construction of the Wall, which gives Palestinians for the first time restitution rights; a clear affirmation under international legal doctrine and establishes that restitution (not simply compensation) is the required remedy for wrongful property expropriation—a principle thus applicable to Palestinian refugee property under the 1948 borders; and fifth, assertion by a thirteen-to-two vote that all state parties to the 1949 Convention have the obligation to ensure that Israel com-plies with the provisions of international humanitarian law governing the occupied Palestinian Territories.

Aruri argued that the fifth point may be the most important aspect of the ICJ opinion for the purposes of public activism, strategy, and further negotiation. The obligation to enforce the Fourth Geneva Convention’s provisions like Article 49, which prohibits either individual or mass forcible transfers of the occupied population out of the territory or transfers of its own civilian population into the given territory, are not the only provisions to which Israel can be held accountable according to the ICJ. Because the ICJ found that Israel was bound to all aspects of the Convention, the provisions that require a state to permit persons evacuated during hostilities to return to their homes as soon as hostilities have ceased—one of the principles underlying Palestinian right of return—are also enforceable against Israel. Aruri emphasized that under the meaning of the ICJ opinion, such rights are to be enforced by the community of states.

Aruri concluded that the world is at a “crucial juncture.” The Israeli government under Sharon views 1948 as an incomplete phase that is perhaps now ready for completion, hence its campaign since 2000 to destroy the infrastructure of the PA and the institutions of Palestinian civil society through the confiscation and destruction of Palestinian resources and property. Few would dispute that the ongoing severe repression and economic strangulation are intended to push Palestinians to pursue “voluntary transfer.”

Moreover, there is now a cultural-political divide in the world at large due to the Bush doctrine of preventive war. This divide is between the United States and Israel on the one hand and much of the world on the other, which still champions to the rule of law and the diplomatic, peaceable resolution of international disputes. The ICJ’s advisory opinion on Israel’s apartheid Wall underscored this divide. The Court voted 14-1 against Israel, and the General Assembly backed the Court by a vote of 150-to-six. This stands in sharp contrast to the vote in the US Congress, where 361 US Representatives officially deplored the Court’s decision, against only 45 in support (thirteen members were absent and fourteen abstained).

Aruri held that the sum result of such callous obstruction of justice will likely be further international isolation of the US and Israel, which could spawn international action to compel Israeli compliance with international law in accordance with the ICJ’s ruling, similar to what happened in Namibia during the 1970s and ’80s and in East Timor during the 1990s.

While the ICJ ruling does punctuate a new reality per se—that is, a clash between the US, Israel, the Marshal Islands, Micronesia and other states on the one hand versus the rest of the civilized world that “insists on applying international law” on the other hand—Aruri argued that such a clash would send shockwaves throughout a world disillusioned by the American disregard for the rule of law, multilateralism and the “constitutional principle of checks and balances.”

Aruri said that a renewed commitment to genuine peace based on international law and on principled compromises would have to replace the Israeli diktat blatantly shielded by US power. He hoped that the status-quo would be challenged not only by the largely defenseless Palestinian civilians, but also by a global movement that has grown tired of a militarized US foreign policy that defies the principles of secularism, rationalism and multiculturalism. Aruri hopes this movement will expose Bush’s claims of divine inspiration and Sharon’s expansionist design, as exemplified by the apartheid Wall and as shrouded in misleading claims of self-defense, for what they are: a reincarnation of old-fashioned imperialism and settler colonialism.

The above text is based on remarks delivered on 22 November 2004 by Dr. Naseer Aruri, Chancellor Professor (Emeritus) of Political Science at the University of Massachusetts Dartmouth and author of, most recently, Dishonest Broker: The US Role in Israel and Palestine. The speaker’s views do not necessarily reflect those of The Jerusalem Fund or The Palestine Center. This summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
In today’s politically, economically and socially divided Israel, Palestinian leader Yasser Arafat was a unifying factor. He was a central figure whom Israelis loved to hate, the embodiment of the stress they experienced on a daily basis. However, what Israelis do not understand, argued Maxim Ghilan, founder of the International Jewish Peace Union, is that Israel’s occupation of Palestinian territory and the intensifying social, economic and political crisis in Israel are “one in the same.”

Ghilan analyzed the impact of Arafat’s death on Israeli society during a 3 December 2004 briefing at the DC-based Palestine Center. “On a subconscious level, Arafat’s death has been a very important development in Israel,” Ghilan said. His death “accentuates” the existing crisis in Israel. For Israelis, Arafat’s death came at a very bad time. Their main concern is where their society is going. Under the current Likud government of Israeli Prime Minister Ariel Sharon and Finance Minister Binyamin Netanyahu, the two largest beneficiaries from the national budget are the Jewish settlements and the military. As a result, Israeli citizens are suffering. According to Ghilan, 60 percent of children in Israel live under the poverty line. Forty-five percent of children are hungry. Food deprivation among children in Israeli development towns like Ashdod is at a point to where they “lick McDonald’s wrapping paper” to get a taste of meat.

Ghilan described Likud’s social policies as a “pilot project” of what the Bush administration hopes to do in the United States, a completely de-socialized society void of any welfare services.

Israeli single mothers are now denied state aid if they earn above 2,500 NIS (the equivalent of approximately $550.00 USD). The elderly and sick are forced out of institutions if they cannot pay and are sent home to die. The hiring of cheap foreign domestic caregivers has been banned. Soup kitchens have become popular. Kitchens run by Orthodox Jews serve as recruiting centers for their own ranks—the same method used by the Islamic group Hamas, which recruits members through social work. Poverty among soldiers is high. Foot soldiers, immigrants from the former Soviet Union and from North Africa, are allowed extended leave to work in the civil sector in order to provide for their families, Ghilan said.

The Likud’s “repressive” social policies have created a political crisis for Sharon who is losing support within his own party. Meanwhile, Likud members challenge Sharon’s plan to pull settlers out of the Gaza Strip. Ghilan called the internal Likud debate over the Gaza Disengagement Plan “a struggle between idiots” who do not understand Sharon’s true objectives—that is, to place the Gaza Strip under lockdown by keeping Israeli soldiers deployed around it and using the settler withdrawal as a pretext to annex settlement areas in the West Bank.

Sharon’s plan has won him support from some in the rival Labor party. In an attempt to remain in power he may turn to Labor to form a coalition. However, Likud’s social policies could prevent the union. Much of Labor’s support base is among the poor and joining a government whose policies have been negative towards the poor could cost the party members. However, the personal political ambitions of some Labor leaders and the desire of others to end the four year old Palestinian uprising (intifada) may create political strife within the Labor party as they debate the possibility of a coalition government.

To make matters worse, there is a psychological and cultural divide between Israelis who oppose the occupation and those who fight for social justice. Israelis, argued Ghilan, do not realize that peace cannot be achieved while people are hungry. People will continue to live in poverty so long as the money is going towards the military and settlements of the occupation. The majority of Israel’s peace camp comes from the upper middle class whose contact with the poor is minimal. To illustrate his point, Ghilan pointed to former Israeli intelligence chief Ami Ayalon who with Palestinian academic Sari Nusseibeh drafted a “vision for peace.” Ayalon, Ghilan said, is a millionaire who has very little contact with the poor.

The current Israeli political arena is dominated by fear. The poor are worried that Netanyahu, who is trying to wrest power away from Sharon, will become prime minister. Yet they will vote for the Likud party because Sharon is currently the only charismatic leader. Meanwhile, former Chief of Staff Shaul Mofaz, an Iranian Jew, is waiting in the wings to challenge Netanyahu and later Sharon.

Arafat’s death has further destabilized this situation in Israel. Israelis now have to deal with their internal crisis alongside a potential leadership crisis in Palestinian society, a society itself long-destabilized through occupation.

The above text is based on remarks delivered on 3 December 2004 by the late Maxim Ghilan, the founder and former Secretary-General of the International Jewish Peace Union and former editor of The Israel & Palestine Political Report. The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational arm, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Palestine, Israel and the United States

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The Palestinian Presidential Elections:
Exercising Democracy Under Occupation

Summary of a Palestine Center Briefing by Diana Buttu

To the outside world and the 800 international observers, the 9 January 2005 Palestinian presidential elections seemed like a normal exercise in democracy. However, what many chose to ignore was the fact that the elections were conducted under “abnormal” conditions. Palestinians, explained Diana Buttu, special advisor to the Palestine Liberation Organization (PLO), were exercising democracy under direct occupation.

Speaking at a 10 January 2005 briefing at the DC-based Palestine Center, Buttu noted that between 11 November 2004 and 6 January 2005, Israel killed 88 Palestinians—one-quarter of whom were children—and injured 339. During the same period, Israel conducted 1,155 raids into Palestinian areas, arrested 901 Palestinians and detained 276. Israel demolished 89 Palestinian homes, imposed 42 curfews and carried out nine assassination attempts that resulted in the death of eight Palestinians. Furthermore, Israel continued with the construction of the separation Wall around the West Bank and with settlements despite the illegality of both under international law.

It’s claims notwithstanding, Buttu contended that Israel did not facilitate the election process. Instead, it complicated the process, especially in East Jerusalem. Checkpoints throughout the West Bank and around Jerusalem remained. Israel limited the number of polling stations within the municipal city limits of East Jerusalem to post offices. Those polling stations could only accommodate 5,767 ballots, forcing the remaining thousands of voters to pass checkpoints in order to get to polling stations outside the city. Israel used other tactics to limit voting in Jerusalem, such as leading Palestinians to believe that their identification cards, which allow them to reside in the city, would be revoked if they participated in the election. Israel delayed voter registration, prevented campaigning in Jerusalem, and arrested campaign officials.

The United Nations estimates that there are about 700 checkpoints in the West Bank—an area slightly larger than Delaware. “Rather than placing pressure on Israel to remove the checkpoints, the international community accommodated the occupation by increasing the number of polling stations,” Buttu said. In total, more than 3,300 polling stations were established because the checkpoints were not removed. “In the last US presidential elections, there were roughly 410 polling stations in the state of Delaware,” Buttu noted.

Although Abbas enjoyed only 2 percent of popular support in September 2004, he benefited from a 62 percent approval rating among voters at the January 2005 election. Buttu explained the increased support for Abbas resulted from the rising support for Fatah among Palestinians due to its smooth handling of the power transitions within the PLO and the Palestinian Authority (PA) following President Yasser Arafat’s death, as well as the promptness with which elections were held. Another factor in Abbas’ favor was the absence of an Islamist opponent in the elections.

Despite getting 62 percent of the vote, Buttu argued that several mediating factors remain which Abbas cannot ignore as he goes forward. First, elections were limited to Palestinians physically residing within the Occupied Territories. Thus, Buttu said, Palestinians voted for a new president of the PA (which has jurisdiction only over the Occupied Territories and the Palestinians living therein), not a new leader per se. “The fact that many Palestinians were not eligible to vote—Palestinian citizens of Israel, Palestinian refugees who do not come under direct Israeli rule—[means that] we are looking at a president who is responsible for a very small percentage of territory,” Buttu said. She noted that even this power is subject to the direct Israeli rule over the territory he was elected to govern.

Another factor which may mediate Abbas’ policies is the 20 percent of support that independent candidate Mustafa Barghouthi received. Such is significant given that unlike Abbas, Barghouthi did not have the weight of a political party behind him. Buttu believes that Abbas will thus have to take into consideration the positions of other candidates on domestic issues.

Thirdly, only 50 percent of Palestinians actually went to the polls. Buttu noted that “this could be interpreted as many Palestinians no longer believing in the PA, or 50 percent who have renewed vigor in favor of the PA.” Either way, Palestinians will be looking to president-elect Abbas to pressure Israel to change the quality of their daily life.

According to Buttu, 81 percent of Palestinians support reconciliation. To maintain the optimism, Israel can do a lot in terms of facilitating Palestinian life, such as removing checkpoints, ending settlement and Wall construction, and allowing economic growth. Palestinians must see that the occupation is going to end. “This is a fantastic opportunity for Israel that I hope it will not miss,” Buttu said. Yet she noted that Palestinians are also realistic. “Palestinians are aware that there is very little that a President living under occupation can actually do,” Buttu said.
"If this opportunity is not seized by Israel, will see very different poll results in a very short time," Buttu said. “The level of optimism is high but that does not mean it cannot drop just as quickly.”

Buttu also argued that if the United States wants to play a significant role in the peace negotiations, it must learn from past mistakes. She pointed out that in the past, not only did the US not foster the negotiations, it allowed Israel to continue its colonization. She added that while members of the US administration shook Abbas’ hand and presented him as a “moderate,” they undermined him by not pressuring Israel to carry out its obligations under the Road Map.

"It is no longer a question of pressuring the Palestinians,” Buttu said. The United States must have “a cold, hard reality check” and realize that it is the occupation more than any thing else that prevents peace in the Middle East.

The above remarks were delivered on 10 January 2005 by Diana Buttu, Special Advisor to the PLO Negotiations Affairs Department. The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational arm, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center.
American Christians must challenge the Christian Zionist worldview that has overtaken the United States (US) foreign policy toward the Middle East, argued David Wildman, a member of the United Methodist Church’s New York-based Human Rights and Racial Justice Committee. The divestment movement has important political symbolism in the face of the current US administration and the mainstream American body politic. Wildman noted that the divestment movement, which aims to end Israeli policies of apartheid and the Israeli occupation of Palestinian lands, is growing within the United Church of Christ, Episcopalian, Presbyterian, Reform and other Protestant American churches.

In his briefing at the Washington, DC-based Palestine Center on 21 December 2004, Wildman explained that a Zionist interpretation of the Bible is morally problematic when one actually considers that the reality of a child being shot at a checkpoint or a suicide bombing targeting children—common images of the Israeli-Palestinian conflict—is part of a just or compassionate God’s plan.

Wildman noted that Christian support for a Jewish state in historic Palestine dates back to the 1830s and the popularity of the Protestant minister Charles Darby’s writings in the US and England. This viewpoint focuses on Biblical passages like Genesis Chapter 12, where God says, “I will bless those who bless Israel, and I will curse those who curse you,” which Wildman argued is interpreted to mean “Whatever Israel does, we will be blessed if we support them, and that is why US has been blessed for so long.” Genesis Chapter 15 and the ancient Covenant between God and Abraham, as well as the writings in Revelation Chapter 19, also contribute to Christian Zionists’ belief that Jews’ return to historic Palestine is a fulfillment of a divine plan.

Evidence of the relevance of this viewpoint, called Christian Zionism by both its adherents and critics, and its determinative role in US foreign policy toward the Middle East can be found in the convergence of six main forces according to American evangelical scholar Donald Wagner. They include the alliance between the Republican Party’s right wing and certain neo-conservatives in office; the project of a New American Century; the role of trans-national corporations in the construction and energy fields; the oil and petroleum industry; the role of pro-Israel lobbies and think tanks; and the broad-based popular movement of Christian Zionists. Wildman added a seventh force: the military industrial complex.

Wildman pointed out that the uncritical political viewpoints, which emerge from this mechanistic theology of dispensations and end-dates, hold the 1967 Six-day War (and the subsequent annexation of Jerusalem and the Sinai Peninsula by Israel) to be a direct fulfillment of Genesis Chapter 7. Wildman argued that former Israeli right-wing Prime Minister Menachem Begin’s 1977 rise to power against the formative and long-standing Labor movement in Israel further solidified the ties between Christian Zionists and the Jewish Israeli settler movement.

According to Wildman, Christian Zionists, many of whom care deeply about justice, are simply trying to figure out what is happening in the world and are confused and manipulated by their religious leadership. “I always make a distinction between the people that are sympathetic and following these [Zionist ideas], and the leadership that is really distorting the message in the Bible for destructive purposes,” Wildman said.

Wildman believes that the best place to challenge this interpretation of God’s plan is the internal tension among evangelicals themselves. He focused on those pulled toward the Zionist narrative but who find it problematic in a way outsiders might not.

Wildman challenged American Christians to reject particular aspects of the Christian Zionist worldview, such as its theology of colonization. He said that such justifies the exploitation of one people's land by another, as if it were part of God’s plan. Wildman said this is the same kind of theology that guided the settler movements of Puritans coming to America and Dutch Afrikaners going to South Africa in previous centuries, as it did Jews who immigrated to Israel in the late nineteenth and early twentieth centuries. Each was “a people without a land,” escaping religious and political persecution by an imperial force and going to a supposed “land with no people.”

“It is no accident that the divestment movement is making connections with apartheid South Africa, because much of Zionism makes the connection in terms of taking the land of others,” Wildman said.

Theological dualism, which is behind Christian Zionism, “divides the world rigidly into us and them, the saved and the damned, the believers and the nonbelievers. You’re either with us or you’re with the terrorists; that’s the latest division,” said Wildman. Furthermore, there is a racial
component inherent in this theology that not only divides people, but separate out and privileges some over others. “It’s a theology that is deeply exclusivist and racist,” he argued.

Quoting the national security strategy issued by the US in September 2002, Wildman said that the US political campaign against terrorism implicates its “constitutional separation of church and state.” By seeing the current struggle not as a clash of civilizations but an internal clash within Muslim societies over the future of Islam, evangelical Christian groups have been given unprecedented opportunity to use the military and geo-political weight of America on behalf of their own goal of conversion, accused Wildman.

Divestment strategies thus take political decisions out of the halls of Congress and return them to the American people through local communities, churches, universities and grassroots organizations, Wildman said. The American divestment movement against apartheid in South Africa took fifteen years before tangible change occurred. However, Wildman argued that the controversy that the Presbyterian recommendation caused among leaders of the Jewish and Christian-Zionist communities is evidence that this movement is well on the way toward effecting change.

“The theological component of the divestment movement hinges on the churches declaring a certain form of theology as heresy—that you cannot misuse the Bible in ways that harm so many of God’s children without it being named heresy,” Wildman asserted.

_The above remarks were delivered on 21 December 2004 by David Wildman, Executive Secretary of the Human Rights and Racial Justice Committee of the United Methodist Church’s General Board of Global Ministries. The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational arm, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php._
American Arab Activism and Palestinian Politics

Summary of a Palestine Center Briefing by Amjad Atallah

Despite differences on key issues, American Arabs must get involved with Palestinian-Israeli politics and Palestinian domestic affairs to protect Palestinian interests. Palestinian-Israeli politics, argued Amjad Atallah, president of the DC-based Strategic Assessments Initiative and former legal adviser to the Palestinian negotiating team, are experiencing a paradigm shift. Israel is moving away from a two-state solution and toward a “ghettoized” mini-state—a goal that Atallah believes Israel could achieve within two years.

The alternative articulated by the Palestinian Authority (PA), explained Atallah during a 25 January 2005 briefing at the DC-based Palestine Center, is to demand that negotiations on final status issues accompany Israel’s disengagement from the Gaza Strip and part of the West Bank.

Atallah argued that Palestinians in America have been divided between a “half-hearted” support for a two-state solution and the desire to advocate some type of one-state or bi-national solution. According to Atallah, support for a bi-national, non-ethnically based state is higher among Palestinians in the United States (US) and the Diaspora than among Palestinians in Palestine, 54 percent of whom prefer a two-state (ethnically-based) solution, with “each side rebelling in its own uniqueness.” Atallah believes that Palestinians in the occupied territory who prefer a bi-national state nevertheless generally support a two-state solution as “more quickly achievable.”

The success of Israel’s plan will depend on Americans’ acceptance of the plan. Atallah noted that the Palestinians will likely respond to Israel’s unilateral action by relying on a 1974 PLO decision that justified establishing sovereignty on any “liberated” part of Palestine as long as territorial integrity between the West Bank and Gaza Strip was maintained. However, Atallah projected that Israel will undermine the PA.

In light of this, Atallah believes that American Arabs can most help Palestinians by challenging the discrepancies between Israeli claims and Israeli policies. For example, Palestinian analysts foresee that Israel’s settlement expansion and continued construction of the separation Wall will leave Palestinians with only 53 percent of the Occupied Territory, not 70-80 percent as Israeli sources claim.

Arguing that the Palestinian national movement is in a state of “disarray,” Atallah urged American Arabs to get involved in Palestinian domestic affairs. Newly elected PA President Mahmoud Abbas’ role as a “Gorbachev like” figure, transitioning from the old to the new, provides American Arabs new opportunities to get involved. The recent Palestinian presidential elections were “a tool to re-organize the Palestinian internal political arena,” said Atallah, as are the Palestinian Legislative Council elections that will be held in July 2005. He argued that American Arabs also have a role to play in reforming or reshaping the PLO, which has become defunct because of its absorption into the PA. Atallah argued for renewed support for its institutions because of their role in representing the interests of all Palestinians, including those in the Diaspora who the PA does not represent. If reform of the PLO institutions is not feasible, “complementary” institutions might be established to compensate for the organization’s structural weaknesses.

American Arabs can also influence domestic politics through grassroots organizations—which Atallah distinguished from non-governmental organizations whose real constituencies are their donors, not Palestinians—who have a direct voice in internal and national political affairs. Atallah suggested that American Arabs endorse Palestinian political candidates and officials who challenge corruption and call for investigations and—if found guilty—the resignation of those who have benefited from corruption. “In the past we said it was none of our business, but corruption there hurts us in Lebanon, and lack of democracy there hurts us in America,” Atallah said.

American Arabs can play a key role in influencing US policy toward Palestine by approaching the Palestinian cause as in the national interest of the US. Atallah said that American Arabs should focus on coalition building with religious and peace groups, mainstream Democrats and Republicans and the more “hawkish” national interest groups. By explaining to such groups that freedom and democracy in Palestine serves US interests while a “ghetto-state” hurts US interests in the Middle East, mainstream Americans themselves will come to question the Bush administration’s policies, said Atallah.

In particular, Atallah believes that American Arabs should advocate a strong position against the use of violence as a means for resolving the conflict. He argued that expressing outrage over Israel’s murder of non-combatant Palestinian civilians but remaining quiet when Palestinians respond in kind is not the right approach. “On the one hand we demand that Israel comply with international law on the Wall and settlements, but on the other we are quiet when Palestinian tactics violate even the right to resist a foreign occupation,” Atallah said.
American Arabs should support and promote specific Palestinian policies within the Palestinian community itself, Atallah added, whose pragmatism and immediate concerns often overshadow creative public policy debate. While the PA provides no alternative to Israel’s mini-state model, American Arabs can try to steer the discussion to what kind of state Palestinians want. By being more active in Palestinian politics, Atallah urged American Arabs to push the “tactical debate” in Palestinian society over the benefits of violent versus non-violent resistance to a deeper legal and moral level.

“We have to be loud on this, not to the US government and not for Americans, but to Palestinian groups and for Palestinians,” Atallah said.

The above text is based on remarks delivered on 24 January 2005 by Amjad Atallah. The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational arm The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Challenges Facing the Palestinian National Movement
and the New Abbas Presidency

Summary of a Briefing by Khalil Shikaki and Fawaz Gerges

With the election of a new Palestinian president, the Palestinian public has become more optimistic about its future and that of the peace process, Palestinian democracy and the process of building of strong Palestinian institutions. However, the emerging Palestinian political environment faces a difficult tension as it grapples with corruption and the role of violence, explained Dr. Khalil Shikaki, director of the Palestinian Center for Policy and Survey Research in Ramallah during a 28 January 2005 briefing. Sarah Lawrence College’s Professor of Middle East and International Affairs Fawaz Gerges joined Shikaki for the briefing, which was held at the DC-based Palestine Center.

Shikaki contends that Mahmoud Abbas won the election in large part because of rising support for the mainstream Fateh movement after the late President Yasser Arafat’s death. According to Shikaki, the resulting Palestinian political environment has focused on three “hierarchical” priorities: first, the need to improve their economic conditions; second, the need to return to negotiations and reach a peace agreement with Israel; and third, the need to enforce law and order. Shikaki said that two-thirds or more of the public believed that Abbas was the presidential candidate most able to deliver on this national agenda. Although these priorities gave Abbas an advantage over the other candidates, Shikaki contends President Abbas must now address two other priorities in the public mind that affect his presidency and constrain the future of the nationalist movement.

First, there is the widely held perception within the Palestinian public that under the leadership of Abbas and the “old guard” of Fateh, corruption will worsen. This expectation is a problem if the public looks to someone other than Abbas and the national movement, Shikaki said, because they will likely look to the Islamists who are perceived as people with integrity, clean records, and better equipped to govern at the local level. Shikaki said Hamas, who did well in the first and second rounds of local elections, will probably do even better in municipal elections to be held in April and July of 2005, if this perception about corruption continues unchanged.

Shikaki contended that the Islamists’ boycott of national elections allowed Abbas to avoid the issue of corruption, but that their rising power base at the local level makes it impossible for him to ignore corruption for much longer. Shikaki argued the Islamists boycotted the elections because they knew the emerging agenda is national, not local, and because Hamas calculated that people would make a decision on the issue of corruption—their strongest advantage—at a local level. The Islamists are in a position to control the majority of the local councils in Gaza and the West Bank, as demonstrated by their projected and successful win of seven-to-nine of the ten positions open in the local elections held 27 January 2005. Shikaki said that because the Presidential elections were not about local matters, Hamas knew it had no chance of winning significant support in that forum and that it will look instead to local and parliamentary elections.

A second evolving reality in the post-Arafat era is public perception on the role of violence. Most Palestinians strongly believe that violence pays, said Shikaki, and that only violence will bring about an end to the Israeli occupation. Three-quarters believe that Israel would not have proposed to pull out of Gaza and there would be no disengagement plan without violence. Although Arafat’s death augmented support for the peace process and for political compromise, it did nothing to change this perception of the role of violence and the importance of armed struggle. “To the contrary, there is greater support for the notion that Israeli disengagement is victory for armed struggle,” said Shikaki, who he said has been a stable belief among Palestinians since the start of the second intifada in 2000.

Had jailed, one-time presidential candidate Marwan Barghouthi stayed in the race, Shikaki argued that Abbas would have had to confront the public support for armed struggle because Barghouthi—in the nationalist context—represents the view that armed struggle can continue while negotiating with Israel toward an end of the occupation. Unlike Hamas, Barghouthi would have posed a serious threat to Abbas on the issue of who best represents Palestinian national aspirations. However, Fateh pressured Barghouthi to withdraw his candidacy because they knew that the role of violence and armed struggle remained in tension with the public’s priorities, which are to improve the economy, the peace process, and law and order.

Shikaki argued that the Palestinian public was divided on the issue of armed struggle. Had Barghouthi remained a candidate, Abbas would have likely won only 40 percent of the vote instead of 60 percent, he said. Shikaki said public belief in the role of violence is strong, but not so effective as to lead people to vote on that basis. “In other words, as long as Marwan was not running he was winning in the polls—the
minute he had decided to run, people’s practical considerations would have emerged as more important than the role of violence,” said Shi-kaki. He added that the public demand for violence will be great until Palestinians see progress in the peace process.

Shikaki said that Abbas must begin the difficult task of simultaneously confronting corruption and violence. “There is no way he can do that because to fight corruption, he must deal with those persons and groups who can deliver security,” acknowledged Shikaki. However, if Abbas confronts those who are able to deliver security because of his simultaneous need to deal with corruption, “there will be a big question mark about his ability to maintain the cease fire,” said Shikaki. He reiterated that if Abbas does not deal with corruption, Hamas will win at least 70-90 percent of the local councils and that will have a determinative effect on the outcome of parliamentary elections as well as any legislative action on the issue of corruption. If Abbas decides to go after corruption, Shikaki said that he will need to confront the Fateh Central Committee, the body that nominated Abbas for the presidency, “which is going to fight him tooth and nail.” He noted that Abbas has indicated that he has no intention of confronting the senior officials in the security establishment on the issue of corruption and is instead relying completely on them to deliver security.

Gerges argued that despite Abbas’ win, four structural factors make resolution of the Palestinian-Israeli conflict unlikely in the near future: a fragmented and “foggy” internal Palestinian politic, the weak symbolic role of other regional and Arab governments, the continuing dominance of the right-wing Likud Party and Prime Minister Ariel Sharon in Israeli politics, and US collusion with Israel on the issue of settlements.

Gerges explained that in addition to the internal Palestinian tensions described by Shikaki, “the Palestinians should not depend on a US administration whose power base is intrinsically hostile to basic Palestinian aspirations and fully committed to Likud hardliners.” He argued that US President George W. Bush’s rhetoric on behalf of two viable states living side-by-side contradicts his de facto support of Sharon’s illegal settlement expansion.

Gerges contended that the election of Abbas does not demonstrate a dominant trend within Palestinian civil society or the likelihood of a breakthrough in peace negotiations. He noted that only 46 percent of eligible voters actually voted in the recent Palestinian presidential elections, of which Abbas won 60 percent. This is in contrast, Gerges noted, to the 78 percent turn-out that Arafat elicited in 1996 when he was elected head of the Palestinian Authority (PA).

Gerges argued that Abbas must expand his social power base and create alliances with other groups who can foster genuine dialogue and action on structural reform within the PA. Gerges argued that the most existential challenge facing Abbas is the need to “put the Palestinian house in order,” which he must do if he is to rebuild its shattered institutions. Moreover, Abbas must reform his own party by not only bringing in new faces, but by integrating the rising new social forces within Fateh itself into the decision-making process at large.

A broad coalition that is inclusive and cohesive is the key to any effective negotiating strategy with Israel and for beginning any reform within the Palestinian institutions, said Gerges. He argued that Abbas’ election is a call for unifying Palestinian national and societal resources and creating a long-term strategy on behalf of independence.

The above text is based on remarks delivered on 28 January 2005 by Khalil Shikaki and Fawaz Gerges. The speakers’ views do not necessarily reflect those of The Jerusalem Fund or its educational arm The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Iraq: A Test Case for the Future of the United Nations

Summary of a Palestine Center Briefing by Denis J. Halliday

By cooperating with the Unites States’ (US) occupation in Iraq, the United Nations (UN) is violating the principles set for the organization by international law, argued Denis Halliday, former UN Assistant Secretary-General and UN Humanitarian Coordinator in Iraq. The United Nations is required by its own standards to “encourage respect for human rights and for fundamental freedoms for all without distinction to race, sex, language or religion.” Instead, Halliday argued during a February 2005 briefing at the DC-based Palestine Center that it has remained silent as the US government violated the basic human rights of the Iraqi people through its invasion and subsequent occupation of the country.

According to Halliday, since coming under US occupation, Iraq’s unemployment rate has increased, as has child mortality rate. Iraq’s standard of living and the country’s education system, both severely depreciated under UN sanctions, have not improved.

Under Article 1 of the UN Charter, the purpose of the organization is to “maintain international peace and security and to bring that about by peaceful means and in conformity with the principles of justice and international law.” This article further states that “all member-states should refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or any manner inconsistent with the purpose of the United Nations.”

The United Nations, argued Halliday, failed to uphold this standard by not preventing military aggression and State terrorism against Iraq and by not protecting the human rights of the Iraqi people. “The UN Security Council is entirely responsible for the catastrophe in Iraq,” Halliday said. He argued that the UN not only failed to stop the 2003 US-led invasion and occupation of Iraq, but in 1991 it put in place “the most comprehensive sanctions regime known to the United Nations.” According to Halliday, thirteen years of UN sanctions on Iraq led to the death of at least a million Iraqis. Halliday explained that the UN is designed to respond to member states with development assistance. He added, “the use of force to uphold sanctions to empower diplomacy is not a legitimate function of the UN.”

Those most affected by the sanctions were Iraqi children. UN officials on the ground in Iraq were unable to adequately address the humanitarian needs of Iraqis and were forbidden, Halliday said, from addressing the fact that contaminated water was killing the children of Iraq. He pointed out that while the UN gave Kuwait $20 billion in reparations—that is, 30 percent of the $64 billion in revenues from the UN’s Oil for Food program—it was “unable to deal with the issue of electric power production and water treatment.” That was one of many organizational scandals, he said.

Another scandal Halliday noted was the disregard of international law by UN member-states themselves. He accused some member-states in the Security Council of “perpetuating terrorism.” He was particularly critical of the United States. Halliday argued that the effects of the US-led occupation include increased violence on the streets of Iraq, an absence of due legal process, and an increase in child mortality. In addition, homes, towns, cities, and families and have been destroyed from the heavy weaponry of war.

Given the history of the relationship between Iraq and the UN—an organization that has been discredited not only in Iraq but slowly in other parts of the world—Halliday questioned whether the UN would be able to deliver the necessary assistance should the UN request help. He believes that despite the UN’s shortcomings in Iraq, it must be on standby should Iraq ask for assistance in protecting public enterprises from the US push toward privatization and in establishing banking laws, justice, and human rights legislation. Iraq may also need UN assistance in collecting reparations from the US and Britain for billions in damages to the country, Halliday said.

Halliday argued that the UN should accept the results of the January 2004 elections and help Iraqis prepare for the December 2005 elections. However, by accepting the results of the 2004 elections, he warned that the UN must work with the coalition that won the majority of seats in parliament—the Shiite Muslims. This coalition, explained Halliday, has specific goals: first, to force the withdraw of American occupation troops; second, to rebuild the social security welfare system; third, to remove Iraq’s debt burden; and fourth, to cancel the reparations already paid to Kuwait.

Halliday believes that the essential role for the UN in Iraq today is to “support and demand the termination of the illegal occupation of the country.” Furthermore, the UN must function as a “protection” force for the Iraqi people until the occupation is terminated and assist with the post-conflict situation, he said.
Halliday contended that the UN must address its own systemic failures and reform itself if it is to address adequately the problems that have plagued its thirteen-year relationship with Iraq and to respond to all the potential issues post-war Iraq may present. Without commitments by the US as well as the other UN member-states to the validity of UN Charter, *Universal Declaration of Human Rights*, Geneva Conventions and other standards of international law, Halliday said the United Nations is doomed.

"Without respect for international law, the UN cannot function—it would have no future and cannot meet the challenge that the Iraq catastrophe has created," Halliday said.

The above text is based on remarks delivered on 18 February 2004 by Denis Halliday. The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational arm, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Empowering Women in Conflict and Post-Conflict Regions

Summary of a Palestine Center Briefing by Zainab Salbi

War presents women with an opportunity to redefine their roles in society. During war, women are seen in two primary ways: as victims and as heroines. What people do not see, explained Zainab Salbi, Co-founder and President of Women for Women International (WfW), is that “women in conflict and post-conflict times are negotiating their gender roles and ability to function outside the home.” During the post-conflict period, however, they are most often expected to return to the home rather than encouraged to remain in the public sphere to “negotiate their rights.”

What women do after conflict and what happens to their lives, argued Salbi during an 8 March 2005 International Woman’s Day briefing at the DC-based Palestine Center, is an important indicator of the direction in which their society is moving and should not be ignored. For example, she noted that the first kidnapping case after the March 2003 invasion of Iraq by the United States (US) was that of an Iraqi woman. It was overlooked as a “natural consequence of the chaos of war” and as a cultural problem. In reality, it was an indicator of how Iraq was changing, according to Salbi. A few months later, all Iraqis and foreigners in the region became vulnerable to kidnappings. “It is important that we pay attention to the indicators,” Salbi said. “Violence starts with violence against women.”

Another indicator of what is happening in a society is the kind of message sent to women, and how those messages influence the broader status of women in society. Again using Iraq as an example, Salbi noted that there have been “clear assassination attempts” against Iraqi women sharing a similar profile: employed, educated and outspoken women, the majority of whom dress in western clothes. Salbi said that WfW has documented twelve such Iraqi women and two foreign women—American women’s rights activist Fern Holland and Irish and Iraqi national Margaret Hasan—who have been assassinated. “The message here is go home,” Salbi said.

Salbi warned that the issue goes beyond a few women going back to the home. Salbi believes that if one woman goes home, she takes all of society “back into the home with her.” When one woman enters society and fosters progress, all of society benefits. For example in Kosovo, one of the eight war-torn countries where WfW is active, the international community indirectly supported the local community in sending the message to women that they needed to return home by facilitating their return to the private domestic sphere through home-based economic ventures.

Messages coming from women are just as important as those sent to women. “We need to pay attention to what women are saying because many times their indicators are different,” Salbi said. “What they are saying could be an indicator of issues we are not paying attention to.”

Quoting a recent WfW survey of 1,000 Iraqi women, Salbi said women offer a more subtle understanding of the effects the obvious issues—like conflicts involving natural resources, land, and/or public works—have on society as a whole because they deal with the day-to-day struggle of sustaining the household.

The survey found that 95 percent of respondents complained about the lack of electricity. However, they explained that what troubled them most were the consequences the lack of electricity presented: restrictions on their public and domestic movement. A woman’s day-to-day routine was impacted, for example—when they could shop, cook, clean, work, tend to their children’s school work, and so on. Their access to educational and economic opportunities and the broader lack of security were other issues they noted. However, the survey found that 90 percent of the women surveyed were optimistic about the future. “We must capture that optimism, that window to the hearts and minds of women [in order] to move forward,” Salbi said.

Salbi stressed the importance of winning women over to the side of the debate which champions freedom of choice and economic and educational opportunities for women. She noted that some of the strongest opposition to changing the public roles and gender norms come not from the husbands of female entrepreneurs, but from women themselves. “It is the elite women who resist—we need to change that dynamic,” Salbi said.

Salbi also explained the importance of providing women with “tangible services” so that their needs are less susceptible to manipulation by groups who provide services but have ulterior motives.

In the Iraq survey, 12 percent of those surveyed said that religious groups provide them with their basic daily needs—clothes, shelter, food and financial support. Furthermore, twice as many said that religious groups were providing them with basic support, in contrast to those who said...
that they received such support from the government, and blamed the government for the challenges they face. “This is a warning sign we need to pay attention to,” Salbi said, noting that although such groups provide women with tangible resources, they demand something in return which is not necessarily in women’s best interest.

In Afghanistan, the Taliban began asserting its control over the country by stopping violence against women, before it then imposed violence against women. During their reign, the Taliban would provide a mother with food in exchange for one child to be trained by them. According to Salbi, without any other alternative, the only choice these women had was to feed their children. “She is making a cost-benefit analysis,” Salbi said.

Some countries have changed their attitude toward women and used women to advance society after periods of open violence and warfare. Salbi used Rwanda as an example of how women are tangible indicators of where society is going and as a model for how societies can improve after conflict. A WfW study, entitled “Ten Years after the Genocide,” found that three things lead to the success of post-conflict reconciliation in Rwanda: first, a genuine commitment to women by the political leadership; second, a broad, societal acknowledgement that women are an important sector in solving problems; and third, active organizing by women themselves.

According to Salbi, it was the women in Rwanda who almost “exclusively” solved the orphanage problem in the country. After the war, Rwanda was left with a half-million orphans for whom the government had no resources to help. Women were called on to solve the problem and they did, she said.

However, what women need the most is leadership commitment, said Salbi. “Leaders around the world learn to talk the talk, but what we need is implementation in order to get tangible results,” Salbi argued, using Rwanda as a good model for leadership commitment. Its constitution now stipulates women’s rights in about 33 out of the constitution’s 180 articles. Furthermore, the government took the articles to the grassroots and made sure that every woman knew her constitutional rights. “We need to go beyond the mentioning that women are important and start spelling out how their rights are being protected,” Salbi said.

Salbi urged those involved in the drafting of Iraq’s constitution and its social reconstruction to draw on the case of post-war Rwanda. Salbi also urged leaders to take the “extra step” and get women to the negotiating table. She warned that when women are not present at the negotiating table they “end up being negotiated.” She explained that both religious and secular leaders are guilty of this and both need to be watched. In light of their results, it is not surprising that today, 49 percent of the lawmakers in Rwanda’s parliament and six of the eleven Supreme Court judges are women—a ratio that puts other countries to shame.

Salbi urged the international community to keep in mind micro solutions and what is going on at a grassroots level as they tackle macro policies. “We need to start translating the policies into tangible solutions for women,” Salbi said.

In helping women move from victim to survivor to active citizens, Women for Women International refuses to accept women as victims. “They are beyond that—they move on and we need to acknowledge their importance and give them the opportunity to show the energy they have,” said Salbi.

*The above text is based on remarks delivered on 8 March 2005 by Zainab Salbi, Co-founder, President and CEO of Women for Women International. The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational arm, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.*
The 14 February 2004 assassination of Lebanon's former Prime Minister Rafiq al-Hariri pushed the Lebanese people to the streets and caused a healthy but still vulnerable upheaval, argued Amb. Clovis Maksoud, professor of international relations and Director of the Center for the Global South at American University. Maksoud, a former Arab League ambassador, said the long-standing chaos in Lebanon should now—in the aftermath of what is called the White Intifada—be characterized as complex rather than chaotic. Having returned from Lebanon just days before speaking at The Palestine Center on 17 March 2005, Maksoud argued that managing the complexity of the Lebanese body politic constitutes a major undertaking for the Lebanese amidst regional and international interests, and places Lebanon at the intersection of a region whose problems remain “suspended and unresolved.”

Al-Hariri, who was identified as one of the principle architects of the 1989 Taif Accord that ended the Lebanese civil war, was credited in the consciousness of the Lebanese with the rebuilding of civil society after the destruction of war and commended for creating scholarships for thousands of students. Maksoud noted that al-Hariri’s death assumed a tragic quality because of its circumstances. He said the desire of people on all sides of the Lebanese political spectrum is for the truth about al-Hariri’s assassination. “Who did it, why did they do it, and what were the instruments of doing it?”

This search for answers has brought to the forefront popular resentment over the presence of Syria’s army and intelligence forces in the Lebanese body politic. “Such is seen as intrusive in the extent to which it corrodes the dignity of the Lebanese political establishment and lacks popular legitimacy,” said Maksoud. This resentment was triggered by the way Syria pressured Lebanese politicians in September 2004 to extend the term of President Emile Lahoud another three years, despite the internecine conflict that had characterized the first six years of his government and the competition for power that existed between him and then-Prime Minister al-Hariri, who resigned in protest to the constitutional amendment. Maksoud said that the assassination also struck a deep nerve because of the still inadequate information surrounding a similar albeit unsuccessful attempt in October 2004 on the life of Marwan Hamadi, one of the Syrian deputies of the Socialist Party of Lebanon, who had also resigned in protest to the extension of Lahoud’s presidency.

Maksoud attributed part of the resentment of the Lebanese toward the Syrian presence to the fact that Syrian intelligence officers—especially in their headquarters—have tended to inflict a level of humiliation on the political elite of Lebanon, even as its cooperation undermines its own political commitments. Maksoud called pro-Syrian “satellite politicians” divisive and challenged their presence in Lebanese affairs. “If you are perceived automatically to be a satellite or an ally of the Syrian presence in Lebanon, you are inevitably making a Lebanese politician on the other side anti-Syrian.” Maksoud said that Syria and Lebanon do not need “satellite politicians,” nor do they need to be enemies. “It is that breakdown that set in motion the vulnerability which rendered any incident—especially of the dimension of the renewal of the Presidency and secondly the death and assassination of...al-Hariri—combustible.”

However upsetting the behavior of the Syrian troops in Lebanon is, Maksoud argued that it is not fully accurate to say they are foreign. Rather, they are considered by many as “brother troops.” Because they are not foreign—but rather Arab—resentment is much more acute when their behavior becomes intrusive. Maksoud pointed out that more than 25 percent of Lebanese are intermixed with Syrians through marriage and extended families. Moreover, the “complementarity” of their experiences could be a paradigm for other Arab-Arab relations. These nuances are overlooked by American and sometimes international demands that “all foreign troops must withdraw from Lebanon,” said Maksoud.

The mass demonstrations following al-Hariri’s assassination have rendered Lebanon again the focus of potential democracy. Maksoud noted that when Hezbollah and its associates in the Lebanese body politic undertook a counter-demonstration, it was accepted as a legitimate reflection of the residual respect many hold for the role of Hezbollah played in the liberation of southern Lebanon. The civility and elegant articulation of Lebanese frustrations demonstrated self-discipline and spontaneity, he said. However, their self-generated empowerment has been hijacked at times by a US administration intent on claiming that every democratic break-through in the Arab world is due to its prompting. Such diminishes the “sanctity” of what has taken place in Lebanon and the results that are bound to be translated into a more secular and democratic, pluralistic Lebanon, said Maksoud.

Maksoud noted two immediate challenges facing Lebanon. First, Hezbollah’s armed situation and the contested status of the farms of Shiba, a sliver of territory under the control of Walid Jumblat’s Progressive Socialist Party of Lebanon, threaten to erode the credibility of the need for resistance. “Hezbollah is saying—and perhaps they have some right to say it—that there cannot be any trust on the Lebanese front with Israeli intrusions,” said Maksoud. Hezbollah thus works within the context of the state of Lebanon despite Syria’s claim that the Shiba farms are Syrian
and therefore subject to negotiations. However, this land is unofficially considered Lebanese even by some Syrians. Its status as Lebanese territory should be made permanent by the Syrian government, the UN Security Council and the Arab League, Maksoud argued, if Israel is to withdraw from the farms under UN Resolution 425 (1978) as it did the rest of southern Lebanon in May 2000.

The second important issue is the 300,000-plus Palestinian refugees whose right of return is systematically denied. Lebanon is ready to accept their significance but not as citizens of Lebanon. Neither do the Palestinians want to replace their right to Palestinian citizenship with Lebanese citizenship, said Maksoud.

Because Israel has never admitted that it is an occupying authority and thus subject to withdraw and restore to Palestinians their sovereign prerogatives under the Fourth Geneva Convention, the so-called negotiations between the Palestinians and the Israelis have not enabled the Palestinian Authority to bestow citizenship on Palestinian refugees in Lebanon or elsewhere. “Occupation by definition is transitional,” he said. Israel’s position thus renders the complex Lebanese political situation potentially chaotic. Before being dictated to comply with the withdrawal of Syrian troops, Maksoud argued that it is equally important if not more so that the US extract from Israel the acknowledgement that it is an occupying power.

Lebanon is ready, Maksoud said, not to accept the redundancy of the present situation or yet to bring the governments and the so-called opposition into “national unity,” but rather for a healthy transition and a healing process. Maksoud noted that the recent attacks on the political establishment by the head of the internal security force in Lebanon threaten this process. He stated categorically that it is not the authority of the security forces to politicize their role or place themselves as a political corrective to the Lebanese scene.

The above text is based on remarks delivered on 17 March 2005 by Amb. Clovis Maksoud. The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational arm, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Changing Relationships: Iraq, Israel and the United States
Summary of a Palestine Center Briefing by John K. Cooley

During his 40-year career, author and journalist John Cooley said he has seen three main pillars to United States (US) policy toward the Middle East: first, containment of the Soviet Union and the Cold War; second, maintenance of US access to Middle East oil; and third, protection of Israel from its enemies. During a 24 March 2005 briefing at the DC-based Palestine Center, Cooley noted that Israel ranked last in priority for the US administration between 1953-61. He argued that despite Israeli reservations toward Iraq after Iraq's participation in the Six-day 1967 Arab-Israeli War, the US continued friendly relations with Iraq until the early 1990s because of its oil and economic interests.

Cooley noted that in 1956-57, US President Dwight Eisenhower forced Britain, France and Israel to withdraw from Egypt's Suez Canal, “continuing his arm’s length policy toward Israel.” When Israeli Prime Minister David Ben Gurion refused to abide by a United Nations resolution calling on Israel to withdraw from the Sinai and the Gaza Strip, Eisenhower summoned the leaders of the Israeli lobby and warned them if Israel did not evacuate, the group’s US privileges would be stripped by executive order. Four days later, Ben Gurion announced Israel’s withdrawal from the Territories.

When Iraqi leader Saddam Hussein nationalized Iraq’s oil industry in 1972 and lowered oil prices by producing approximately four million barrels per day, Iraq began earning enormous oil revenues. This led to an economic boom in the country and Iraq became a huge market for American, German, French, and British goods. “Business ruled all else,” said Cooley. After having severed ties with Iraq after 1967 war, the US government restored diplomatic relations with Iraq in 1984 because of American economic interests. According to Cooley, Hussein was importing everything from chemical warfare components to helicopters to toilet paper from the US and western European nations in light of its boom in business and oil revenues. Donald Rumsfeld, then chairman of a pharmaceutical company, visited Hussein twice in the 1980s as an unofficial but influential envoy for former US President Ronald Reagan.

While the US-Iraq “honeymoon” continued into the 1980s, Cooley said Israel was doing “everything it could” to bring down Hussein. From Israel’s point of view, Iraq was a strategic enemy. According to Cooley, Israel scored several covert successes against Iraq. In Europe, its secret agents assassinated several scientists working on the Iraqi nuclear program, and in September 1981, it attacked Iraq’s nuclear reactor as a way to sabotage Iraq’s nuclear program.

Despite Israel’s reservations, the United States and Europe remained friendly with Saddam during the 1980s until he “made the major mistake” of jeopardizing US economic interests by invading Kuwait in 1990. The invasion was perceived as a threat to western oil supplies. It was also seen as threatening Israel because of Hussein’s resolve to tie the “Palestine problem” with his aspirations to control the Gulf and its natural resources. The US and Britain organized a large coalition which included major Arab states and drove the Iraqi army out of Kuwait. However, former US President George H. W. Bush and British Prime Minister Margaret Thatcher, who had encouraged Iraq’s Shiite and Kurds to revolt against Hussein, failed to follow up with attempts at regime change in Iraq, said Cooley.

Cooley points to early 1969 as the start of the hostile relationship between Israel and Iraq. The then-young regime of Saddam Hussein publicly hanged several members of the prosperous Iraqi Jewish community. After that, the Zionist underground began helping Iraqi Jews immigrate to Palestine.

“The events have left lasting traces in the psyche of both Israelis and Iraqis,” Cooley said. He noted that there are 300,000 Iraqi-born Israelis, some of whom have reached the top echelons of the Israeli power hierarchy. These Iraqi Jews, explained Cooley, hope that US President George W. Bush’s 2003 invasion of Iraq will allow Jews around the world, especially those in Israel and the US, to raise legal claims to property lost a half-century ago. He noted that current Israeli interests in Iraq are further solidified by Israel’s desire to see the Mosul-Haifa oil pipe line, built by the British in 1936 and shut down in 1948, reopened to give it access to cheaper oil.

Although Iraq took part in all the Arab-Israeli wars, its role in 1948 and 1967 was different than that of the Arab states who share common borders with Israel. Cooley argued that “Iraq’s active participation in the 48 and ’67 wars was through the exodus of Iraqi Jews.” Iraq’s effort during 1948 had been the smallest among the Arabs, although it was able to hold the Palestinian city of Nablus. In 1967, Iraq’s participation was less consequential to the total Arab effort but was “very consequential in the negative sense” for the Iraqi people. Cooley said the one Iraqi armored brigade and the few bombers Iraq owned were “decimated by the Israeli air force.”

In 1973, Iraq again faced off with Israel. Iraq, which was kept out of the war plans of Egypt’s Anwar Sadat and Syria’s Hafez al-Assad, sent two armored divisions. Together with a Jordanian armored division, Israel was prevented from approaching Damascus. “Saddam shimmered in the
glory of helping save an Arab capital,” Cooley said. Further exacerbating relations with Israel, Cooley said Hussein participated in Operation Desert Storm by firing 39 Scud missiles at Israel.

Cooley noted that the Middle East remains a region in conflict because successive Washington administrations have failed to understand that settling the Palestinian issue is central to peace and as important to its strategic interests as access to Middle East oil. Instead, despite an “over-stretched” Pentagon, he noted that the US now seems “ready to pick a fight” with Iran and Syria.

The above text is based on remarks delivered on 24 March 2005 by journalist John K. Cooley, author of An Alliance Against Babylon: The US, Israel, and Iraq (Pluto Press, 2005). The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational arm, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center.
The Changing Palestinian Political Landscape

A Summary of a Palestine Center Briefing by Hanan Ashrawi

The Palestinian political arena is currently moving toward the “ politicization” of Islamic groups like Hamas and Islamic Jihad, whose impact on the July 2005 Palestinian legislative elections is yet to be measured, argued Hanan Ashrawi, an elected representative of Jerusalem to the Palestinian Legislative Council. However, if Israel continues to undermine the prospects for peace by dictating a solution to the Palestinians through settlement expansion, the strangulation of the Palestinian economy, and unilateral actions—rather than engaging them directly—there will be an “Islamization” of Palestinian politics instead, Ashrawi said.

Speaking at an 11 April 2005 briefing at the DC-based Palestine Center, Ashrawi urged the United States (US) to adopt a policy shift in its dealing with Israel. “US standing, influence, and credibility in the region has been undermined by Israel’s behavior on the ground,” Ashrawi said. “It is in the interest of the US to have a viable peace in the region.”

Ashrawi argued that only a viable peace can counter fundamentalism and violence. A solution to the Palestinian issue will bring stability to the region and rectify the damage done to Americans’ standing in the Middle East.

“Palestinians expect the American President to develop a political backbone [so as] to tell Israel it has gone too far,” Ashrawi said. Furthermore, the Palestinians look to a re-engaged US administration that will put an end to Israel’s unilateral actions and create an atmosphere for serious political negotiations.

Such an approach by the United States is what Palestinian President Mahmoud Abbas needs in order to deal with the tough domestic challenges that are facing him. Abbas was elected on a platform of non-violence and a negotiated settlement. However, his ability to deliver a political solution has been undermined by Israel’s unwillingness to work with him. “Abbas needs to be empowered by corresponding action from Israel and serious re-engagement by the US administration,” Ashrawi said.

Instead, the Israeli government is “busy transforming Abbas into a scapegoat” as it did with the late Palestinian President Yasser Arafat. She pointed out that Israeli Prime Minister Ariel Sharon will use his unilateral disengagement from the Gaza Strip to secure a US recommitment to his plan to expand settlements in the West Bank.

Ashrawi pointed to Israel’s decision to expand the settlement of Ma’ale Adumim and the implementation of the E-1 Plan, which will link the settlement to Jerusalem. If implemented, E-1 will bisect the West Bank and destroy completely any chance for a viable Palestinian state.

The United States wants Palestinians to “accept the demographic changes on the ground” and rather than addressing the threats facing the peace process it is focused on nation-building, said Ashrawi. The United States expects the Palestinians to deliver a prefect system of good governance before the US engages in negotiations. “That is difficult under military occupation and when you have no political options,” Ashrawi noted.

Despite the difficulties, reform is a main component of Abbas’ agenda. Reform, argued Ashrawi, will be determined according to Palestinian needs and priorities, not by Israeli and US pressure. She added that several cases have been referred to the attorney general and that the reform movement is keen on implementing reform in accordance with the rule of law.

Reform in the security apparatus has proven difficult for Abbas. Israel and the United States want an independent judiciary to deliver due process. Abbas, on the other hand, must deal with centralized power bases, security chiefs who have loyal followers, and the young generation with militias. Ashrawi stressed the importance of dealing with security reform in a way that “ensures the well-being of the Palestinian political system as a whole.”

A crucial body in need of reform is Fateh, Abbas’ political party. According to Ashrawi, Fateh lost much of its support because it adopted a failed peace process during the 1990s. Furthermore, as the party in power, Fateh is now blamed for all the ills that plague the Palestinian Authority. This has caused popular support to shift to Hamas and other Islamic groups.

“Fateh needs to rapidly put its house in order to influence the outcome of the July elections,” Ashrawi said. She noted that this may be difficult as Fateh is engulfed in an internal crisis because of a power struggle between the young and old guards of the Palestinian leadership,
referring to the reform-minded younger generation raised under Israeli occupation versus those who were part of the PLO in exile who "superimpose the mentality of the occupation on nation-building."

Ashrawi cautioned that if there are no positive developments toward peace and if Israel continues to act as an occupier, Fatah and the reformers will be further undermined.

"The political map is shifting. Unless there is a serious change and a contribution to nation-building that will empower moderates, we will move toward the Islamization of Palestinian politics," Ashrawi warned.

The above text is based on remarks delivered on 11 April 2005 by Dr. Hanan Ashrawi, a member of the Palestinian Legislative Council and Secretary-General of MIFTAH, the Jerusalem-based Palestinian Initiative for the Promotion of Global Dialogue & Democracy. The speaker's views do not necessarily reflect those of The Jerusalem Fund or its educational arm, The Palestine Center. This "For the Record" may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
If you believe in Palestinian self-determination or some form of a bi-national or two-state solution that would give equality to Palestinians, there is nothing to be said about Zionism—however, it then becomes something that cannot be talked about, warned Jacqueline Rose in a briefing at The Palestine Center on 8 April 2005. “If you consider Zionism to be the enemy, you have to understand it...and why it is so powerful and so successful,” Rose said.

Rose, author of new release The Question of Zion, argued that “Zionism is probably one of the most successful collective political movements of the twentieth century.” Dedicated to the late Palestinian writer and literary critic Edward Said, known for his landmark studies Orientalism and The Question of Palestine, Rose’s book finds two main reasons why Zionism is so intractable in the Israeli mindset.

First, she argues that the complexity of the messianic idea that Jews have a “historical, ancient, mandated right to the possession of the Holy Land” was put into practice through the vision of David Ben Gurion, Israel’s first Prime Minister and considered by many to be Israel’s founding father. “His concept of the ingathering of the exiles and the redemption of the rock of Israel was lifted out of messianic vocabulary,” explained Rose. She sourced this attitude and the language of apocalyptic messianism to Shabtai Tsvi, the 16th century Jewish mystic in Palestine who gathered followers because he claimed to be the Messiah and promised them salvation.

Rose told of her encounter two years ago with Jewish settlers in the Allon Shevut settlement south of Jerusalem, who told her that “people love terror and horror—they lap it up like there’s no tomorrow.” She said that despite the fact that Israel was founded by secular Jews and technically speaking messianism should not be part of contemporary Israeli’s vocabulary, “The language of the apocalypse has slipped into the common verbal coinage of the day.”

Secondly, in writing The Question of Zion, Rose found that Zionism is intractable because it “has incorporated into its identity the privilege of suffering.” She argued that this was Ben Gurion’s great crime: forging Israeli identity on the collective suffering of the Holocaust. Rose noted this sidelined the identity of Jews from Latin America, the Mediterranean, Africa, and Asia who “had nothing to do with the Holocaust, didn’t really know about it that much, and certainly were not interested in identifying with it.” She said this mentality enables current Israeli Prime Minister Ariel Sharon to say, as he did a few months ago at the commemoration of the liberation of Auschwitz, “We stand alone, nobody comes to our aid. . .Whatever we do, we have to do for ourselves alone.” Rose noted this is in contradiction to the enormous economic and military funding and public support Israel receives from the United States.

Drawing on her previous writings on psychoanalysis, Rose warned that this “kind of stubborn and ferocious internal conviction about the rightness of Israel and all her actions” is made vulnerable by the fact that “no obdurate identity can sustain itself indefinitely because there is no such thing as the perfection of identity.” She suggested that when suffering becomes the basis of an identity, “it has to turn cruel in order to live with itself...because you are endlessly fighting the suffering you have made so centrally part of your own identity.”

Rose is hopeful about the future of Israel and Palestine. “If [Zionism] is capable of creating an internal critique, the story is not over.” She called for the dissent Zionit voices of the 1930s and 40s to be brought to the forefront of discourse in Israel, referring to Jewish writers like Martin Buber, Ahad Ha’am, Hans Cohen and Hannah Arendt.

Rose noted that the early Zionist dissenters argued that the creation of Israel on the model of the European nation-state was unjust and contrary to “what the Jewish people should be doing,” given that it was a concept lifted out of a French and Germanic romantic nationalism and the very concept from which Ashkenazi Jews were fleeing under the Nazi regime. These dissident writers also predicted that Israel “would entrench itself behind a barrier of self-defensiveness.” Rose said that Arendt in particular predicted that the more [Israeli] insisted on its right to “total self-determination as an organic, biologic, self-sufficient entity, the more dependent it would be on its neighbors and the power of the United States.”

Rose said that there are Jews in Israel today who reflect “cracks in the system,” such as Naomi Chazan, David Grossman “up to a point,” the Refusniks, and even the former head of Shin Bet Yacov Perry. She quoted Perry to have said recently that “Israel is going down the drain economically, politically, and in every way, and if we continue to live like this we will destroy ourselves.”

Rose’s interest in the history of Zionism began with her first visit to Israel in 1980 and her chance encounter with Deema Habash, the daughter of the UN Relief and Works Association’s coordinator in Ramallah and niece of George Habash, the then-leader of the Popular Front for the
Liberation of Palestine (PFLP), which Rose referred to as a crucial revolutionary movement of resistance against occupation in the Palestinian Territories. Her encounter and travels with Habash’s niece introduced Rose to Palestinian life, where “the pristine, white, razor-sharp lines of the settlements being built overlooking the [Palestinian] refugee camps” were juxtaposed with “the sewage running in rivulets in the streets” and the young Palestinian school girls whose teeth were rotting from the poor public health in the refugee camps.

Rose called her first-hand observations of Palestinian and Bedouin life “a political education in five minutes.”

The above text is based on remarks delivered on 8 April 2005 by Jacqueline Rose, professor of English at Queen Mary University (London) and author of numerous books including The Question of Zion (Princeton University Press, 2005). The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational arm, The Palestine Center. This “For the Record” may be used with out permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
The Gaza Disengagement Plan: How to Make It Work

Summary of a Palestine Center Briefing by Maen Areikat, Zeinah Salahi and Khaled Elgindy

Although the Palestinian Authority (PA) considers Israel’s planned disengagement from the Gaza Strip a unilateral decision, Palestinian officials have identified several issues that are crucial to “minimize the damage” to Palestinians. A key Palestinian concern, argued Maen Areikat, the director-general of the Palestine Liberation Organization (PLO)’s Negotiations Affairs Department (NAD), is that “Gaza first cannot be Gaza last.”

Palestinians, explained Areikat during a 26 April 2005 briefing at the DC-based Palestine Center with PLO legal advisor Zeinah Salahi and policy advisor Khaled Elgindy, expect Israel’s disengagement from Gaza to be “the first step in a clear political process” that will lead to the end of Israel’s occupation of all Palestinian territory including East Jerusalem. Areikat added that the disengagement plan must include a halt to Israel’s settlement activity, confiscation of Palestinian land, and construction of the separation Wall in the West Bank, rather than an acceleration of such acts.

Areikat noted that Palestinians need to know what will happen after the Gaza withdrawal. “There must be a political horizon after Gaza; that is very crucial for us,” he said. “We need to know the timelines so that we can start working for the resumption of the political negotiations for final status talks.”

Areikat, Salahi and Elgindy were categorical in their distinction between Israel’s “disengagement” plan and its evacuation of settlers from Gaza and four settlements in the northern West Bank. Palestinian involvement with the evacuation process has been on two levels: technical and political. Salahi argued that the success of the Gaza evacuation hinges on Israel taking parallel steps in the West Bank. “Improving the crossing points in the Gaza Strip means improving them in the West Bank,” argued Salahi.

Salahi underscored the political and economic necessity for “territorial linkage” between Gaza and the West Bank and for Palestinians’ free access to the world “in order to avoid turning Gaza into a prison.” She argued this requires Palestinian control over Gaza’s airport and airspace, sea space and port, and borders.

Political preparations for the evacuation have been organized through a ministerial committee chaired by Palestinian Prime Minister Ahmed Qurai’, said Salahi. The committee includes representatives from all ministries whose mandate pertains to the evacuation from Gaza, such as the Ministries of Works and Housing, Justice, Civil Affairs, Finance, Planning, Economy, and the Interior.

Technical preparations are being coordinated by a committee chaired by Mohammed Dahlan, Minister of Civil Affairs, which is comprised of representatives from various PA ministries, the private sector, and non-governmental organizations. Coordinating the evacuation has many “tangible” aspects, such as ensuring that Palestinians’ water supply continues during and after the evacuation. Gaza’s water and energy supplies are currently under Israeli control.

El-Gindy reiterated that the flip side of the Gaza disengagement plan is the construction of settlements and the separation Wall in the West Bank. Israel has announced it will complete the Wall by the end of 2005 and will continue to expand the settlements remaining under its control. Figures displayed by Elgindy demonstrate that the Wall separates 12 percent of Palestinians from their land; that Jordan Valley settlements control 28 percent of the West Bank; and that only 54 percent of the West Bank will remain accessible for the Palestinians once the Wall is completed.

According to NAD maps, drawn from the Israeli Ministry of Defense, the PA Ministry of Planning and the United Nations, the primary intrusion of the Wall into the West Bank occurs near the Ariel settlement. Here the Wall will extend 22 kilometers (nearly 14 miles) into the West Bank in order to incorporate Ariel into the Wall and thus annex it as part of Israel.

Further to the south, near East Jerusalem, the section of the Wall around Ma’ale Adumim incorporates all the settlements of the Adumim settlement bloc for the same purpose: annexation into Israel. El-Gindy noted that because Ma’ale Adumim’s municipal boundaries extend from “the edge of East Jerusalem to the gates of Jericho,” the separation Wall in this area will effectively cut the West Bank in half. A major West Bank road, Route 60, which connects the northern and southern West Bank, has already been cut by Israel’s Wall and settlement activity. “This is the backbone of West Bank economic and social life,” Elgindy said.
In Bethlehem, the Wall has isolated 19,300 Palestinians living in rural areas and severed the city’s historic, religious, and economic ties with Jerusalem. The Wall also serves to isolate East Jerusalem from the West Bank.

“The goal of the Wall is to consolidate Israeli control and annex most of the West Bank settlements,” Elgindy said. He pointed out that the Jewish-only by-pass roads, which connect settlements to each other and integrate them into Israel, have the same effect as the Wall itself. They create a “seamless link” between the settlements and Israel, yet they “fragment Palestinian territory and separate Palestinian communities,” Elgindy said.

El-Gindy noted that while Israel has fragmented Palestinian communities through such activities, it has simultaneously launched the construction of a network of tunnels that will connect the remaining Jewish settlements in the West Bank to each other and to Israel. Israel has completed seven out of the planned 24 tunnels to date.

Palestinians argue that these actions in the West Bank, which will not cease under Israel’s disengagement plan, have led to major changes in Palestinian livelihood. In particular, they have caused a decline in Palestinian socio-economic conditions and have brought about a “gradual depopulation” of the Palestinian Territories.

Palestinian leaders, noted Areikat, caution that their ability to manage the crisis is not without limits. “For now, we are managing the crisis through incremental steps, however, we cannot sustain the management for a long period of time,” he said. “Therefore, the resumption of political negotiations is the only way to end violence, restore trust, and bring an end to this conflict.”

The above text is based on remarks delivered on 26 April 2005, by Maen Areikat, Zeinab Salahi and Khaled Elgindy. The speakers’ views do not necessarily reflect those of The Jerusalem Fund or its educational arm, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to the Center. For the PLO Negotiations Support Unit’s map of the Wall, which was used during this briefing, see http://www.thejerusalemfund.org/images/fortherecord.php?ID=233. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Bedouin Arabs in Israel:  
An Invisible Community

Summary of a Palestine Center Briefing by Salman el-Bedour and Devorah Brous

With a population estimated between 65,000-90,000 people, the Bedouin community enjoyed majority status in the Negev (now southern Israel) prior to 1948. After the establishment of Israel, the Arab Bedouins became a neglected minority in their homeland. Many Bedouins were forced out of the Negev region while others left voluntarily due to the influx of Jewish immigrants into the area. Today, however, the estimated Bedouin population in the Negev is 145,000 and, based on demographic projections, will soon pose a threat to Jews seeking land in the region.

In the late 1960s and early 1970s, the Israeli government wanted to “concentrate” Bedouins in townships. “Israel needed their land,” said Dr. Salman el-Bedour, associate professor in the Department of Human Development and Psycho-educational Studies at Howard University in Washington, DC. According to el-Bedour, Israel forced half of the Bedouin population into seven townships with minimal social services. The rest of the population remained in what became approximately 38 “unrecognized villages” that lack water, electricity, sewage treatment, or garbage collection services. While Bedouin townships do have some such systems in place, their services are inadequate.

Speaking at a 3 May 2005 briefing at the DC-based Palestine Center with Devorah Brous, founder and director of Bustan, a grassroots Jewish-Arab environmental justice group based in the Negev, el-Bedour described the Bedouin townships as ghettos. He explained that some Bedouins thought that moving into the Israeli-administered townships would improve their quality of life. “The opposite happened,” el-Bedour said.

Using his hometown of Laqiya as an example, el-Bedour, himself a Bedouin, noted that 22 percent of the town’s 5,000 residents are unemployed. The town has no traffic lights and no public transportation, unlike the neighboring Jewish townships. None of the seven nearby Bedouin townships have libraries. Furthermore, the township system has destroyed the “collectivity” of the Bedouin character. “The tribe structure has collapsed and has been replaced by individualism, competition, and frustration,” el-Bedour said. According to el-Bedour, around 60 percent of the total Bedouin population is unemployed. Without the tribal protection, unemployment has led to depression, drug use, and a turn to religious fundamentalism.

Although citizens of Israel, the Bedouin are not identified on any state maps or included in any census, added Brous, who holds masters degrees in Israeli and Peace/Conflict Studies. She noted that the Bedouins are concentrated in the Be’er Sheva, Arad, and Dimona areas. Brous argued that the townships were designed to constrain them to “as little land as possible.” To prevent Bedouin development and expansion, Israel has built a military industrial complex with an airport in the Negev. There are five industrial zones in the Negev and Israel plans to expand the military airport to accommodate a civilian section.

While the government-owned Israeli electric and water companies have built plants in Bedouin villages, their services are not intended for the indigenous community. “Bedouins with water plants on their land drink from rusty barrels,” Brous said.

Other industrial complexes have been constructed in Bedouin villages and have negatively affected Bedouin life. According to Brous, Bedouins and Jews living near the industrial plant of Ramat Hovav—which won state environmental awards four years straight—have reported increased rates of cancer and mortality.

Brous noted that little is known about the plight of Bedouin community in Israel. “You hear a lot about the coffee, carpets and camels,” Brous said. “You don’t hear about the land confiscation and the urbanization that is impacting the culture.”

The above text is based on remarks delivered on 3 May 2005 by Dr. Salman Elbedour, professor of psychology at Birzeit University (Palestine) and Howard University in Washington, DC, and Devorah Brous, director of Bustan L’Shalom, a partnership of Jewish and Arab eco-builders, architects, academics, and farmers promoting social and environmental justice in Israel/Palestine. The speakers’ views do not necessarily reflect those of The Jerusalem Fund or its educational program, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to the Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Palestine, Israel and the United States

On the eve of declaring statehood on 14 May 1948, Zionist forces expelled half of the population of what became Israel before the state was created and while the British Mandate government was supposedly protecting the people and land of historic Palestine. When the British evacuated and the Zionist leaders proclaimed statehood, they "got an instant gift" by way of "a land emptied of its people but not its infrastructure," said Dr. Salman Abu-Sitta, founder and president of the London-based Palestine Land Society, in a briefing to the DC-based Palestine Center on 27 May 2005.

As shown in Abu-Sitta’s 428-page full-color Atlas of Palestine 1948 (London: Palestine Land Society, 2005), close documentation of the events from March 1948 to April 1949 contradicts the common claim that Jews were defending themselves against an Arab invasion. “In fact the opposite was true,” said Abu-Sitta. “The Arabs came to rescue what was left in Palestine and failed to do so.” The brutal armed struggle that had been building since the 1930s in historic Palestine erupted in the spring of 1948 and led to the depopulation of 675 Arab Palestinian villages and the expulsion of 935,000 Palestinians according to data current to 1948, he said. Abu-Sitta noted that 70-plus massacres by Jewish nationalistic forces encouraged Arab flight in 1948, as the Atlas shows through 27 references from Israeli sources. He noted that in May 1948 there were at least 1,113 Arab Palestinian towns and villages and 183 Jewish settlements, located mostly in urban areas around the coast. Only 99 of those towns and villages remain today.

Abu-Sitta argued that the myth that Palestine was a land without a people was “not only false but a wicked lie in order to make Palestinians homeless.” While he did not discuss it in his presentation, his own family fled their home in Beir al-Sabe’ (Beersheba) in 1948 when he was 8 years old. Abu-Sitta argued that one of the primary reasons why Arab Palestinians living in the region rejected the United Nations (UN) Partition Plan (Resolution 181, 29 November 1947), which was outlined as a solution to Britain’s inability to fulfill its mandate, was that the Partition Plan would have given one-third (32 percent) of the total population, up from nine percent in 1914.

The Atlas of Palestine 1948 relies on the historic maps drawn by British and French cartographers in the early 1900s, aerial photographs taken by German Air Force (1917-18) and the Royal Air Force (1945-46), and 55 detailed charts and tables based on records maintained by the British Survey of Palestine Department, whose purpose was to implement the Balfour Declaration and determine which land could be given to Jews for settlement, thereby allowing more Jewish immigration to Palestine, said Abu-Sitta.

Abu-Sitta was categorical in his attribution of the British government’s intent in colonizing and mapping Palestine. “A map is a birth certificate of a place... an identity card. When you make a map like that, you implicitly indicate you own a place.” He argued that the way the borders were created was “to establish land for Jewish immigration and to exclude land from the Arab world.” While the Zionists had only claimed 11 percent of historic land in their declaration of statehood, the borders of Israel that resulted from the armed conflict of 1948 and the 1949 Armistice Line incorporated more than 77 percent of the land controlled by the British Mandate into the new state of Israel, including 460 Palestinian villages. The Armistice Line dissected an additional 111 Arab Palestinian villages. This was reminiscent, said Abu-Sitta, of the way the British and French High Commissioners had divided the land in the 1920s, dissecting 23 villages in historic Palestine, without thought to the lives of the people and their access to their water and land resources.

Within the region that became Israel, “Palestinians made up over half the population but had no say in the political make-up of the state,” said Abu-Sitta. After statehood was declared on 15 May, the Zionist Jewish leaders gained control of everything left behind by the British, including a total of 2,700 elements of the British Mandate’s infrastructure, said Abu-Sitta. This included nearly 2,000 miles of first-class roads, 624,000 miles of railroads, 41 railway stations, 31 airports, 33 hospitals, 15 post offices, 57 military camps (including unused supplies and ammunition), 99 police stations and posts, 350 schools, 1,984 Christian and Muslim religious buildings (not including those in Jerusalem), and 3,649 sources of water (wells, springs, cisterns, etc.). Also lost to the Palestinians were the “intangible forms of infrastructure,” said Abu-Sitta, including the civic records maintained by the British Mandate government and the certificates of birth, death, school, and land ownership.

One of the most historically destructive actions that David Ben Gurion, the head of the Zionist struggle for statehood and Prime Minister of Israel from 1948-54, did to establish Jewish dominance over the Arab population and land from a historical point of view was to create a committee of scholars, geographers, and theologians in the same week of February 1949 in which Israel signed its armistice agreement with Syria, whose goal was to “erase” all the names used in historic Palestine for the past 5,000 years and to create new Hebrew names. “They wanted to make these names a symbol of the old link with Palestine, but unfortunately they could not find genuine Hebrew names for more than five per-
cent of the names previously used," said Abu-Sitta. These new maps and new names erased the vocabulary of the life of the people, he added, because of the way the names had recorded historic events like weddings and battles.

Abu-Sitta argued that, despite the fact that UN Resolution 194 (11 December 1948) provided for Palestinian refugees' right of return and that their “inalienable right to return home” has been reconfirmed by the international community 135 times since then, the application of international law has enabled the return of refugees all over the world except in Palestine. Of the estimated six million Palestinians made refugees in 1948 and thereafter (or 85 percent of the region's total inhabitants at the time), only 4.2 million are registered with the UN and are counted today because of their need for the food aid and social services provided by the UN Refugee and Works Agency (UNRWA), said Abu-Sitta. For internally displaced Palestinians who remained within Israel, only half of the 211 towns and villages that exist today are recognized, while the others are deprived from health care, roads, and social and educational services, said Abu-Sitta.

Abu-Sitta noted that the people of depopulated villages went to only one or two places as refugees. “Villages did not split, even in adversity,” he said. “The Palestinian family and social structure was strong, as it is today.”

The above text is based on remarks delivered on 27 May 2005 by Salman Abu-Sitta, founder and president of the Palestine Land Society. The speakers' views do not necessarily reflect those of The Jerusalem Fund or its educational arm, The Palestine Center. This "For the Record" summary may be used without permission but with proper attribution to the Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Challenging Western and Arab Perceptions
Through Literature

Summary of a Palestine Center Briefing by Salma Khadra Jayyusi

“Most critics speak of poetry, poetry [as if the Arabs] have only poetry, but we do not have only poetry. We have all aspects of literature, even autobiography,” said Dr. Salma Khadra Jayyusi, editor of, most recently, My Jerusalem: Essays, Reminiscences and Poems (Interlink Books, June 2005) and Modern Arabic Fiction (Columbia University Press, March 2005). In Jayyusi’s remarks to The Palestine Center on 8 June 2005, she noted that these two books represent the two fronts on which her East-West Nexus/PROTA project, which she founded and directs, is based. In particular, they represent the political and the cultural aspects of promoting Arabic literary works and countering ignorance and/or misrepresentations of Arab and Islamic culture.

For Jayyusi, what began over 25 years ago as a project of translation became much more and evolved into the East-West Nexus, which has produced eight comprehensive anthologies on Arab/Islamic culture. The first, The Legacy of Muslim Spain, was published in October 1992 with essays by over three dozen world-renowned scholars. It discusses in-depth the history, literature, language, and influence of Islamic civilization on that of Europe. Jayyusi has authored, introduced, edited and translated over a dozen books, and continues to work tirelessly on the promotion of Arab culture through literature. Her anthology on modern Palestinian literature, which the late Edward Said referred to as “a living monument to the culture of a nation,” was published by Columbia University Press in 1994 and includes a critique of Palestinian literature and review of modern Palestinian history as well as poems, stories, memoirs, and excerpts from novels by Palestinian writers.

Born in Jordan to a Palestinian father and a Lebanese mother, Jayyusi noted that her quest in establishing the East-West Nexus/PROTA project was a search for why “the cultural and political truth of Arab society” is often unknown or suppressed. Expressing a love for Arabic literature and pride in Arab/Islamic civilization, Jayyusi also noted anger at the way that Arabs and their culture is viewed by non-Arabs. She challenged Arabs themselves to study and to appreciate the depth of Arab culture which she feels is often overlooked.

Addressing her strongest critique to Arab government institutions and literary critics themselves, Jayyusi noted that it took much work of persuasion and effort within the Arab world to produce My Jerusalem because of a lack of interest in the cultural production and richness of Arab civilization even while such projects directly relate to what is happening to Arabs today. She noted that the East/West Nexus faces such difficulties in the Arab World more broadly and on an on-going basis, despite the validity and success of its work. “How can our people, who are in a position of responsibility and who can do something positive and substantial to change the situation...? How can they take silence and ignore what only ignorant attitudes can ignore?”

Jayyusi said she is currently working on two projects, one a book on the Islamic city in history, with the contributions of 57 essayists and three specialists. “I knew I wouldn’t be able to sleep until I edited a book on the city in the Islamic world,” said Jayyusi. She is also working on a book on the narratives of classical Islamic times, which will include the contributions of 25 scholars and will be published in both Arabic and English as a way “to show the Arabs first, and also others,” that the fictional adventures of Arab classical times are unparalleled within the medieval writings of other cultures. She gave the example of the famous book Don Quixote by Cervantes, who was imprisoned in Algeria for five years and whose contact with Arab culture is reflected in the book’s characters. “I think that much of our fictional ingenuity has been very influential on Western literature. [Cervantes] is regarded as the first novelist of modern times in the West. Now if this is true and he has been influenced by the Arabic fictional adventure, [Arabs] have had a share in influencing the rise of the novel in the West,” said Jayyusi.

Jayyusi noted that the idea for My Jerusalem was the brainchild of the late scholar Dr. Albert Hourani, author of the widely-read A History of the Arab Peoples (Warner Books, 1992). She had been promised a book on Jerusalem and the Bible by the late Dr. Israel Shahak before his passing, which became part of her discussion with Hourani on the history of Jerusalem back to the biblical era, and which was incorporated into what was published as My Jerusalem: Essays, Reminiscences and Poems in June 2005.

The above text is based on remarks delivered on 8 June 2005 by Dr. Salma Khadra Jayyusi. The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational arm, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to the Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Palestine, Israel and the United States

Palestinians leading up to and during the intifada, the breakdown of the Oslo peace process was inevitable. Based on his first-hand experiences, Rosenbluth spoke of the necessity for human rights to be at the forefront of any dialogue involving Israel and Palestine. He argued that the US must ensure a prominent place for human rights in its Road Map to Peace and discussions with both the Palestinian Authority (PA) and the Israeli government. He pointed out AI's letter to US Secretary of State Condoleezza Rice calling on her to move human rights to the forefront of discourse on Israel/Palestine.

Speaking at the Washington, DC-based Palestine Center on 14 June 2005, Rosenbluth stressed the importance of bringing the debate regarding Israel and Palestine into the framework of human rights violations committed by all groups involved in the conflict. "Violations of basic human rights are, in our view, the core of the problem," Rosenbluth said. To that end, AI has increased its efforts to bring the US government into a dialogue about Israeli settlements "precisely because of the human rights violations that [the settlements] create." Arguing that the US stance on the settlements has gone from a "very clear position that the settlements are a violation of international law" to a one that is "vague to say the least," Rosenbluth called for clarity by the United States government.

Having lived in the Occupied Palestinian Territories from 1985-92, Rosenbluth stated that for those aware of human rights violations against Palestinians leading up to and during the first intifada, the breakdown of the Oslo peace process was inevitable. Based on his first-hand experiences, Rosenbluth spoke of the necessity for human rights to be at the forefront of any dialogue involving Israel and Palestine. He argued that the US must ensure a prominent place for human rights in its Road Map to Peace and discussions with both the Palestinian Authority (PA) and the Israeli government. He pointed out AI’s letter to US Secretary of State Condoleezza Rice calling on her to move human rights to the forefront of discourse on Israel/Palestine.

Acknowledging that AI is not and does not wish to be neutral toward perpetrators of human rights violations or objective in equating the abuser and the abused, Rosenbluth stated that AI is impartial in its monitoring of human rights worldwide and consistent in its application of international law. Thus while occupation remains the context of Palestinian-Israeli relations, he discussed violations of human rights by both the Israeli government and the PA, since its creation under the Oslo peace process. Calling the recent resumption of the death penalty in Palestine “the wrong way” to enforce law, Rosenbluth also spoke of the need to end the practice of impunity in Israel, where attacks on Palestinian civilians are largely uninvestigated. Accountability for acts committed by both sides is, according to Rosenbluth, “essential for rebuilding trust between Israelis and Palestinians.”

On issues such as refugees’ right of return worldwide, Rosenbluth maintained that AI’s position has been “consistent from Bosnia to Bhutan,” and despite criticism from pro-Israeli groups citing demographics, the Palestinian’s right of return as refugees is “absolute.” He added that no nation is exempt from international law and that no violation of it or human rights is permissible.

Rosenbluth recognized the inherent problem of who is considered a combatant and non-combatant in the context of Palestine and Israel. He discussed the ambiguous status of Israeli settlers illegally occupying land and in possession of arms, yet who are characterized as civilians when not participating in combatant activities. The reservist status of most Israeli citizens further blurs the line between combatants and non-combatants. Explaining that Israel has “under international law the obligation to protect its citizens” Rosenbluth also spoke of Palestinians’ right to resist Israel’s military occupation which is equally sanctioned by international law. Rosenbluth called attention to Israel’s “excessive” use of force, saying the civilian deaths caused by a “300-pound bomb” dropped on an apartment building in downtown Gaza City and intended to target only a single person cannot be deemed rationally collateral damage. He explained that such force and the resulting civilian casualties are intentional, thus placing them in violation of international law.

Similarly, he explained that AI statements on Palestinian attacks were made not due to the nature of the attacks, but rather because of who was attacked and when. Rosenbluth explained that “it is not the choice of weapon that’s in dispute, but the choice of target” that places Palestinian attacks on Israeli civilians in violation of international law and human rights declarations. Although international law grants Palestinians the right to resist military occupation and the Israeli government the right to protect its citizens, under Article III of the Fourth Geneva Convention, non-combatant civilians cannot be targeted.
Coming back to this point several times in his lecture, Rosenbluth emphasized the need for a consistent application of international law and accountability for those participating in and responsible for the violation of human rights. "All parties responsible need to stop the human rights violations," Rosenbluth said. "All parties need to be held accountable, and encourage the rule of law."

The above text is based on remarks delivered on 14 June 2005 by Marty Rosenbluth of Amnesty International USA. The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational program, The Palestine Center. This “For the Record” summary was written by Palestine Center intern Laura Breslin with the help of fellow interns Raisha Uthman and Zachary Bernstein. It may be used without permission but with proper attribution to the Center.
One Shared Vision:
Changes within Israeli Society Necessary for Peace

Summary of a Palestine Center Briefing by Jumana Odeh, Michal Sagi and Rana Khoury

Although some Israeli and United States (US) government officials continue to blame Palestinians for a failure in progress toward peace, positive change will occur as Israelis challenge their society’s collective views toward Palestinians and their own security. “They need to realize it is not that Israelis are caging Palestinians. We are caging ourselves,” said Jewish peace activist Michal Sagi, one of the three presenters of the annual inter-faith Jerusalem Women Speak Tour organized by the DC-based Partners for Peace. Changes within Israeli society are feasible, and peace for both sides is possible, agreed Palestinian peace activists Rana Khoury and Jumana Odeh at a panel briefing co-hosted in the offices of the DC-based Palestine Center on 20 June 2005.

Palestinians are being deprived of crucial medical care and the basic ability to move due to the harsh restrictions incurred by the checkpoints between Jerusalem and the West Bank, said Odeh, who directs the Jerusalem-based Palestinian Happy Child Centre (PHCC). Odeh described her personal struggles in obtaining a travel permit that would allow her father to undergo chemotherapy treatment that was not available in West Bank hospitals. According to her, Palestinians are forced to wait long hours to cross checkpoints and must endure harassment and unnecessary treatment by Israeli soldiers. “I could not take the humiliation and the way they treat people while we were waiting for the permit,” said Odeh.

The occupation has created serious obstacles that children endure grave psychological-brutal measures imposed by the Israeli authorities to Palestinian society, in the example of a boy who stopped talking after his house was attacked and shelled. After interacting with children and receiving psychological counseling, the boy was able to talk and resume normal life with his family.

Odeh displayed slides of pictures drawn by children at PHCC and in West Bank refugee camps. The drawings represent the conflict and the second intifada through children’s eyes. Odeh noted the preponderance of images of prisons, Israeli flags, and doves. She said that the pictures signify “how kids express themselves” and demonstrate to the international community the residual effects of occupation on its youngest victims.

Michal Sagi, a representative of Checkpoint Watch, an Israeli women’s human rights monitoring group that reports on Israeli military and police checkpoints in the West Bank and East Jerusalem, noted that in contrast to many, her upbringing as an Israeli was centered on equality and co-existence. “[I] grew up in a family that was about equal rights and justice, peace, treating human beings as human beings no matter where they came from. That was the atmosphere that allowed me to believe that the conflict in the Middle East could be solved in a just way,” Sagi said.

While Sagi noted the broad security mentality and popular support for checkpoints in Israel, she negated the notion that checkpoints are a “necessary evil.” After witnessing an incident involving Israeli soldiers and a Palestinian woman in Jerusalem, she said she became vocal and active against the military occupation of Palestine and, in particular, its use of checkpoints and roadblocks. She displayed images of the turnstiles during her visits to checkpoints and the “humiliating measures” that Palestinians were forced to endure by soldiers. According to Sagi, the turnstiles at checkpoints within the Occupied Territories are only 55 centimeters long, while turnstiles in Israel range from 75 to 90 centimeters. She described the undue burden that Palestinian mothers with children, travelers with luggage, and the elderly must endure when passing through checkpoints that force them through turnstiles and narrow cement passage-ways. She explained that “Most of the checkpoints are not separating Israelis from Palestinians. They are mostly inside Palestinian populations, separating [villages] from the next town.”

Sagi stressed that occupation “is not only about Palestinian suffering,” but also concerns Israeli society. She said that Israel’s militarization has been self-destructive over the past two generations and must end if positive change toward Palestinians is to develop. Sagi emphasized the importance of revealing “a different Israeli voice” to the international community, which in her opinion exists but is often silenced by members of the Israeli general public who defend the “dehumanizing” actions carried out in the Occupied Palestinian Territories on the basis of Israel’s security. “One has to ask the question how that gate is so crucial to my security,” she said in reference to the Addahria checkpoint.
Although only five miles separate Bethlehem from Jerusalem, Rana Khoury, Deputy General Director of the International Center of Bethlehem, noted that the separation Wall encloses three sides of Bethlehem and that the fourth side is blocked by a settlers-only bypass road. Moreover, as Odeh also noted, Khoury described how Palestinians are often unable to travel between cities, even for health or emergency reasons. She stated that it was easier to come to the United States for this speaking tour than to visit Jerusalem and West Bank villages.

In the context of Israel’s alliance with the United States, Khoury also noted the discrimination toward Palestinians that is evidenced by the fact that an American passport and a work permit to travel have proved insufficient for Palestinians to enter Jerusalem. She gave the example of what happened when her father was “in the thralls of a heart attack” while trying to leave Bethlehem to reach a Jerusalem hospital for urgent care. He was carrying his American passport and Israeli-issued travel permit, however she noted he was held for four hours in line and was eventually turned back because his permit was for work-related travel only.

Reiterating that Palestinians’ lack of free movement is a direct result of occupation, Khoury added that checkpoints, settlements and the separation Wall have had a direct impact on economic development in the Palestinians Territories. They place a significant burden on Bethlehem, a city deeply dependent on tourism to its holy sites, noted Khoury. After the second intifada began, the Khoury family-owned Bethlehem Inn was seized by the Israeli army without legitimate reason or compensation. The Khoury family is still in a legal battle to reclaim the Inn, their main source of income.

Khoury’s remarks mirrored the constructive optimism of Odeh and Sagi. She provided three tangible ways in which the international community can assist Palestinians in achieving a better future: to invest in Palestine and build infrastructures for future generations, to invest in young people, and to work together in promoting programs that will lead to peace and reconciliation. Such steps are crucial in allowing the Palestinians to become independent socially and economically from Israel, she said.

The above text is based on remarks delivered on 20 June 2005 by Jumana Odeh, M.D., M.P.H., Michal Sagi and Rana Khoury as part of the Jerusalem Women Speak Tour, which is coordinated annually by the Washington, DC-based Partners for Peace. The speakers’ views do not necessarily reflect those of The Jerusalem Fund or its educational program, The Palestine Center. This “For the Record” summary was written by Palestine Center intern Rasha Uthman. It may be used without permission but with proper attribution to the Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Palestine, Israel and the United States

One Year Later: Implementation of the ICJ Advisory Opinion on Israel's Wall  
Summary of a Palestine Center Briefing by John Quigley and Josh Ruebner

Through the United States (US) government’s financial and political support for Israel, the US is facilitating Israel’s construction of the West Bank Wall, which the International Court of Justice (ICJ) found to be illegal. “There is a well-established doctrine in international law that says if one state is doing something that violates an international obligation, it is unlawful for a second state to facilitate that legality by providing it with the physical means to commit an unlawful purpose,” explained John B. Quigley, President’s Club Professor in Law at Ohio State University. Josh Ruebner, Grassroots Advocacy Coordinator for the US Campaign to End the Israeli Occupation, added that by supporting Israel’s “oppressive Wall regime,” the United States is “abusing its power as a global leader.”

Speaking at a briefing at the DC-based Palestine Center, Quigley and Ruebner agreed that there have been “positive developments” as a result of the advisory opinion issued by the ICJ on 9 July 2004 despite the lack of action on the part of nation-states. Their remarks, made during an 11 July 2005 briefing entitled “One Year Later: Implementation of the ICJ Advisory Opinion on Israel’s Wall in the Occupied Palestinian Territories,” were made in commemoration of the advisory opinion.

According to Ruebner, the ICJ ruling has provided great “moral authority and a renewed sense of purpose” for those who strive to reform foreign policy and institute the application of human rights and international law. Even though governments have not implemented the ICJ ruling during the past year, members of international civil society have taken action in support of the Court’s opinion. Ruebner stressed that although the US government has been reluctant to adhere to the conclusions of the ICJ ruling, “the response of US civil society has been encouraging.” He noted that some American Christian denominations have taken constructive action that provides activists with legitimization and a strong framework from which to act.

For example, the 25th General Synod of the United Church of Christ issued a resolution in July 2005 calling for an investigation of “its holdings in companies that perpetuate violence and injustice in Israel and Palestine,” said Ruebner. In addition to its move toward a more socially-conscious investment strategy, the Church introduced a second resolution reflecting the language used in the ICJ ruling. It called upon the Israeli government “to cease the project to construct the barrier, tear down the segments that have already been constructed, and pay reparations to those who have lost homes, fields, property, and/or lives and health due to the barrier and its effects,” said Ruebner.

Quigley argued that since its issuance, the Advisory Opinion has had significance in the Israeli court system as well. He pointed out that petitions submitted by attorneys on behalf of Palestinians cite the ICJ ruling in their arguments against the Wall. He added that although the High Court of Israel “has not taken a definitive position on the ruling,” the High Court has suggested that it is giving the ruling attention.

In a May 2005 case, Israel’s High Court concluded that the Wall was only justifiable on the grounds of security concerns. Quigley believes this ruling was significant because it implied that the construction of the Wall was to continue under the guise of security and not under other justifications, such as political reasons. Under that interpretation, Quigley argued that “the Wall around Israeli settlements would not be legally valid because the Wall had nothing to do with suicide bombings inside Israel.”

However, in the year since the ICJ found that Israel was obligated to end the construction of the Wall, the daily-life conditions of Palestinians have worsened. “The Wall continues to interfere with the rights of Palestinians to pursue their normal activities,” said Quigley.

Citing an article in the Israeli daily Haaretz on 8 July 2005, which detailed the unlawful conditions Palestinian farmers endure in crossing the Wall to reach their fields, Quigley stated that Palestinian farmers are denied access to their olive groves and land, their primary source of income. According to the article, of the 1,000 applications by Palestinian farmers for travel permits from Israel to access their land, 600 were denied and 380 resulted in no reply. In less than one percent of cases, or 70 of the 1,000, was the application for a permit granted. Farmers are allowed only to cross the gates of the Wall with equipment “they can carry in their hands,” said Quigley, quoting the article. As a result, thousands of olive saplings continue to die without the regular care and agricultural machinery essential to their growth.

Ruebner said that the US has proved to be a strong ally of Israel’s “oppressive Wall regime” by restricting a portion of the $200 million in humanitarian aid that US President George W. Bush recently promised to Palestinians and allocating it for preservation of the Wall. Although
monies from the Palestinian aid package, presented as part of the 2005 US Supplemental War Budget, are ear-marked for “building bridges to help improve the flow of people and goods between Israel and the West Bank and Gaza,” Ruebner and other activists fear that such funds will instead “concretize the occupation, pay for checkpoints, and enable other restrictions on movement under the guise of helping the flow of people and goods.” In May 2005, Congress approved the use of $50 million of the $200 million for constructing 34 high-tech, militarily secure crossings in the Wall.

Reaffirming US support of Israel and disregard of the ICJ, Ruebner reported that members of both houses of the US Congress have presented resolutions rebuking the Court and accusing it of ulterior motives. For example, Ruebner noted that shortly after the ICJ released its advisory opinion, House Resolution 713 was passed accusing the ICJ of abusing its power by promoting the Palestinian position. In a somewhat bleaker stance, Senator Gordon Smith (R-Oregon) presented Senate Ress. 408, which disapproved of the ICJ ruling and supported Israel for its institution of the Wall. However, Ruebner noted that SR 408 did not pass, due to anonymous holds by two senators.

Ruebner further argued that by denouncing the ICJ ruling and providing Israel with a three billion dollar economic and military aid package in 2004, the US continues to undermine the significance of the Advisory Opinion and, more disturbingly, the rule of law. While the ICJ ruling itself may not be legally binding, Ruebner noted it is based on “general principles of international law” that are. Quigley stressed that the Wall’s construction is “unlawful and the occupying power has the obligation to avoid disrupting lives of those under occupation” under the ICJ ruling.

The above text is based on remarks delivered on 11 July 2005 by John B. Quigley and Josh Ruebner. The speakers’ views do not necessarily reflect those of The Jerusalem Fund or its educational program, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center. For more information on the US Campaign to End the Israeli Occupation, see www.endtheoccupation.org. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
History of Middle East Peace Initiatives: 
Actors Change, Conflict Remains

Summary of Palestine Center Intern Lecture No. 1, by Michael Hudson

Over the last half-century, the largest impediment to a successful resolution of the Arab-Israeli conflict has been that "the primary actors...are numerous and changing," argued Dr. Michael Hudson, Director of the Center for Contemporary Arab Studies at Georgetown University. Citing the complex interaction between state and non-state influences, Hudson noted that negotiations often revolved around "Great Power" interests without consideration of those groups more directly and locally affected by the conflict.

Speaking at the 2005 Intern Lecture Series, entitled "In Pursuit of Peace: Dialogues on Final Status," at the D.C. based Palestine Center on 12 July 2005, Hudson said that since the mid-1960s, the growth of Arab nationalist sentiment against "Zionist implantation" and the increasing primacy of the conflict in global public opinion have turned the debate over Israel into one that "statesmen around the diplomatic chessboard" cannot solve.

In the late nineteenth and early twentieth centuries, territorial disputes were largely framed within the growing conflict between Britain and the Ottoman Empire, which were each vying for influence in the Middle East. With time, explained Hudson, this simple paradigm was compounded by the growth of Jewish nationalism under the guise of Zionism on the one hand, and a growing sense of Arab, Levantine and Palestinian nationalisms on the other. Hudson added that while the Palestinian national consciousness began to articulate itself during this time, it was not yet sustainable or fully organized as a movement until after the creation of the state of Israel in 1948.

According to Hudson, there were two main groups with vested interests in the Palestinian-Israeli conflict after 1948. One group consisted of local parties directly affected by the creation of an Israeli state: Palestinian refugees, early Jewish settlers and Arab governments sharing borders with Israel. The other, which would dominate the peace process for the next several decades, consisted of the United States and the Soviet Union. The Middle East, said Hudson, became one of the most important stages for Cold War confrontation, and this international attention elevated the Arab-Israeli conflict to the forefront of world politics during the 1970s and '80s.

With strategic oil and security interests on the one hand and domestic political support for Israel on the other, US diplomacy came to resemble "a kind of juggling act," said Hudson. Domestic political considerations, particularly the strength of the loosely-termed American Jewish lobby, played a partial role in shaping US diplomacy. Meanwhile, the Soviet Union, which had given Israel initial support because it believed Israel to be a potential socialist ally in the region, came to oppose it opportunistically as a way of undermining American dominance in the region.

In addition to these "Great Power" considerations, Hudson argued that the adoption of the Palestinian cause by groups in developing nations, particularly in the Middle East and North Africa, further complicated resolution of the conflict. He explained that within this context of diverse interests, dozens of peace initiatives have been put forth over the past 50 years, many of them by the United States. However, it was not until US President George H. W. Bush initiated the Madrid peace talks in 1991, which brought the Syrians and a joint Jordanian-Palestinian delegation to the negotiating table with Israel, that Palestinians had a voice in discussions over their own future.

While the Madrid conference and the Oslo Peace Accords represented significant diplomatic achievements, Hudson described the Palestinian situation today as "more unfavorable than it has been in the past." He said the main impediment to Middle East peace initiatives during the second half of the twentieth century was insufficient representation of the local groups. Instead, international forces dominated the negotiations with little regard for the situation or power dynamic on the ground. The US has been at the forefront of these talks, however its ability to act as a mediator became "increasingly problematic as the American support for Israel...increased over time," Hudson said.
Hudson stressed the importance of giving Palestinians an equal voice in the peace process, while acknowledging the limitations of such an approach. If the international community were to pull out of the region completely, leaving Israelis and Palestinians to solve the conflict bilaterally, Hudson said it might lead to a “disadvantageous scenario” for Palestinians due to the “gross power imbalance” between Israel and Palestine.

Hudson was not optimistic regarding the future of Palestine. He argued that it is hard to imagine “creativity or generosity from Sharon,” adding that “the end is surely not in sight.”

The above text is based on remarks delivered on 12 July 2005 by Dr. Michael Hudson, Director of the Center for Contemporary Arab Studies at George-town University. The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational program, The Palestine Center. This “For the Record” summary was written by Palestine Center intern Zachary Bernstein and is the first of four intern lecture summaries published to The Palestine Center e-mail distribution list and website on the date noted above. This summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Politics and Perceptions of Peace: A Palestinian and Israeli Perspective

Summary of Palestine Center Intern Lecture No. 2, by Said Arikat and Ron Kampeas

Israel's continued dismissal of the Palestinian voice in peace negotiations caused the failure of the peace process, argued journalist Said Arikat, Washington Bureau Chief of the Palestinian daily paper, Al-Quds. "The problem with the Oslo agreement was that it was really all about Israeli security, and not about the realization of the Palestinian national objectives," Arikat said. Arikat's Israeli counterpart, Ron Kampeas, concurred.

Kampeas, who serves as the Jewish Telegraphic Agency's Washington Bureau Chief, explained that in many ways the failure of the Oslo peace process can be traced to the refusal of the Israeli leadership at the time to listen to what Palestinians were saying about their own affairs and about Israel. Kampeas believed this manifested itself with the late Israeli Prime Minister Yitzhak Rabin, who said that Palestinian affairs were best left to the Palestinians and whatever the Palestinian leadership said about Israel was beside the point.

Arikat and Kampeas addressed the Palestinian and Israeli politics and perceptions of peace on 19 July 2005 at the DC-based Palestine Center, the second of four lectures in the 2005 Intern Lecture Series, “In Pursuit of Peace: Dialogues on Final Status.”

Based on his journalistic experience in Israel, Kampeas found that a change has occurred in Israeli resistance to Palestinian demands. He said there is a “broad consensus” in Israel today that believes what the Palestinians think “does have a lot to do with how the peace process works.” However, Kampeas stressed that Palestinian recognition of Israel is important. He argued that the lack of such recognition serves to “turn Israelis off” from Palestinians. Kampeas acknowledged the difficulty for Palestinians to recognize something they believe is “very oppressive.” Nevertheless, he said that for Israelis, recognition is a necessary aspect of achieving peace.

According to Arikat, the day-to-day difficulties faced by Palestinians since Israel’s founding have inhibited their readiness to accept Israeli identity. “Since 1948, you must recognize that the Palestinians have been dealing with their own survival,” said Arikat. “They look at Israel as this foreign element that came in and uprooted them and brought about a great deal of misery and dislocation.”

Turning to the role of Israel’s two main political parties, the right-wing Likud and the left-leaning Labor, Kampeas and Arikat analyzed the influence of each party in determining Israeli policy toward Palestinians. Arikat argued that Israel’s creation was through militant means by groups who have come to represent the Israeli left, and their governance is thus correspondingly militant. He added that the Israeli left has “never ceased to treat the Palestinians with the heavy hand of occupation.”

Kampeas pushed the discussion of the Israeli Right and Left toward the immediate realities by focusing on the mid-August Gaza disengagement plan. He noted that the Israeli Left and Right have “competing expectations” about the disengagement. According to Kampeas, Israeli Prime Minister and Likud leader Ariel Sharon “explicitly sees the withdrawal from Gaza as a way to consolidate Israel’s hold over the settlement blocks that were supposedly agreed upon at Camp David” in July 2000. Labor, on the other hand, which also backs the Gaza plan, believes “once you actually shut down the settlements, once you manage to get the settlers out of Gaza, then the floodgates are open [and] the Israelis will see that [withdrawal] can happen,” said Kampeas.

However, Arikat pointed out that from a Palestinian perspective, only the complete withdrawal from the lands occupied in 1967 would meet Palestinian national objectives and create an environment in which a just and sustainable peace could be achieved.

Arikat criticized the acquiescence of late Palestinian President Yasser Arafat on the issue of Israeli settlements in the West Bank and Gaza. “The moment you accept the concept of settlements, you have destroyed your cause,” Arikat said. In his opinion, the peace process failed because of continued settlement construction and the ongoing seizure of Palestinian lands.

The above text is based on remarks delivered on 14 June 2005 by Said Arikat and Ron Kampeas. The speakers’ views do not necessarily reflect those of The Jerusalem Fund or its educational program, The Palestine Center. This “For the Record” summary was written by Palestine Center intern Laura Breslin and is the second of four intern lecture summaries published to The Palestine Center e-mail distribution list and website on the date noted above. It may be used without permission but with proper attribution to The Palestine Center.
Palestinian Sovereignty Over Land and Borders

Necessary for Peace

Summary of Palestine Center Intern Lecture No. 3, by Edward Abington

Over the past 38 years, the United States (US) government has been a firm advocate of Israel despite its brutal occupation of the Palestinian people. Violence between Palestinians and Israelis will cease once members from the international community and the US challenge Israel to end its occupation of Palestine, argued Ambassador Edward Abington, former US Consul General in Jerusalem and a Washington, DC-based consultant on US policy toward the Middle East. Abington added that the US must adopt a stronger role as a “regulator” to curb the violence and to ensure its own security and policy interests toward the Middle East.

Speaking at the 2005 Intern Lecture Series, “In Pursuit of Peace: Dialogues on Final Status,” at the DC-based Palestine Center on 19 July 2005, Abington argued that violence has destroyed confidence between Palestinians and Israelis. He said the US must foster an environment of successful dialogue between Palestinian and Israeli officials to formulate an equitable solution for both sides.

From his first-hand involvement in peace negotiations, Abington was critical of both Palestinians and Israelis. Although Israel assured Palestinians it would comply with the Oslo Interim Agreements of 1993 and 1995 by relinquishing territory in the West Bank, Abington said that former Israeli Prime Ministers Yitzhak Rabin, Shimon Peres, and Benjamin Netanyahu embarked on a relentless seizure of Palestinian land and expansion of Israeli settlements as a way of dividing the West Bank and restricting movement for Palestinians. He said the Palestinian Authority viewed Israel’s insincerity toward formal agreements as Israel’s way of masking its illegal appropriation of land and creation of outposts and settlements.

While the late Palestinian leader Yasser Arafat was unwilling to establish a Palestinian state on Israeli terms, Abington disputed the misconception that Arafat orchestrated the second Palestinian intifada (popular uprising), which began in 2000 after Israeli Prime Minister Ariel Sharon visited the Haram al-Sharif compound in Jerusalem (also known as the Temple Mount). He said Arafat let the intifada continue as a way of putting pressure on Israel to end its use of “maximum force” toward Palestinians. Such events resulted in the escalation of the Palestinian-Israeli conflict and have prevented a resolution for both sides.

Abington explained that although Israel will unilaterally withdraw its settlers and soldiers from the Gaza Strip in mid-August 2005, no Palestinian-Israeli agreement has been established that focuses on fundamental issues such as access to Gaza, export of goods, and control over the settlements’ water and sewage system. He noted that there are a significant number of greenhouses in the Gaza settlements, which currently employ thousands of Palestinians. Operation of these greenhouses is dependent on the irrigation and waste water from settlements. According to Abington, Israeli officials refuse to address whether the greenhouses will be destroyed post-disengagement.

In order to determine the future of their own economy, Abington said that Palestinians in Gaza need access to the world. He noted the lack of natural resources in the territory and the 1.4 million Palestinians in Gaza who are unemployed and dependent on aid from outside sources. He stressed the role that Palestinian control over the Gaza seaport and the restoration of the airport in Gaza would play in distributing Palestinian agricultural and farming products. Without a formal agreement between Palestinian and Israeli officials on these matters, Gaza is unable to thrive as a city or provide for its inhabitants, Abington said.

Abington addressed Israel’s intent to use its disengagement from Gaza as a means of continuing its illegal appropriation of land and construction of the Wall in East Jerusalem and the West Bank. In particular, he said Israel is in the process of unilaterally determining its borders by building 8,000-10,000 new homes for Jews in West Bank settlements and by completing the Wall around East Jerusalem and the southern West Bank, thereby physically detaching East Jerusalem from the surrounding villages and land.

Abington argued that the Wall has had a direct impact on the economic and social development of Palestinians. If completed, he said the Wall will prevent the creation of a viable Palestinian state and will leave only 54 percent of land in the West Bank for Palestinians, based on its pre-1967 borders. Using maps and statistics compiled by the Palestine Liberation Organization’s Negotiations Support Unit, Abington stressed the detrimental effects the Wall is having on cities such as Bethlehem and Qalqilya. There, Palestinians are denied access to the land to which they are legally entitled and are prevented free movement and access to other Palestinian towns and social services.
Prior to the second intifada, Abington noted that Qalqilya was once a “thriving market town” that provided Israeli visitors with inexpensive produce and crafts. However, due to harsh “security measures” such as checkpoints, closures, and the Wall, Israelis and Palestinians can no longer interact with one another in a peaceful environment. Abington said the situation in Bethlehem is equally bleak because of the constraints the Wall and the network of settler-only highways and by-pass roads place on its municipal boundary.

Abington stressed that the US must assume a firm stance toward Israel by condemning its militaristic policies and procedures, and that the Bush administration must take risks within Congress to achieve a substantial resolution for both sides.

The above text is based on remarks delivered on 19 July 2005 by Edward Abington, a former US Consul General to Jerusalem. The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational program, The Palestine Center. This “For the Record” summary was written by Palestine Center intern Rasha Uthman and is the third of four intern lecture summaries published to The Palestine Center e-mail distribution list and website on the date noted above. This summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Gaza Withdrawal Does Not End Occupation: West Bank and East Jerusalem Settlements Matter Too

Summary of Palestine Center Intern Lecture No. 4 by Geoffrey Aronson

Israel has said it will pull its settlers out of the Gaza Strip by the end of 2005, however "everything Israel is doing in the West Bank today is aimed at increasing its ability to command the future there," said Geoffrey Aronson, Director of Research and Publications at the DC-based Foundation for Middle East Peace and editor of its bi-monthly Report on Israeli Settlement in the Occupied Territories. Addressing the increased Israeli settlement activity and Wall construction in East Jerusalem and the West Bank, Aronson argued that a comprehensive peace remains elusive despite Israel's unilateral Gaza disengagement plan.

Speaking on 21 July 2005 at the DC-based Palestine Center's 2005 Intern Lecture Series, "In Pursuit of Peace: Dialogues on Final Status," Aronson said that despite protests from settler and Zionist groups in Israel, Israeli Prime Minister Ariel Sharon is moving forward with his plan to remove Israel's settlers and troops from the Gaza Strip. Some 8,000 Israeli settlers control 20 percent of Gaza and one-third of its coastline, Aronson said. The settlements support relatively successful light manufacturing and textile industries as well as a profitable agricultural sector, which are geared toward Israeli and European markets. While many on the Right in Israel oppose the Gaza disengagement, Aronson said pointedly, "That train has left the station." He added that by the end of 2005, the US and the international community can expect an end to Israel's "effective direct control over the Gaza Strip."

According to Aronson, there are several contentious issues concerning Israel's withdrawal from the Gaza Strip, such as what to do with the settlement buildings and infrastructure that will be vacated. The 1,100 units of housing that comprise the Israeli settlements, formerly the center of fierce debate, are set to be demolished in mid-August. Aronson noted that the Palestinian Ministry of Planning has said their existence is "an obstacle to the effective utilization of this land by Palestinians." However, much of the infrastructure, such as settlements' potable water, electric and telecommunications systems, would be very useful to Palestinians. Nevertheless, Aronson observed that Palestinians would gain little by acquiring Israeli agricultural equipment because they would still lack sufficient markets and transportation to make the industry viable. The main obstacle to the creation of profitable agricultural enterprises in Gaza is therefore "access to secure markets" as well as "transparency and regularity in the export process from Gaza to Israel." Neither of these two elements are addressed by the evacuation itself, and will therefore be the source of further tension, said Aronson.

Aronson believes Israel has no intention of withdrawing its troops or settlers from the West Bank and East Jerusalem. While Israel is preparing to remove settlers from Gaza, the Jewish population in other sections of the Occupied Palestinian Territories has been increasing at an annual rate of 3 to 5 percent, mostly in the larger West Bank settlements, Aronson said. These large settlements, many of which are considered middle-class suburbs and are indistinguishable in appearance from the homes and suburbs in Israel, are located almost exclusively on the western (Israeli) side of Israel’s separation Wall, thus effectively annexing them to Israel. "Israel’s definition of security includes protecting these settlements," Aronson observed, even though they are not part of Israel based on the 1967 borders.

Aronson said that East Jerusalem, which is home to some 175,000 settlers, has not seen significant population growth due to a combination of the harsher climate and political tensions between a large Palestinian population and an ultra-orthodox Israeli community. Aronson explained that the population in the eastern, more traditionally Arab side of the city "has stagnated" as young, educated Israelis move toward the coast.

The most visible manifestation of Israel’s intention to stay in the West Bank and East Jerusalem is the Wall, which includes three large swaths of Palestinian territory and is well on its way to completion, said Aronson. Incorporating 80 percent of West Bank settlements into Israel, Aronson stressed that the route of the Wall is "a function of the settlement map and don’t let anyone tell you anything else." Aronson argued that the barrier not only "affects the livelihoods and the everyday existence of tens of thousands of Palestinians who find themselves cut off from their lands or major centers of commerce," but he said it also has negative implications for Israel. "West Jerusalem once again becomes a dead end," said Aronson, pointing to the economic and labor losses resulting from its territorial and geographic separation from Palestinians.

Aronson argued that American and Palestinian leaders' lack of adequate data on the geographic realities facing Palestinians contributed greatly to Palestinians' current hardships. “One of the problems that the Palestinian community has faced has been the lack of interest demonstrated by its political leadership in the maps,” said Aronson. “The Israelis never permitted the [Oslo] negotiations to center on discussions over the maps themselves.” He explained that Israeli negotiators focused on “vague principles” rather than territorial viability, which was in Israel's interests but disadvantageous for Palestinians.
While acknowledging some possible benefits from Israel’s withdrawal of its troops and settlers from the Gaza Strip, Aronson was quick to note that the “evacuation” itself does not mean an end to Israeli’s occupation of Palestine. Israel’s construction of the Wall, along with its other policies toward the Palestinian people and land, are intended “to consolidate Israel’s occupation, and not to undermine it,” said Aronson.

The above text is based on remarks delivered on 21 July 2005 by Geoffrey Aronson. The speaker’s views do not necessarily reflect those of The Jerusalem Fund or its educational program, The Palestine Center. This “For the Record” summary was written by Palestine Center intern Zachary Bernstein and is the fourth of four intern lecture summaries published to The Palestine Center e-mail distribution list and website on the date noted above. This summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Palestinians constitute one of the largest and longest standing unresolved situations of displacement. About one in three refugees in the world is Palestinian and more than two-thirds of Palestinians are refugees. Less than 1 percent of Palestinian refugees, said Susan Akram, associate professor of law at Boston University, has been able to return to their places of origin according to conservative estimates. Even fewer have received restitution for their material or social losses, concurred sociologist and development consultant Souad Dajani, author of two recent studies on Palestinian refugee rights.

Palestinians’ Right of Return and right to housing and property restitution are “integrated related to each other, yet quite distinct as a legal matter,” said Akram during a Palestine Center symposium on 18 July 2005 entitled “Re-claiming Palestine: Palestinian Losses, Exile, and Diaspora.” Akram addressed the legal aspects of these issues as part of a panel with Dajani and Bret Thiele, coordinator of the Geneva-based Center on Housing Rights and Evictions (COHRE)'s Economic, Social and Cultural Rights Litigation Program. The symposium focused on Dajani’s studies, “The Untold Story: The Cost of Israel’s Occupation to the Palestinians in the West Bank and Gaza Strip” (Washington, DC: The Palestine Center, February 2005) and “Ruling Palestine: A History of the Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine” (Geneva: Center on Housing Rights and Evictions, May 2005).

Akram said that the legal basis for a refugee’s Right of Return is established in three main bodies of law: the law of nationality and state succession, human rights law and humanitarian law. In all three, explained Akram, the Right of Return is both “a rule of customary international law and codified in international treaties.” Pointing to numerous treaties that Israel has ratified, which bind it to recognize and implement this right, Akram argued that Israel is the state entity responsible for creating the refugees and is thus held responsible for the implementation of Palestinians’ Right of Return.

Under the laws of nationality and state succession, newly-created states are obligated to grant all persons found within the territory the nationality of the new state, and are forbidden from arbitrarily denationalizing or expelling persons found therein on the basis of race, religion or ethnic origin. Residents expelled during conflict are also entitled to return to their places of habitual residence under these laws, explained Akram. She said that Israel is a party to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and is a member of the Committee on the Elimination of Racial Discrimination (CERD), each of which prohibit denationalization, expulsion, and the denial of the Right of Return on the basis of race, religion, or ethnic origin.

Akram said that Israel maintains that it is not responsible for creating the refugee problem and that it is, therefore, free from any obligation. She explained that Israel argues that Palestinians’ Right of Return would threaten the “Jewish character” of Israel and that it would be committing “political suicide” if Palestinians were allowed to return to their homes. In addition to denying responsibility for creating the refugee problem or causing Palestinians to leave, Israel maintains that the Right of Return is an individual right that is not available in mass refugee situations. However, in the last 40 years, the Right of Return has been “firmly embedded” as a core obligation of nation-states. “State practice includes the incorporation of Right of Return in peace agreements, such as in Indochina, Cambodia, Mozambique and Rwanda,” Akram said, noting that in the 1990s, an estimated 12 million refugees were repatriated around the world. The Palestinian Right of Return is further codified by numerous UN resolutions that refer to it as unconditional, inalienable and imprescriptible, Akram said.

Turning to the issue of restitution, Akram said the basic rule is that the state responsible for the illegal expropriation must reverse the effect of that violation through full property restitution. She drew on the general law of state responsibility to based legal recourse for housing and property restitution. Akram pointed to Bosnia, where more than 40 percent of all property claims have resulted in the restitution of the homes and lands to their owners after the conflict ended. "Most remarkable in the Bosnia case is that restitution has been the goal of the reconstruction process and not a penny has been paid in compensation as an alternative to restitution," Akram said.

While millions of refugees throughout the world have returned to their original homes, Bret Thiele argued that based on the research of COHRE, Israel continues to violate Palestinian refugee rights to their land, housing, and property restitution. He noted that approximately six million Palestinian refugees are prevented by Israel from returning to their homes and recovering their land and property in what is now Israel.

"If Israel were willing to return confiscated land to Palestinian refugees, this could be a comparatively simple process because most of the land remains under the public control of the Israeli government and has not been transferred to private hands," Thiele said. He argued that restitu-
tion of Palestinian claims would be less complicated than in other places where COHRE has been active, such as Bosnia, Kosovo, Mozambique, and South Africa, based on the fact that in the Occupied Palestinian Territories, “large portions of land confiscated since 1948 remain empty and almost all Palestinian refugee families retain their original land and property titles which prove ownership rights,” he said.

Addressing why the Right of Return has not been implemented for Palestinians, Thiele noted that despite the basis for Palestinian rights in international law, Israel has enacted its own laws enabling the expropriation of Palestinian land and property. He noted that the 1.2 million Palestinians with Israeli citizenship constitute more than 20 percent of Israel’s population yet they own less than 3 percent of the land.

Thiele said that a series of these Israeli laws, which are described in detail by Dajani in the May 2005 study published by COHRE, have been used to “lay legal claim” to the lands and property of “absentee” Palestinians, which he defined as “the Israeli government’s euphemism for forcibly displaced Palestinian refugees.” He argued that “Israeli law has been fundamental to the expropriation of Palestinian land and property since the declaration of the state of Israel in 1948,” by allowing for massive confiscation of Palestinian land and its transfer to Israeli control.

In particular, the CORHE study outlines Israel’s use of the 1954 Prevention of Infiltration Law to bar so-called “internal refugees” from returning to their family homes and villages by defining and prosecuting them as infiltrators if caught. Internally displaced Palestinians are those who were declared absent by Israel from their villages at the time of Israel’s creation but remained within Palestine. Dajani’s study also reveals that Israel enacted land and property laws in the Occupied Palestinian Territories to facilitate its control of 4,700 sq. kilometers of land. The study draws attention to the fact that Israel’s current construction of the Wall around the West Bank will reduce it by an additional 15 percent.

Although property losses incurred by Palestinians in 1948 and in 1967 are methodically documented in both of Dajani’s studies, she said that what is important is “not so much the data you collect, but rather the principle you start from, the principle of international law.” Dajani argued that the starting point for assessing the cost of occupation to Palestinians in the Territories Israel occupied in 1967 is the belief that the “whole occupation is illegal” and that Israel is “obliged to withdraw fully from the occupied Territories.”

Although the study Dajani published through The Palestine Center focuses on restitution and compensation, Dajani stressed that the study does not suggest that the Right of Return “is a matter to bargain over.” She maintained that “restitution is not a substitute for return.”

Research for “The Untold Story” proved challenging. Dajani found existing records to be incomplete and most data inaccessible. Methods used to measure losses were not comparable throughout the Occupied Territories and were taken at various periods. She said that data collected by international donors was compiled to measure the need for economic aid, not to determine compensation. While detailed records collected by the United Nations Conciliation Commission for Palestine (UNCCP), which relate to the land left behind in Israel by Palestinian refugees in 1948, are housed at the UN archives in New York, there are no such records for those made refugees during 1967, explained Dajani. She described The Palestine Center publication as a “useful tool” to use in measuring restitution for the loss of land and livelihood, damaged infrastructure, destruction of homes, lost opportunities, and human suffering incurred over 38 years of occupation.

Through her research, Dajani found that Israel gives legal preference to Jews by enacting laws that “enshrine Jewish privilege and entitlement while legally sanctioning discrimination against Palestinians.” She explained that some laws enacted by Israel are designed to “sever the links between the indigenous Palestinian people and the land,” while other laws create links between Jews and the land in order to “replace the now-legalized broken bond” of Palestinians toward the land. Dajani said that with US support, Israel has “tossed binding and applicable international laws to the wind as far as the Palestinians are concerned.” However, she blamed Palestinian negotiators for “moving away from asserting international law as the basis for a just resolution to the conflict.”

Backed by the United States, Dajani said that Israel has refused to address Palestinian rights of return and restitution from a legal basis and approaches the issue as a political matter instead. She argued that Israel expects the international community to assume the financial burden of settling refugee claims and insists that Jews be compensated for property left behind in Arab countries. “The value of Palestinian refugee property from 1948 alone is estimated to be 22 times the value of Jewish property in Arab countries,” Dajani noted.

Despite almost universal condemnation by the international community, Thiele added that Israel continues to carry out “discriminatory land, housing and property policies, and practices which make a sustainable and just peace a practical impossibility.” He argued that a lasting peace between Israelis and Palestinians will only be possible when ordinary Israelis “acknowledge and accept responsibility” for past wrongs, embrace the process of reconciliation and overcome their fear of their historic neighbor. He added, “What little remains of the Palestinian homeland is disappearing in front of our eyes. It is as if Israel is deliberately erasing it from the map.”

*The above text is based on remarks delivered on 18 July 2005 by Susan Akram, Souad Dajani and Bret Thiele. The speakers’ views do not necessarily reflect those of The Jerusalem Fund or its educational program, The Palestine Center. This "For the Record" summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.*
Palestine, Israel and the United States

Israel’s disengagement from Gaza will not change the status of Palestinian refugees, nor does it suggest a reduction of the programs and services provided by the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

UNRWA’s humanitarian operations will continue, said Commissioner-General Karen Koning AbuZayd, until there is a political settlement of final status issues between Israelis and Palestinians, and until the UN General Assembly instructs it to do otherwise. She said that because the only thing Israel did in Gaza was to protect the settlements and build checkpoints, little will change after its disengagement.

In her briefing at the Washington, DC-based Palestine Center on 12 September 2005, AbuZayd focused on Israel’s disengagement, UNRWA’s future, and the Agency’s job creation, micro-finance, and house reconstruction programs. UNRWA currently provides assistance to 4.3 million Palestinian refugees who are registered in the regions of Jordan, Syria, Lebanon, the West Bank and the Gaza Strip. UNRWA is focusing on providing Palestinians with greater opportunities and benefits to show that the disengagement will be beneficial for them. However, she cautioned that “while we’re trying to give benefits economically, we have to keep the political horizon in mind too.”

Access in and out of Gaza is a main concern of UNRWA in the post-disengagement era. AbuZayd noted that access through the seaport will not be available for two to three years. Freedom of movement is still lacking for Palestinians because the political agreements regarding Rafah and other border crossing points remain unsettled, AbuZayd explained, and people are forced to use the new Israeli checkpoint at Kerem Shalom. “This is not good news, I would say,” she added, describing the burden placed on the Palestinian economy by back-to-back convoys of trucks that are forced to unload and reload at the border.

AbuZayd said a territorial link between Gaza and the West Bank is also crucial to the livelihood of Palestinians and future of a Palestinian state. While the Israeli military forces and settlers are gone, the Oslo categories of A, B and C territories—which divide the West Bank and Gaza Strip into areas controlled by the Israeli government, the Palestinian Authority (PA), and both—remain the same, she said. Despite Israel’s withdrawal from four small settlements in the West Bank, she said, “there is no real change. The Wall continues to be built and the settlements continue to expand.” UNRWA officials worry that this will lead to a reaction in the West Bank that may spill into Gaza if Israel continues.

AbuZayd stated that “Gaza is going to be run the same way it has been run, and it hasn’t been run that badly” in terms of social and security services. She said UNRWA employs 12,000 staff members in the West Bank and Gaza, two-thirds of whom are based in Gaza. UNRWA is working closely with the United States, through a team led by former World Bank president James D. Wolfensohn, to develop “rapid action projects” as well as medium- and long-term agency-wide goals. AbuZayd said part of Wolfensohn’s plan is to integrate UNRWA operations under the umbrella of the PA so that UNRWA is the “implementing partner” for funding and the lead on some activities while the PA is credited with the provision of its services.

Regarding job creation, AbuZayd said that UNRWA will hire as many new employees as it can, based on international donor funding. It would like to begin an apprenticeship program for Palestinian students who graduated in the past four to five years but remain unemployed, and plans to create at least 29,000 jobs with the funding it has to date. UNRWA officials have met with municipal, private sector and NGO officials to compile a list of positions needed by institutions. In addition to finding sustainable jobs for the 20,000 day-wage laborers who became unemployed at the beginning of the intifada, AbuZayd described plans to begin infrastructure projects that will create new jobs while improving conditions in a region that has greatly deteriorated over the past five years.

AbuZayd said that due to the solid infrastructure its staff has established during the past 15 years, UNRWA needs only one million dollars in additional funding to double the amount of micro-finance and micro-enterprise loans it provides to Palestinian refugees. With a program that is self-sufficient and a staff that is proficient in their duties and clientele’s needs, AbuZayd said that the program can be mobilized immediately and can show visible benefits to Palestinians most able to revitalize the Gaza economy. An additional medium-term micro-finance project in the works with the Wolfensohn team will increase the scope of all loans given over the next three years by up to $19 million of additional funding.
UNRWA is also developing a medium-term housing reconstruction program for the nearly 30,000 refugees who lost their houses during the intifada, which will be closely related to its current program. It will evolve in concert with the PA’s plan to build homes for non-refugee Palestinians. Despite pledges from Arab governments and Japan, she said that UNRWA needs more money “to improve the living conditions and infrastructure of the camps,” as well as to expand them, provide parks, and create play space for children in the former security zone areas around the Gaza Strip settlements. AbuZayd said UNRWA is working closely with the PA, whose programs focus on non-refugees. She noted that the PA plans to develop the former settlement land through agriculture, high-rise housing, and tourism.

Briefly discussing refugees in southern Lebanon, AbuZayd noted that UNRWA is optimistic regarding conditions there. She commended the Lebanese for new legislation that allows Palestinian refugees to work in some of the 73 job categories from which they were previously barred, as well as new policies allowing UNRWA staff to transport materials into the camps for structural improvements.

UNRWA defines a refugee as “anyone who lost both home and livelihood in 1948 after being in Mandate Palestine for the two years before that, from 1946-48,” said AbuZayd. Under UNRWA’s mandate, the status of Palestinian refugees will not change until a political settlement of final status issues, she said, which distinguishes them from other refugees who acquire the nationality of their host government under international law and the mandate of the UN High Commissioner for Refugees in exchange for the Right of Return. Palestinians registered with UNRWA maintain all the rights conveyed to them by UN resolutions on the Right of Return and compensation, she said, and they can choose to take advantage of the services of the hosting country if so desired without jeopardizing that status. The Agency is working with hosting governments to allow female lineage for matters of nationality so that Palestinian identity is not transferred only through the male line of birth, she noted.

AbuZayd said that in her 19 years of working with refugees, being based in Gaza “is one of the best places I’ve ever lived. The streets are clean; there is electricity; there’s hot water; there are dry cleaners. It’s a proper place.” She added, “And it’s run by the Palestinian Authority.”

The above text is based on remarks delivered on 12 September 2005 by Karen Koning AbuZayd. The speakers’ views do not necessarily reflect those of the Jerusalem Fund for Education and Community Development or its educational program, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Atallah said that Palestinian security forces were reintroduced into the Occupied Territories by an agreement between Israel and the PLO whereby “the Palestinian security services would end the first intifada and provide security services for Israel.” The Palestinian public did not see the return of the security forces to the West Bank and the Gaza Strip as protection for Israel, however. Instead, they saw its return as a way of preparing the way for the establishment of an independent Palestinian state.

Atallah said this quid pro quo, or trading of valued items, was to allow the Palestinians to begin a negotiated process with Israel that would lead to Palestinian independence and freedom by 1999 under the interim agreement signed between Israel and the PLO. When a Palestinian state did not materialize in 1999 as promised, the Palestinian security sector was helpless to prevent the second intifada from erupting. “It could not do what the Israelis wanted it to do without Palestinian public support, but at the same time it could not do what the Palestinians wanted it to do, which was to join the intifada and fight Israel,” Atallah said.

“The contradiction between Israel’s security concerns and Palestinian aspirations to be free were effectively subsumed during the Oslo years,” explained Atallah. Israel received unmatched security from the Palestinian security services and the Palestinian public received steps towards statehood on the land for peace model. However, once this arrangement collapsed in September 2000, the PA security services were trapped between the PLO’s agreements with Israel and the Palestinian people’s desire to end the occupation. “The result was paralysis,” he said.

Israel saw the Palestinian security services’ failure to prevent the intifada as a betrayal of the mandate the PLO had signed, believing that it had effectively subcontracted the PLO to provide security for its occupation while it decided what type of state and level of sovereignty it would allow Palestinians to have, said Atallah. Israel responded by attacking the Palestinian security services both because they were easier targets than the cell-based system of Hamas and al-Aqsa Martyrs Brigade and because their employees, police stations and jail houses were “a very well known commodity” to the Israeli military. Atallah said that this was a “win-win” situation for Hamas, which at the beginning needed only to “attack Israel and get credit on the street.”

Pointing out that Hamas’ primary rival is the PA and not the Israeli government, Atallah said Hamas’ popularity and the coherence of its political agenda and organizational structure create an environment in which the Palestinian security sector has only a limited capacity to maintain public order despite the generally secular orientation of Palestinian society. “Hamas has responded very rapidly to Israeli attacks on Palestinians,” he emphasized, noting in particular the immediate physical assistance and cash it provides to victims of Israel’s attacks before the PA or the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) can respond.

In this context, Atallah argued that several things must happen before any reconstruction of the Palestinian security services will be effective. First, Fatah’s organizational structure must be rebuilt. He argued that at the same time Israel was attacking the security services during the second intifada, the Palestinian leadership under the late President Yasser Arafat was itself dismantling Fatah’s structure through its inaction and other missteps. The result was that “the largest secular grassroots movement among Palestinians collapsed from an organizational structure into a general movement.”
One crucial way of reforming Fatah would be to hold primaries before general elections, as the “young guard and the middle guard” have been demanding, said Atallah. This would enable Fatah to select the candidate most popular and capable of speaking on its behalf and “to provide a legitimate Palestinian alternative to the most dominant force right now, which is Hamas.” However, Atallah said that many in the “old guard” resist primaries because they see changes in the process as a threat to their own positions of power.

Secondly, the Palestinian security sector must be streamlined and fully integrated under the PA Ministry of the Interior. Moreover, a functioning national security council is necessary for the Palestinian security services’ effectiveness. While it has not fully addressed the need to rebuild Fatah, the PA has begun to address the question of reconstructing the security forces by mandating that the extra-legal units and former police who joined the militants return to the legitimate Palestinian security services, said Atallah. President Abbas has also instructed independent Palestinian security forces to no longer communicate directly with the intelligence services of other governments, reinforcing the authority of the Ministry of Interior. The goal is to unify the security forces into three command and control structures that work together and report directly to the Ministry through the creation of sectoral and joint operation centers in the Gaza Strip and West Bank.

Atallah was positive about the steps that the Palestinian security sector has taken already, noting new initiatives such as the process of retiring Palestinian security officials who are above the age of sixty, the first-ever preparation of a joint “concept of operations” plan for the recreation of the security sector, and the development of a communications plan that will better enable the security services to work with people in the community, such as the Rafah and Khan Yunis refugee camps. However, implementation of the consolidation plan is only about 70 percent complete, he said, because of the resistance of some former police units to integration within a legitimate structure. He noted that Force 17, the military intelligence, special forces, special security, air force and maritime forces remain separate and/or report directly to the president.

Thirdly, Atallah said that the Palestinian security services’ effectiveness is weakened by the lack of an independent judiciary. Atallah said that Palestinians must have an independent judiciary before reform in the security sector will be sustainable. The first step in the process to achieve an independent judiciary would be the appointment of an independent attorney general who has subpoena and investigative powers as well as the protection of the security services, Atallah said. This is a necessary step “to clear the names of the people wrongly accused and to bring to justice those who are found guilty,” like the former Gaza security chief Moussa Arafat who was assassinated on 7 September 2005 instead of facing an independent jury and public trial.

Lastly, Atallah argued that the Palestinian security sector needs greater support from the international community. He commended the European Union for its civil policing capacity training through the Coordinating Office for Palestinian Police Support (EUCOPS), and the UK for its military liaison mission, which augments Palestinians’ “communications and operations room capabilities.” Atallah noted Egypt and Jordan’s desire to play a stronger role in Palestinian security in the Gaza Strip and West Bank, respectively.

Atallah said that the international community’s current strategy of involvement is aimed at containing the conflict and developing “a strong and powerful security force that can ensure that...a third intifada does not start.” Atallah said this strategy by the international community is destined to fail because it only addresses one angle of the problem: the security forces’ capacity to command and control. Atallah said the international community sees Gaza as a test case for statehood in the West Bank, or “those cities that Israel chooses to withdraw from,” while ignoring the political process, national goals and organizational structure in which this capacity exists.

“It is clear that the international community is not in a conflict-resolution mode,” said Atallah. “What there is is an attempt to manage the conflict.” Unless the international community deals with the key considerations he addressed, Atallah said the Palestinian security sector will not be able to withstand Hamas or to guarantee law and order for the people.

The above text is based on remarks delivered on 21 September 2005 by Amjad Atallah. The speakers’ views do not necessarily reflect those of the Jerusalem Fund for Education and Community Development or its educational program, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Thank you for inviting me, and again we're very sorry to be late. If the president of the strongest country in the world wants to meet you, you have to go and that's what we did. It's a privilege, but sorry again to be late.

We had a very pleasant meeting. We talked about what the Palestinians under President Mahmoud Abbas are trying to do and trying to achieve, what President Bush's vision is all about, and what [President Bush's] commitment to the Palestinian cause is in terms of establishing a viable and contiguous Palestinian state. He said he does not want a state that looks like “Swiss cheese”—these were his words. Yet “Swiss cheese” it is at the moment. We have to try and come to a different kind of ‘cheese,’ I hope [laughter] but at least a cheese that is contiguous and viable, and democratic.

I want to say a few things in general, and then you can ask me some questions. President Abbas has been in office for nine months now. Basically, his vision is freedom, democracy, and independence through negotiations rather than military means. This is his vision, what he was elected on, and his program. He was elected by 63 percent of the population, which I think sent ripples in the Arab world because no president has been elected without 99 percent of the population electing them. Maybe other presidents will have to accept 88 percent now, then 77 percent, 66 percent, and so on. I think President Abbas has started a new trend—that you cannot really have everybody supporting you, but if you have the majority, that's democracy and you take the people with you.

Through his nine months, President Abbas has tried to achieve a lot. And he has achieved a lot. He achieved a truce that probably was 80 to 85 percent solid, but he achieved it. He dealt with issues of security, retired thousands of old Palestinian officers, decided that the eleven apparatuses we have now have to be three, pushed in financial reforms, pushed in anti-corruption measures, pushed files in front of the public prosecutor to deal with corruption cases, pushed for the establishment of the rule of law through different legislation, and pushed for honest and transparent elections which are happening all the time. I mean, this year we have had one election for president; we're going to have four municipality elections; and we're going to have Palestinian Legislative Council elections on the 25th of January.

All of this is establishing democracy at its best by establishing the rule of law, strengthening the judiciary, making changes in the judiciary system, creating new administrative reforms, and so on and so forth. The list is very long of what he has achieved in his nine months. There is a long list to be achieved as well. We found ourselves, after five years of intifada with Israel demolishing the institutions and especially the security apparatus, in a very difficult position. To do the right thing, to re-establish and to establish new institutions, accountability, and transparency in the system—this takes time. But, he has achieved a lot in his first nine months.

This is what is happening on the internal side of matters. On the external side, President Abbas has been a firm believer for a long time that we will not get anywhere with Israel through military means. They are much stronger. If you shoot one bullet at them, they will shoot twenty thousand bullets back. You throw a stone, they will throw a million at you. They will get in with tanks, with their destruction machines, which will damage you irreversibly sometimes.

The only way to go forward is to negotiate with the Israelis through getting international public opinion on our side. That is the only thing that will shift Israel—international public opinion led by the United States of America, since now it is the only power that is available in the world. This may push Israel into making the difficult decisions they have to make, and may in the end give us what President Bush has been talking about: a viable, contiguous Palestinian state living side by side in peace and security with Israel.

Hence, this was the vision and this is how he wanted to deal with Israel. He wanted to make sure that the Palestinians are not provoked, that the Palestinians take the higher moral ground. If the Israelis kill a Palestinian child, we should not respond by killing an Israeli child. We should always take a higher moral ground, and therefore force them to deal with us as equals and eventually, to get out of the 22 percent of the land that is viable as a Palestinian state, including East Jerusalem.
This was his approach with the Israelis. The Israelis, before President Abbas was elected, have taken a little step in disengagement from Gaza. Of course, the disengagement from Gaza has been always almost unilateral although, when President Abbas took over, the United States and other governments decided that there should be some sort of coordination between the Palestinians—and asked the Palestinians to coordinate it—with Israel, which we happily did. We created lots of teams to deal with the different issues that the Israelis are going to be leaving or dealing with us on.

Whether the disengagement is a difficult decision taken by Sharon for the sake of the Palestinians or for the sake of Israel itself is a matter to be debated. Israel wanted to pull out five to six thousand settlers who have settled 30 percent of the Gaza Strip as this was not viable anymore and in order to consolidate and take over the West Bank. It’s an easy equation: the six thousand settlers in Gaza was an untenable position for Israel because 1.3 million Palestinians were surrounding them, growing by 50,000 to 60,000 people a year, and already controlling 70 percent of the land more densely than Hong Kong.

But of course, we decided to work and see if they can leave in peace rather than leave under fire. That has been a worry all the time. The US government sent General Ward, who we think was one of the most successful American people to play the roll of negotiator and support, or an “honest broker.” I have told General Ward that he was the first person who comes to Palestine and then gets promoted to become a four-star general. The rest have been demoted or came out of history altogether. [Laughter] So General Ward must have done something important because he was successful at that.

To give him the credit, the security coordination with Israel was successful. The settlers left without any firing of arms at them. Also, the soldiers then left in the same vein. So, on the security issue there was success. Of course, it was a bit unfortunate that the Israelis would not tell us when they were going to leave, which almost coincided with the President’s visit to the United Nations, so he couldn’t be there. But at the same time they didn’t leave in phases, so that we can control better the land that they were vacating—it is big chunk of land, 30 percent of the Gaza Strip altogether.

Very quickly we had to change our plans. We decided that our troops had to be deployed in areas where they can be most effective: first, not to allow the Israeli army to be attacked because that was a concern. Second, to protect the area of the Erez checkpoint, which is the industrial zone, because that industrial zone and the equipment in there is mainly Palestinian-owned, but the Israelis were vacating it with the equipment. And thirdly, to try and protect as much as possible the greenhouses which span more than 3,000 dunums [approx. 750 acres] of land all over the place. These also needed to be protected, in part because some Jewish philanthropists paid money to the settlers to leave the greenhouses in tact.

Of course we had a big debate about this, and we are so happy this has come out like that. To start with, many wanted us to compensate the settlers through funds that are donated to the Palestinian government. We said we will not accept that, that is not acceptable. Our position is that they should compensate us for 38 years of the use of the land and water, rather than us compensate them and create a precedent. Because, if tomorrow they want to leave the West Bank, I hope they will not ask us for compensation—on the contrary. That meant that the best solution to be found was that some Jewish philanthropists come together, buy this as a gift to the Palestinians. We wanted to make sure that we protect that land because that land also employed about 3,000 Palestinian workers, so that was very important.

So, this has worked. Of course, I was in Gaza all the time and the President was in Gaza all the time to ensure this was happening. Of course we heard and have seen that the media has decided that this happened very well, but it’s not true. I therefore want to talk about this a little bit about this.

While the security coordination worked very well, but the civil coordination was bad. In the last few days of the negotiations, the Israelis said that Rafah crossing was going to be closed, they were not going to open it, and they were going to force us to go to another crossing called Kerem Shalom, which is south of the Gaza Strip. They were going to build it up very quickly so that the Palestinians use it.

On the second issue, safe passage, Wolfensohn suggested that there could be a safe passage between the West Bank and Gaza in the convoy manner, until a safe passage—whether it’s a train or road—is established. The Israelis came back to us in the last few days and said “We’ll think about this,” but nothing happened. On the airport, they even denied us the right to start reconstructing the airport they demolished. On the issue of a passage for goods through Israel to the West Bank, they refused to take action to implement what we called the ‘door to door’ facility. They wanted to do the ‘back to back’ style, which means that a container of goods coming from the States to the port of Ashdod will cost you $1,000. A container transferred from Ashdod to Gaza will cost you $2,000 because of this ‘back to back’ arrangement that the Israelis have.

We felt that this has failed completely, and decided that we will not join in any ceremony with the Israelis over the handing-over of Gaza. Our security forces said to them, “Just call us by mobile phone and tell us when you’re leaving, so that we take over. There will be no ceremony and we are not happy with the way things have moved.”

You cannot build a country with three or four armies walking the streets.
In any case, they have moved out. This is definitely an essential and important step, because Gaza now on the inside is free. It is free—you can go from the north of Gaza to the south of Gaza in 45 minutes. You used to go from the north to the south in anything between five hours to 24 hours, because there was a checkpoint called Abu Holeen in Gaza, near Khan Yunis, where you could stop for hours, for days sometimes, and not move. The Israelis created this road for the settlers, and when the settlers are crossing nobody else crosses. So the 1.3 million Palestinians had to make way and stay wherever they were on both sides of the crossing, just for the six thousand settlers to move to and from Israel.

That was a blessing for us. There is nothing internal now, in Gaza, which stops us from being free. We forget safe passage at the moment and forget the Rafah crossing point, for in Gaza we are almost free. That means we can build, we can improve our economy, we can start employment for a generation of people, and we can start building our institutions. That was a very important thing to do, regardless of what has happened with the crossing points to the outside.

So basically, the first thing that we wanted to do was to guarantee some sort of safety and security for the citizens because Abu Mazen’s program, or slogan, has always been safety and security. Therefore, one has to create safety and security inside of Gaza, inside of the areas you control. Safety and security means that you cannot allow for militias brandishing arms to walk on the streets. And why should they walk the streets? There are no Israelis anymore, no settlers, so there is no need for anybody to carry a weapon apart from the legal weapon of the police and security force. There is no need for anybody else to carry a weapon around.

This has been what President Abbas has been trying to do. Of course, this has been faced with resistance from Gaza. First, there are of course the groups that were allied to Fateh, which is the President’s party, such as the al-Aqsa Martyrs Brigade, and other little groups who had to be controlled. The President said in effect, “I want to start with my own house—there is no convincing anybody if I don’t start in my own house.” So he started taking steps in the dismantling of these groups, bringing them back to the Fateh fold, taking some of them into the security services and some of them into the Authority.

But these were not, in my opinion, the danger. The danger came from groups like Hamas and Islamic Jihad, who said “Our war of liberation hasn’t ended—the Israelis are still around, therefore we should keep our weapons.” The issue was, “Why do you want to keep your weapons in the streets of Gaza? There is nobody to fight there. If you want to keep your weapons, keep them—but don’t demonstrate them or parade in the streets of Gaza because that will only create problems and lead to clashes with the only Authority that has the right to brandish the only legal weapon in Gaza.”

You have heard of the clashes that have taken place—this time twice—over issues that deal with the brandishing of weapons because all the different factions have now agreed that there should be no weapons. In fact, before that incident that took place in Jabalia where 20 people were killed and hundreds of people were injured, the decision was that the next day, Saturday, there would be no more demonstrations or parades that were armed. Of course, this incident took place where a rocket that was in a car in the Hamas parade fell. Somebody tried to deal with it and it exploded. Three others exploded, killing 20 people and injuring about 100.

Of course, Hamas decided that the best way to go around this is to claim that an Israeli rocket landed on the parade, and hit Israel with 42 Qassam rockets which did very little damage but brought an Israeli response that created big problems for us for a while. Having said so, this is being dealt with. There has been quite a big change in the Palestinian perception regarding the Gaza Streets. Most Palestinians accept that there should not be weapons, that these parades are actually damaging rather than helping, and if you want to fight the Israelis then you don’t brandish arms in the middle of Gaza—because they aren’t there anymore.

This has been happening, but at the same time there is a perception among the people of Gaza that this cannot be acceptable and, in my opinion, that those groups now have decided to agree and accept that weapons should not be displayed. Public opinion has shown that they are losing ground because of that. The latest municipal elections have shown that Hamas lost a lot of support because of that, and I think that everyone now agrees that the best course is to keep the arms away so we can have an election campaign. You cannot have an election campaign with weapons being displayed on the streets—that is against democracy and not acceptable.

Therefore, from now until elections, in the areas that the Palestinians control, there will be no show of weapons or demonstrations in the streets. By election time, all the groups that are allied to Fateh, and al-Aqsa Martyrs Brigades in Gaza in particular, will be dismantled. After elections, if the Parliament, or new Legislative Council, takes a decision as I’m sure it will that you cannot be a militia and a political party at the same time, then that means that all these weapons that are not being used for self defense or by the legal authority have to be taken away.

When I or the President say that, some people don’t like it. But you cannot build a country with three or four armies walking the streets. You have to clean your streets, or rid ourselves of all of this. I think even Hamas, who is running or wants to be running in the elections on the 25th of January, realizes that. They have now actually shifted their campaign towards talking about the social issues, rather than the issue that they should keep their arms, which is very good. They are tackling now the PA on the issue of not employing Hamas people and employing only Fateh people. But that is a debate that we can handle in peace and in democracy.
What are the next steps? There are many steps, I think, that we have to do and that the President has to lead this. There has to be more democracy and more reform. There has to be some corrupt people put in front of the public prosecutor. There are 147 files now that have been pushed from the President to the public prosecutor, who he decided to change not so long ago—I think one week or ten days ago. A new public prosecutor has taken office, and he is now lumbered with dealing with these 147 files so that we can at least bring some of these to trial quickly.

The security apparatuses have to be strengthened. Our security apparatuses are not as yet at their best. It’s a long process but at least we have begun the process of unifying those security apparatuses and putting them under one command so they create better security for the citizens.

President Abbas has to also work to win the heart and minds of his people, especially on the issues on the culture of peace and negotiations versus the culture of violence. His campaign is about peace and prosperity, and the economic revival of Palestine, rather than a fight to the end or to death and without any successes. I always say that Palestine is the one country where we’re asked to achieve democracy before we achieve freedom. Everybody else achieves freedom first and then democracy. Unfortunately, for us democracy has to come first. We’re working on this, so that nobody has any excuse to say that we are not going to become democratic when we are free. If we are democratic even before we are free, that means we are definitely going to be democratic when we are free.

We have to work harder on economic development in Gaza. Gaza is a place where you have 50 or 60 percent unemployment. People are poor. When people are poor, that is why they go toward fundamentalism and radicalism, and become without hope. Therefore, we have to bring hope and push despair out of their hearts by creating jobs. From now until election time, the PA has to create 30,40,000 jobs minimum to provide people with money in their pockets so they feel that there is a peace dividend, and it is not all about nothing or that they are surrendering and getting nothing out of Israel.

We have to work hard on solving the issues of the crossings. The Rafah issue is very important, as well as goods and safe passage, so that Gaza is not conceived as a big prison. Most importantly, we have to also ensure that the West Bank is not being used by Israel to consolidate its settlement activities and colonization program. We have to make sure that the Sharm el-Sheik program is implemented. There has to be some freezing of the settlements, there has to be freezing of the Wall, there has to be easing of restrictions on movement—there are 6,700 checkpoints and road blocks, of which two-thirds have no security purpose whatsoever. Therefore we have to ease the life of people as well.

We have to go back to the Road Map. Of course, everyone interprets the Road Map as a wish, but it’s obvious that we interpret the Road Map as leading to a viable, contiguous Palestinian state that achieves a two-state solution whereby the two states are living side-by-side in peace and security.

In the meantime, we need to start discussion of final status issues. These will take a long time to discuss and find innovative solutions for border, refugees, water, Jerusalem, and settlements. These are all issues that if we do not tackle today and find innovative solutions to deal with them, peace will not be established.

Palestine is the one country asked to achieve democracy before it achieves freedom. Everybody else achieves freedom first, then democracy.
The Palestinian Authority (PA) desires a way forward in Israeli-Palestinian negotiations that enables Palestinians' economic recovery, a credible political process, Palestinians' freedom of movement, a cessation of Israeli military violence, and an arrangement for Jerusalem that protects Palestinian institutions, people and land, said Khaled Elgindy, policy advisor for the Palestine Liberation Organization's Negotiations Support Unit (NSU).

Speaking at a 3 October 2005 briefing at the Washington, DC-based Palestine Center, Elgindy's colleague Lamia Matta, a legal advisor at the NSU, concurred. Matta underscored the urgency for economic renewal, a trade regime, job creation, a focus on water, and international insistence on both Palestinians' access to the rest of the world, as well as the removal of Israeli checkpoints and the cessation of closures inside the West Bank.

Elgindy and Matta stressed the importance that Israel's disengagement from Gaza will lead to a credible political process and a cessation of violence by Israel. Elgindy said the international community must push Israel to freeze its construction of the Wall and settlements within Palestinian territory, particularly the E-1 Ma'ale Adumim bloc in East Jerusalem. “There can be no Palestinian state without its capital, East Jerusalem,” Elgindy said. He added that “suspension of the E-1 settlement construction is meaningless until construction of the Wall ends.”

Currently, only 54 percent of the West Bank is open to and/or controlled by Palestinians, Elgindy said. Ten percent of Palestinians (242,000 people) are isolated in the closed military zone between Israel's pre-1967 border and the western side of the Wall around the West Bank, and 12 percent are separated internally from their land because of settler roads and settlement housing blocs.

Providing an overview of the legal and political situation in Gaza, Matta said that while Israel withdrew its forces from the Gaza Strip on 11 September 2005 and from the northern parts of the West Bank two weeks thereafter, there was a second element to Israeli Prime Minister Ariel Sharon's disengagement plan that is also underway. “The continuation of the construction of the Wall and the consolidation of Israel's settlement enterprise in the West Bank, unfortunately, are getting much less attention in the press,” Matta said.

Matta argued that the PA has acted responsibly and has showed a strong performance in the days leading up to and following the disengagement. “The Palestinian security sector had three priorities,” she explained. Namely, it wanted to ensure that the army and settlers withdraw peacefully without any eruptions of violence or disruption from the Palestinian side; that the factions would not take over or announce they were in control; and that individuals, families and factions would not assume control over the land itself. “At the end of the day it was months of a sort of public outreach and a sort of communications campaign which resulted in the very effective display of control that happened during the withdrawal of the troops and settlers,” she said. There was, therefore, “Palestinian unity behind one government voice in all of the planning that led up to the evacuation,” said Matta.

While Israel initially allowed some coordination with the Palestinians on technical issues before the evacuation, its plan was to withdraw unilaterally and without negotiation. It therefore sent representatives who were not empowered to make decisions on issues such as what can happen at checkpoints. Nevertheless, Matta said the PA made a concerted effort to coordinate and held weekly meetings to ensure the evacuation would lead to positive developments. The PA developed an extensive development plan that is currently in the bidding phase, began housing construction and road reconstruction projects, and “is now on a strong footing to implement its plans for economic recovery in the areas that have been evacuated,” she said. She noted that while Palestinians responded immediately and positively to US Special Envoy James Wolfensohn's proposal that the limited technical coordination lead to continuous sessions between decision-makers on both sides, with the assistance of third-party experts as objective mediators, Israel did not respond and has made no movement toward agreement on PA concerns.

Many issues crucial to Palestinians' livelihood remain unresolved. For example, Palestinians in the Gaza Strip face a number of challenges to economic development because of limited Palestinian access to the Israeli labor market and the restricted movement of goods. Total Palestinian labor exports from the Gaza Strip and West Bank are down 68 percent from 116,000 in 2000 to 37,000. Only 1 percent of Palestinians living in Gaza work in Israel today. Average incomes have declined 30 percent since 2000, unemployment is 35 percent (27 percent overall), and projections by the World Bank indicate that poverty in the Gaza Strip will reach 76 percent by 2008.
Matta noted that there has been little progress or political agreement on border closings, checkpoints, internal closures in the West Bank, and construction of a "safe passage" between the Gaza Strip and West Bank. This has caused a significant increase in the cost of shipping and a decrease in the movement of agricultural and material goods. Whereas 500 trucks a day crossed through the Karni Crossing from northern Gaza into Israel in 2000, only 35 crossed on average per day in 2005. Exported goods dropped 35 percent since 2000, she said, such that 75 percent of businesses in the Occupied Territories report today that they function at one-third of their previous capacity.

Israel’s disengagement from Gaza and some small parts of the West Bank took place in concert with "unprecedented settlement growth" in the West Bank, said Elgindy. He provided statistics that the Zuffin settlement has increased from 225 housing units to 1,725 (570 percent rate of growth); the Givat Binyamin settlement has increased from 400 to 600 units (50 percent growth); the Modi’in Illit settlement has grown from 4,300 to 5,800 units (35 percent); and the Har Adar settlement has increased from 404 to 474 units (17 percent growth).

Israel’s way of allowing “transportation contiguity” for Palestinians within the West Bank, given the growing settlements and extensive network of settler-only by-pass roads, has been the creation of underground tunnels between Palestinian-controlled areas, he said. While only eight had been completed one year ago, today 28 of the 40 projected tunnels have been built. He noted that Israel has spent an additional $8 million to construct “what can only be called a permanent infrastructure” at the Qalandia Crossing between Jerusalem and Ramallah.

Under the circumstances, Matta argued that the ideal resolution to Palestinians’ lack of movement between Gaza and the West Bank would be a road link that permits a water, electricity, telecommunications infrastructure underneath, which was one option the World Bank suggested in its recent economic study and feasibility assessment. The PA is also amenable to having a third-party observation system set up to appease Israel’s security concerns if it enables Palestinians to move goods and people through crossing points, such as Rafah on the border between southern Gaza and Egypt, she said. Such observers would monitor the service standards, dispute resolution, and movement of agricultural goods afforded to Palestinians.

Noting that Israel initially agreed to the reconstruction of the Gaza airport and seaport during early trilateral meetings between Israeli Defense Minister Shaul Mofaz, Palestinian Civil Affairs Minister Mohammed Dahlan and Wolfensohn, Matta said it now refuses to give assurances to the international community that it will allow or enable such reconstruction efforts. The PA believes these are critical to resolve Palestinians’ lack of access and limited movement of goods and people to the rest of the world, to and through Israel, and internally within and between Gaza and the West Bank. "The idea was that, despite the unilateral nature of Israel’s plans, at the very least the PA was looking to get Israel to agree that for this plan to work for both sides, you needed to make sure there could be some sort of economic recovery," Matta said. She added that experts project reconstruction of the airport and seaport will take six months and three years, respectively, once donor funding and assurances from Israel are secured.

This "For the Record" summary is based on remarks delivered by Lamia Matta and Khaled Elgindy, advisors with the PLO Negotiations Support Unit, on 3 October 2005. The speakers’ views do not necessarily reflect those of the Jerusalem Fund for Education and Community Development or its educational program, The Palestine Center. This "For the Record" summary may be used without permission but with proper attribution to The Palestine Center.
Collective Punishment, Occupation and the Palestinians

Summary of a Palestine Center Briefing by Randa Siniora

Despite the positive perception of Israel’s disengagement from Gaza, Israel is still violating Palestinians’ legal protections against collective punishment under international law. Violations of Palestinians’ human rights have not changed, even in Gaza where Palestinians are now free of Israeli settlements and internal checkpoints. Randa Siniora, General Director of the Ramallah-based human rights organization Al-Haq, argued that Israel continues to practice cruel and illegal forms of collective punishment on the Palestinian civilian population.

Speaking on 11 October 2005 at the Washington, DC-based Palestine Center, Siniora said Al-Haq’s campaign against collective punishment, which began in January 2004, focuses “not only on the Wall, but all its implications,” especially East Jerusalem. Established in 1979 by a group of Palestinian lawyers, Al-Haq researches and documents Israeli violations of Palestinians’ basic rights, pinpoints trends in human rights issues, launches campaigns based on its findings and provides legal aid to individuals, as a way of enforcing human rights protection mechanisms in the Occupied Palestinian Territories.

Siniora argued that Israel collectively punishes Palestinians throughout the Occupied Territories in five major ways: through mass arrests, house demolitions, movement restrictions, property destruction and the construction of the annexation Wall. She said that Al-Haq relies on the International Committee of the Red Cross’ definition of collective punishment as “penalties of any kind inflicted on persons or entire groups of persons, in defiance of the most elementary principles of humanity, for acts that those persons have not committed.” She noted that the United Nations has declared that, “The impact, if not the intent, of the measures imposed by Israel has been the collective punishment of the [Palestinian] civilian population.”

Siniora said Al-Haq believes that Israel fully intends to punish Palestinian civilians through its policies. She said that 400 Palestinians were arrested by Israel in the week prior to her briefing, and that for the most part the arrests were en masse and arbitrary. “In some cases, anyone within a certain age range is arrested,” she said.

Al-Haq differentiates between housing demolitions and property destruction. Housing demolitions take place when a family member is wanted by the Israelis, whereas “property destruction” lacks this justification. She said the most common form of property destruction taking place now is the demolition of houses and other buildings deemed “too close” to the annexation Wall.

Al-Haq defines the Wall Israel is constructing in the Occupied Territories as an “annexation Wall,” not an “apartheid Wall” or “separation fence.” Siniora said the Wall’s sections are much more substantive than a simple fence—they involve trenches, razor wire, motion detectors, military roads, and reach six to nine meters high near populated areas. When completed, the Wall will be 670 km long, effectively annexing 10.1 percent of the West Bank into Israel, including the best agricultural land and the West Bank’s major aquifer.

“The Wall is creating facts on the ground to create new borders,” Siniora argued. While there are crossing points that allow some farmers access to their fields, “these gates are completely controlled by the Israeli military.” She noted that they open and close at arbitrary times, and that accessing land on the other side involves a long and “deliberately frustrating process” for Palestinians obtain the proper permit to cross.

Siniora noted that it is especially difficult for Palestinians to obtain permits for buying and selling land. She said this is extremely important because if land goes uncultivated for a period of three years, Israel considers it “absentee property” and confiscates it. Siniora argued that if the intent of the Wall were purely to enhance Israel’s security, “it would make more sense to build it on the 1967 border.” Instead, by building the Wall in such a way that it cuts off farmers from their land, Israel has shown its intent to annex West Bank land permanently.

The Wall also significantly limits Palestinians’ freedom of movement. A normal trip between Ramallah and Jerusalem is approximately 15 minutes. For Siniora, a resident of Jerusalem who commutes to work in Ramallah, the journey now takes over an hour and the return two, due to checkpoints. “We don’t have traffic jams,” said Siniora. “We have checkpoint jams.” Israel also has mobile checkpoints, which appear and disappear at arbitrary times, she said. The result is that “villages are becoming totally disconnected from cities. In the whole Palestinian daily fabric of life, we see complete obstruction.” Social and family events have been severed. “What we’re talking about,” said Siniora, “is dividing the West Bank into small prisons.”

Another form of collective punishment and obstruction of Palestinians’ free movement is the Israeli military practice of placing Palestinian territory under curfew, whereby even journalists and medical personnel are unable to leave their houses for fear of snipers. Residents in the old city
of Hebron spent over half of the last two years under curfew (370 days), due to the presence of 400 “extremist” settlers who live in their midst and can move around freely. Residents of other Palestinian cities have experienced similar restrictions.

Siniora said that although Israel is a signatory of the Fourth Geneva Convention, Israel’s High Court of Justice has dismissed their obligations under this law to date, often using “military necessity” as an excuse. However, she noted that the Convention states clearly that collective punishment is unacceptable under any circumstance, including military conflict. Siniora emphasized that any state which has signed the Convention is obligated to make sure that its standards are respected by other signatories. Thus, the international community has a legal responsibility to pressure Israel to respect its obligations.

Rewarding Israel for disengaging from Gaza overlooks what Israel is doing elsewhere in the Palestinian Territories, Siniora said. Al-Haq is worried that in the wake of Israel’s disengagement from the Gaza Strip, the international community has warmed to the Sharon government despite its ongoing violations. Al Haq is therefore circulating a petition to urge governments around the world to take responsibility and ensure Israel’s compliance with the Fourth Geneva Convention.

This “For the Record” summary is based on remarks delivered by Randa Siniora on 11 October 2005. The speaker’s views do not necessarily reflect those of the Jerusalem Fund for Education and Community Development or its educational program, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
A transcript of remarks given by Dr. Peter Hansen at The Palestine Center on 26 October 2005 is published below. In his briefing on the economic and infrastructure limitations Palestinians face in the Gaza Strip, West Bank and Jerusalem, Hansen argued against calls for the United Nations High Commissioner for Refugees (UNHCR) to take over the mandate of the UN's Relief and Works Agency for Palestinian Refugees in the Near East (UNRWA). Hansen argued that such a change would undermine the Palestinian refugees' symbolic right of return under any final status negotiation, would hinder an already beleaguered process toward socio-economic development, and would prematurely relieve Israel and the international community of their obligations toward Palestinians.

Thank you for that introduction. You said I retired—I would say that I was retired last spring! I retired last spring from what was a long tenure with UNRWA, but it was a period where UNRWA was entering into a very difficult phase with the issues that the Israeli army's withdrawal from Gaza led to and which was not, from my and some others' point of view, the optimal time. I have very much kept my interest in the region, in the United Nations and first of all in the condition and the fate of the refugees with whom I lived and worked for nine years.

What I'd like to touch on today are four issues, but you'll be free to take up whichever other ones we have the discussion session. First, I'd like to say a few words about the current balance of expectations and performance in the process, whatever sort of process it is. Secondly, I will talk about some of the challenges in the economic and social area. Thirdly, I will address who can or should be doing what. Finally, I will talk about an issue that probably is going to emerge again and again, namely the status of the refugees and their future in relation to the two agencies dealing with refugees in the United Nations' system, UNRWA and UNHCR.

With regard to the current balance of expectations regarding the performance of the parties in conflict, I was recently on a panel with a former British Foreign Secretary and a former American Under Secretary of State. As I listened, I was impressed by their eloquent case for how much the Israelis have done now with the withdrawal from Gaza, how it was going to change the situation, and how, therefore, Mr. Sharon needed at least a year of peace and quiet from any further pressures to be put upon him.

Everybody in that particular audience would have, as I do, agreed with the fact that one has to apply whatever pressure the international community can apply in a measured way. What struck me particularly was that—with all the sympathy for the difficulties of Mr. Sharon, and let's face it, he has really had a great deal of political difficulties in Israel with getting as far as he did with the withdrawal—not a word was said by these gentlemen about the situation of the Palestinian President Abu Mazen. It was as if he was under no pressure to perform, as if he were under no pressure to deliver, and as if he were not living through an existential political crisis of his own, that would be at least as difficult for him to manage politically in his environment as the political difficulties Mr. Sharon is to manage in his environment.

However, to underestimate the difficulties that Mr. Abu Mazen is under, I think, is just another way of this one-sided view of the situation, as if it were only a unilateral process and not one in which there were more than one party with legitimate demands and needs.

If I read the situation right, it has appeared to me that perhaps the United States' administration—I am very pleased be able to say something positive in this respect—is not pressuring unilaterally only Mr. Abu Mazen, as seems to have been the case in the past. Nor is it following every Israeli desire about the direction of this pressure, as consistently as seems to have been the case in the past. If this is the beginning of a more even-handed US approach to the conflict, and to the process among the parties, I think it is something that can only be welcomed very, very warmly.

To underestimate the difficulties that Mr. Abu Mazen is under, I think, is just another way of this one-sided view of the situation, as if it were only a unilateral process and not one in which there were more than one party with legitimate demands and needs.

Something everybody would agree on is that what has been done was needed to give the Palestinians hope that there will be some changes that will improve their lives politically, socially, economically, culturally—in every respect. It has been said time and again that this must be the outcome of the Israeli withdrawal from inside Gaza. Israelis would say that, Palestinians would say that, and certainly the international community, whatever it is, will chime in with halleluiahs and advocate that we must create better conditions for the Palestinians.
What I hear is that the situation, if anything, is getting even worse. Now, after having lived through years and years where the situation every year and every month was getting worse, and despite making myself and everybody else sound out like a tired old record, how long can this situation go on becoming worse and worse before you have an absolute disaster on your hands? For years, many have predicted that the situation was getting worse and worse. What I hear now is that the situation is certainly not getting any better after the Israeli withdrawal, as if it were any news.

When I arrived in Washington last night, I read the Washington Post and on page 18 in the news section there was reference to [special Middle East envoy, James D.] Wolfensohn’s conclusions as to what sort of progress he is making. Without reading the whole story or content of the letter [which Wolfensohn sent to members of the Quartet on 17 October 2005], let me just quote a few lines: “The government of Israel,” Wolfensohn writes to Kofi Annan, “with its important security concerns”—never forget about those!—“is loathe to relinquish control, almost acting as though there has been no withdrawal, delaying making difficult decisions and preferring to take difficult matters back into slow-moving subcommittees.”

Now, for Wolfensohn to write this, the situation must be very bad. Placing it in the news section, I find, is a bit ironic, because I could have written that same letter every day for nine years when I was judging the speed with which the Israeli government and army were reacting to my constant requests for freedom of movement for access to humanitarian cases, etc. But there is not much news in this. Unfortunately, the news is not that we have now taken calculated risks, something that many Israeli decision makers have been talking about to move towards a more beneficial cycle than the vicious malignant downward spiral we have been living through for much too long.

Gaza needs trade and investment, but if you cannot get your goods out, or raw materials in, and if you cannot interact fairly and freely with the world, there is absolutely no way that either trade or foreign direct investment is going to flourish the way it would have to.

What will be needed of course will be first of all what Wolfensohn is making reference to, which all of us engaged in the situation, including many on the Israeli side, have said for years. That is that unless the Palestinian economy gets a chance to provide for the people of Palestine, there is no way in which the situation can improve. And for Gaza, it is obvious. In a piece of land 42 kilometers by 7 kilometers on average in width, which is totally closed off, who would think of investing anything in such a place? Gaza needs trade and investment, but if you cannot get your goods out, or raw materials in, and you cannot interact fairly and freely with the world. There is absolutely no way that either trade or foreign direct investment is going to flourish the way it would have to, in order to provide the progress that the Palestinians are perfectly capable of doing, given different circumstances.

Two major motivations drive foreign investment. One is a big domestic market, such as in India and China. Gaza, where 1.3 million people in poverty are locked in behind barbed wire, is hardly a promising, big domestic market for which anybody would come and produce anything!

The second force is if you can use a place as a production platform, as Singapore and many other smaller economies in the world which have become export platforms for foreign production. The West Bank is a similar story, since the situation of all the checkpoints and blockages from villages, camps and towns have been installed. Even though they have been reduced, there are still enough to make a functioning economy a bit of a joke. The infrastructure of the area has been severely damaged. Again, I don’t know if any of you have been to Gaza or in towns or camps in the West Bank—I mention Jenin as an example, but of course most of the destruction has taken place in Rafah and Khan Yunis. There, in some places as long as the eye reaches, there are scenes of complete destruction and rubbish, which is all that is left after the bulldozing of the homes of some 25000 people who were made homeless by the deliberate destruction of infrastructure.

In Rafah, plows were used to rip up the infrastructure on the roads, the sewage and the water and electricity systems. The airport was not just made inoperable; it was thoroughly bulldozed over to make it into a mini-mountain landscape. On and on, we can go on about that destruction.

There is a major task here to be carried out in terms of repairing infrastructure, just in terms a simple environmental health infrastructure, sadly lacking, with disastrous health resources for the population there. We are talking again about unemployment numbers that are actually meaningless. We should talk about employment numbers—there will soon be more people than unemployed than employed, for practical purposes. With people under the poverty level, counting between 60-70 percent, it is a place where there is a huge need. And it is a need that is not really being seriously addressed and met.

I won’t quote to you all the figures of how many billions and billions of dollars are needed and that have been pledged. I wish that a larger percentage of all that would actually go there, and would actually be productively utilized. However, that is not the case either. Every month and
every year for the past several years, there would have been a much greater scope for doing the things that need to be done, than has actually been done. Assuming the money comes—and that’s a very, very big assumption—let me interject for everything you hear about the generosity of the international community.

The generosity of the international community is such that in the 1970s, UNRWA was given resources to the tune 200 dollars per refugee per year (not adjusting for inflation, so I make the numbers look very much better than they are). In the 1990s and beginning of this decade, that figure dropped to 70 dollars, that is, it dropped by 300 percent. That means a constant thinning out of whatever the international community could be doing. It still clamors for a lot of praise for what it’s doing, and let me say, before I too easily dismiss the international community’s failure to support, that there are exceptions.

Thank God for the Swedens of this world, for the Norways of this world, for the Luxembourgs of this world, and indeed also for some of the Gulf countries who are always belittled and maligned for not giving enough. The fourth largest donor in terms relative to UNRWA is actually Kuwait. If you take some of the funding that the United Arab Emirates have made available to rebuild destroyed refugee camps, the Emirates come up there pretty much. I’m not saying they’re doing enough, I’m saying that the constant Western harping that all Arab countries are not doing anything is simply not true, and is simply not reflected in the performance of, albeit too few, Arab countries in the Gulf in particular.

There are two main actors who could play a role in case the international community would up the ante a bit, and live up to all the promises and pledges being made. One of them obviously is the Palestinian Authority, where still a lot of improvement is desirable, but where I for my part think that Abu Mazen has made great strides ahead. Great strides ahead were also made by the Finance Minister before Abu Mazen’s time, so it’s not as if they are starting from scratch.

The other actor is UNRWA, which has the formal responsibility for the approximately 70–plus percent of the population in Gaza who have refugee status, and the 40–plus percent in the West Bank and Jerusalem with refugee status. When I first came to the region, setting up the UN political offices there, I met with Arafat. That was well before I knew that I would ever have anything particular to do with UNRWA. I asked Arafat, “So when can we start building down and phasing out this international agency, this UN agency?”

Arafat looked at me in horror, or maybe with compassion, that I could be so stupid as to ask such a question. He answered, “Well, we can begin thinking about that in ten years’ time.” Those were in the optimistic words in the immediate post-Oslo days, where you thought that the process would have come to a successful end by 1999. Abu Mazen has said pretty much the same thing.

It is not something that seems to be much in the books, when you look at the wishes of the Palestinians and certainly of the vast majority of United Nations members. But it is still a subject which is there, not too much below the surface in several comments, which I will get into in a moment. I hope that in the time to come, UNRWA and the PA will be able to manage their interrelationships in the kind of productive, cooperative way that should be the case, and avoid what is a very big temptation for both parties—that is, to get into a zero-sum game when it comes to who could or should be doing what. There have been small tendencies of a particular part of management in the two organizations.

There is no doubt that, at some point, the Palestinian Authority should take over all of UNRWA’s capacity in Gaza and the West Bank. I would say the sooner the conditions for that are ripe and it can be done, the better.

One of these conditions is that such a transfer of responsibilities would not be a case of, as the Palestinians see it, prejudging the outcome of the refugee issue. In 1994, when the PA moved in with the strong view, “Don’t start messing about with UNRWA,” there were ministers who took a look at this well-functioning, well-equipped agency, which has been quite effective, and would have liked to take it over sooner rather than later. But, they desisted.

Why did they desist? For financial reasons, as they could not be assured that additional funding. For managerial reasons, as they had challenges enough to deal with in setting up their own fledgling new administration. But, first of and most importantly, politically, they would not dream of taking over something that would be giving up the symbolic value that the UN’s heavy presence with UNRWA in the Occupied Territories means to the Palestinians and to the refugees.

When, early on in my administration UNRWA offered to hand over a clinic that was serving both refugees and non-refugees in the West Bank, the offer was met with demonstrations and anger. “Don’t do it,” many said. This was the way the Palestinians looked at it. [We would have been] thereby prejudging the refugee question.

That is probably one of the reasons that in Israel—and I must say also parts of the US Congress here—there is a very strong wish to see UNRWA phased out. They see it that if UNRWA goes, the refugee problem goes and they would be through with that. Extremely naïve! Of course the refugee problem won’t go because UNRWA goes.
Even in Yossi Beilin’s plans, as presented in Geneva, one important part is that early on in the process UNRWA will be phased out so that the institution does not exist anymore, to remind anybody that there are refugees. As if anybody needs reminding, with such a majority of the population, that most of them are refugees. Certainly in Gaza, the vast majority are.

Finally, are there other ways in which one can come to deal with the refugees in the changing United Nations? Well, the proposition that is often raised is that you have such a wonderful refugee organization headquartered in Geneva, which has settled and solved so many refugee problems, but that UNRWA has only been there to perpetuate the problem in Palestine.

Now if we could pass the whole thing over to the UNHCR, they would reach the same results they have reached in other organizations. The refugees, who are now under the care of UNRWA, would have no protection in the 1951 Convention’s sense of refugee protection, would not get such protection under UNHCR.

Let me say, I believe as strongly as anybody else that everything that can be done to improve the protection of the Palestine refugees should be done. But I’m not sure that solution—if it is a solution—would do an iota to improve the situation, and might indeed do lot of harm in the process for the Palestinians. Abiding by UNHCR criteria the refugee population would, just by applying the criteria under the ’51 Convention, be reduced from 4.23 million refugees to probably less than 1 million. That would not make it likely that the refugee problem could find a negotiated solution in the process at home.

Quite apart from that, the UNHCR protection and what the UNHCR can do and has done for the refugees is not terribly practical from a Palestinian refugee’s perspective. While the UNHCR has very often done has been successfully to resettle the refugees where they are. But, that is precisely what the Palestinian refugees do not want as a proposition to start from. Or, they have facilitated return solutions—which, again, is hardly something that UNHCR would be in a better position to persuade the Israelis to accept than UNRWA, who has been unsuccessful in doing it for all these years! So, I think it is a bit of a red haring, which detracts from the real issues of the matter, to pursue this line of reasoning. It’s more a deviation than anything else.

What needs to be done is to see an international community, led by those who can lead—and the United States is certainly the country that is most obvious in that context—to the process of negotiation. It has been going—I wouldn’t say no where, but not very far over the past ten years. I think we can change the United Nations by doing away with its largest agency, namely UNRWA. But not the other way around, doing away with UNRWA before all that is needed to be done for the refugees has been done. And we are very far from having done that.

Everything organizations like [The Palestine Center] can do to help spread knowledge about the issue, I think, will be very welcomed. The high turnout today, at this event, I think is something that warms my heart from all my time in Gaza and that leads me to believe that it will be possible to find solutions, and improve the condition for everybody in that unhappy region, which of course includes also Israel.

Thank you very much.

This briefing was given by Dr. Peter Hansen, former UNRWA Commissioner-General, at The Palestine Center on 26 October 2005. The speaker’s views do not necessarily reflect those of the Jerusalem Fund for Education and Community Development or its educational program, The Palestine Center. This “For the Record” transcript may be quoted without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerualemfund.org/palestinecenter/fortherecord.php.
Israel’s Wall, settlements and discriminatory travel permit system in Jerusalem and the West Bank threaten President Bush’s vision of two states living peaceably side by side. Such measures threaten the peace process in so far as they remain unchecked, argued Hind Khoury, the Palestinian Authority (PA)’s Minister of State for Jerusalem Affairs. She described the Wall’s destructive effect on life between Jerusalem and the rest of the West Bank, saying, “We would not have a problem if it was on the 1967 Green Line, but this is not the case. It separates Palestinians from Palestinians, and I can tell you from personal experience that it scars our lives on a daily basis.”

In her 1 November 2005 Washington, DC briefing, co-hosted by The Palestine Center, the Middle East Institute and the Foundation for Middle East Peace, Khoury argued that the Gaza disengagement has been used as a smoke screen to continue measures in Jerusalem that undermine Jerusalem as a place whose settlements also need to be evacuated. She was confident in the way the PA transferred power after the passing of Yasser Arafat to President Mahmoud Abbas (Abu Mazen), “one of the few democratically elected Presidents in the Middle East,” and in the way the PA ensured a peaceable evacuation during Israel’s disengagement from the Gaza Strip. Khoury argued that “East Jerusalem is not just a geographic place—it is the cultural and political center of Palestinian life and cannot be traded. There can be no viable state without Jerusalem as its center point.”

Abu Mazen’s internal reform agenda, which aims at better serving the needs of Palestinians, has considerable support, said Khoury. She called 2005 “the year of Palestinian reform,” and said that the PA has made numerous reforms to improve life in the West Bank and East Jerusalem, including financial, security and electoral reforms. “The security apparatus has been restructured, and we have introduced a pension law whereby older officials have to retire so that new blood will be integrated into the system and it will be more disciplined.” She said that the national, municipal, and local elections that have taken place throughout the year are noteworthy because “we are talking about an administration under occupation...yet we still are managed to conduct elections.”

Khoury warned that if denied their freedoms, these Palestinian achievements will be undermined. “Palestinians can achieve the kind of democracy that the United States would like to see established in the Middle East. However, as President Abbas says, freedom and democracy are two sides of the same coin—you cannot have one without the other.” She questioned what evidence exists to suggest Israel will allow peace in Jerusalem, noting that its expropriation of land, unprecedented settlement growth, construction of the Wall, and maintenance of the settler-only highways continue to threaten life in East Jerusalem by isolating the city on all sides.

Such realities have an impact throughout the West Bank, Khoury said, and show that “Israel has continued the very same old-style policy of taking as much land as possible while excluding the Muslims and Christians.” She pointed to Israeli Prime Minister Ariel Sharon’s unilateral vision of Jerusalem whereby Palestinians will never have access to more than 40 percent of the city, and Israel’s plan to build 30 housing units on confiscated land in the heart of the Muslim quarter in Jerusalem’s old city. She also noted that approximately 10,000 housing demolition orders remain outstanding and create a permanent sense of fear that at any moment they can be implemented.

These measures by Israel are hurting the socio-economic fabric of East Jerusalem as well as the other urban centers in the West Bank, Khoury said. The Wall, settlements, and permit system have created “ghettos worse than in South Africa,” and the lack of free movement has burdened the Palestinian education sector, hospital system, and electoral process to the point of near collapse. She said the 33 schools managed by the PA Ministry of Education and Cultural Affairs in East Jerusalem are institutions “literally threatened” by the Wall, as are the 32 privately-run Palestinian schools. The Israeli government regularly aggravates the Palestinian education system through its petty delay tactics and “unendurable procrastination” in granting travel permits for teachers, non-teaching staff, and students to cross checkpoints. For example, Khoury said of the 260 permits the PA recently received, only 120 were for recent permit applications, and none were for non-teaching staff or for students. “The result is that teachers quit and students leave,” Khoury said.

Jerusalem hospitals and the Palestinian health care system face a similar situation under the weight of Israel’s punitive permit system. Seventy percent of the health professionals and 80 percent of patients in East Jerusalem hospitals come from elsewhere in the West Bank. Israel denies Jerusalemites permission to travel elsewhere in the West Bank through a limitation on their residency rights, however, which expire if they are away for more than two years whether for temporary work, advanced study or health reasons. Khoury said that 6,500 Palestinians have had their residency rights revoked since 1967, “as if we are not citizens and are guests in our own homes.”
Additional struggles are created in parts of East Jerusalem and the West Bank that are already pressured by over-crowding, when the poor migrate into urban centers so they can get—and get to—jobs without having to cross checkpoints. “People come home exhausted just by going to and from work,” Khoury said. The permanent separation created by the Wall has also resulted in the isolation and demise of towns like Bethlehem, which die as “shops are forced to close, cars stay off the roads and non-residents are prevented access.” Khoury said that Bethlehemites’ right to pray at the holy sites in Jerusalem is highly violated, just as Palestinian students are prevented from learning about and visiting their cultural heritage in Bethlehem.

Khoury noted that 33 percent of the population in Jerusalem is Palestinian, up from 25 percent in 1967. Israel attempts to get rid of the 8 percent increase through the measures she described and the general effect of occupation on Palestinian life, Khoury said. She added that a house-to-house taxation system is another burden on families who receive no public services from Israel or adequate tourism profit in return.

This “For the Record” summary was written by Sasha Ross, Publications Manager at The Palestine Center. It is based on remarks delivered by Hind Khoury on 1 November 2005 at the Helen Dwight Reid Educational Foundation in Washington, DC. The speaker’s views do not necessarily reflect those of the Jerusalem Fund or its educational program, The Palestine Center. This “For the Record” summary may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Elections and Their Impact on Negotiations

Transcript of a Palestine Center Briefing by Saeb Erekat

Dr. Saeb Erekat, chief negotiator for the Palestine Liberation Organization, spoke at The Palestine Center on 29 November 2005 about the Palestinian legislative elections scheduled for January 2006, their potential impact on Middle East negotiations, and their possible influence on Israeli elections scheduled for March 2006 during a briefing on 29 November 2005 at The Palestine Center in Washington, DC. He also addressed US policy toward the Middle East and regional security issues. The event was co-hosted by The Palestine Center and the Middle East Institute.

Samar Assad, Executive Director of The Palestine Center and its parent organization, The Jerusalem Fund, introduced Erekat. Clayton Swisher, Director of Programs at the Middle East Institute, moderated the Question & Answer discussion following the speaker’s briefing. The event was co-sponsored by The Palestine Center and the Middle East Institute.

Thank you very much, Samar. Thanks to The Palestine Center and the Middle East Institute for this kind invitation. I came last night [to Washington, DC] and am leaving in two hours. I just had a good meeting with [US Secretary of State Condoleezza] Rice and other meetings at the White House with Mr. [John] Hannah [National Security Advisor to Vice President Dick Cheney] and Mr. [Michael] Doran [Senior Director for the Middle East at the National Security Council]. I was also at the Senate for meetings. My message has been very clear.

My message is that we are holding our legislative elections on January 25, 2006, and we want the United States to stand shoulder-to-shoulder with us to ensure these elections take place. I am here to request not a single American soldier. I am here to request the good offices of American civil society to come and observe, and to help us to monitor the transparent and free elections we are determined to hold. At the same, to protect us from any Israeli attempts to sabotage these elections by arresting candidates, assassinating them, road-blocs, and to enable us to conclude with the Israelis as specified in signed agreements about East Jerusalem.

I believe that what is going on now with the primaries in Fateh is the most significant thing happening. It is not easy. We held these primaries in my hometown—the constituency of Jericho—and in Jenin, Nablus, Ramallah, and Bethlehem with no incidents. Yesterday there were some difficulties in Gaza, which led us to postpone these elections until Friday. Today we are holding primaries in East Jerusalem, and on Friday—one day before the candidates are eligible to register—we will hold them in Hebron, Gaza, Tulkarem, and Qalqilya.

The Palestinian election law specifies that anyone over the age of 28 on January 25, 2006, may run in these elections. Any Palestinian who is 18 years of age on that day can vote in these elections. We have very strict rules of conduct in the election law vis-à-vis incitement, using arms, or anything that may influence the elections and the democratic electoral process.

On democracy and elections in the Arab world, I think the imbalance of the situation is that in the last 450 years, there has been an absence of well-defined Arab-Western relations. I believe that from when Vienna was besieged until now, these relations have lacked any clear-cut definition. Two hundred years ago, the Western countries chose to physically liquidate the Arab forces of change and democratic values, and they chose an autocracy for us. They saw fit that that would serve the interests of the colonial powers. Later on, they moved from an autocracy to theocracy.

Today, in my opinion, anybody who says that the Arabs are not ready for democracy is a racist. Let’s put it very frank and very straightforward. Democracy is a need and a way of life. Arabs are just like you and any other democratic society—they want to have the ability to express their say in who rules them. Democracies, and systems of government based on democracy, are not imposed—usually the systems of imposition are the tyrannies and dictatorships. Honestly, once again, I would say that anyone who says Arabs are not ready for democracy is a racist. It is as simple as that.

We offer the Israelis today—my generation—a two-state solution: a Palestine on the ‘67 border, with East Jerusalem its capital next to the State of Israel, which we have already recognized.
is a solution to the Palestinian-Israeli conflict, and there you do not need to reinvent the wheel. The parameters of peace are very well defined.

We have been negotiating since 1990, and I don't think we have wasted a single minute of these negotiations. Israelis and Palestinians have been going through very difficult, complex labor pains. The issues we negotiate are not about merging companies, or about borders of normal nations. [They are] issues that make people in Palestine and Israel breathe—issues of Jerusalem, settlements, borders, and refugees.

I don't recall in the history of conflict resolutions and negotiations a more difficult set of circumstances then the history, religion, psychology and security that have a lot of play in the minds of Palestinians and Israelis. I know that, realizing what is happening in Israel, we usually lie when asked about something taking place in Israel. We say this is a domestic Israeli affair, an internal affair, but I don't feel like lying today.

I really believe that if someone sneezes in Tel Aviv, I get the flu in Jericho. I believe these labor pains in Israel are not the result of an economic or social problem or about a difference of religion—it is about me. It's about me. To the Israelis, their options are very limited. Now they are confined to three. And I know that I am no match to them in the [US] Congress and Senate—I know I am cost free. Nobody said politics is about fairness and justice. We're pursuing peace.

We offer the Israelis today—my generation—a two-state solution: a Palestine on the '67 border, with East Jerusalem its capital next to the State of Israel, which we have already recognized. But they don't want this and they feel the urge to have an imposition of settlements in my hometown Jericho, and Nablus, Hebron, and East Jerusalem. We're not racists—Christian and Muslim Palestinians have never been racists.

These are the three options. Our options are very limited also. I did not wake up one morning, and feel my conscience aching and that I wanted to recognize the state of Israel. I am not doing the Israelis a favor in pursuing peace. I am doing me, my family, and my people in pursuing this peace process. I don't think the Israelis woke up one morning either, and felt their consciences were aching or that they wanted to recognize Palestinians. We will not disappear, we did not vanish. And we do not intend to vanish. Today the children who are born in my hometown Jericho will be, once they enter the first grade, in the majority of those between the River Jordan and the Mediterranean.

We have recognized Israel. We are willing to engage with the Israelis on the end game, the end of the conflict, the end of claims once and for all on issues like Jerusalem, settlements, borders, refugees, and water. There are solutions to each one of these issues. We can do it—peace is doable. These are the choices that we put in front the Israelis.

Ever since Adam negotiated Eve, I don't think there is a more disadvantaged negotiator than myself. I have no army, no navy, no air force, no economy, no support. Whatever it is, they are all there—all the complexities on earth! [We are] going through the most difficult transition of Palestinian political life. We are not able to distinguish between political pluralism and authority pluralism. This is a process that is painful. We believe our elections will help us in maintaining the rule of law and the one authority, which we are determined to do—not because we want to satisfy the Americans or Israelis, but because we want to maintain our social fabric as Palestinians.

We woke up one morning on April 9, 2003, and found that the US borders shifted from that of Canada and Mexico to those of Turkey, Iran, the Gulf, Kuwait, Saudi Arabia, Syria, Jordan, Uzbekistan, Tajikistan, parts of China, and Pakistan. The political geography changed. The functional role of nations changed. No one needs the proxy role any longer in this region. It is the moment of truth for all of us.

I believe, as I said, that to deliver a stable, democratic, transparent Middle East—and we deserve no less as Arabs than this system of government—we need democracy and we need a solution to the Palestinian-Israeli conflict. These two things are obtainable, are doable, and I believe it is time for the US administration to abandon the policy of what is possible for the policy of what is needed.

Defining the US policy in terms of what this Prime Minister of Israel can do and what this Prime Minister of Israel cannot do, and then coming and trying to impose those things on me, is not going to work. Abandon the policy of what is “possible” for the policy of what is needed.
What is needed is to put [in place] mechanisms for implementation, and to shift President Bush’s vision of a two-state solution from a “vision” to a realistic political track. That is what is needed.

Today we stand before an opportunity. What is going on in Palestine with the primary elections in Fateh and the elections that are coming on January 25th are not your normal, typical elections. It is a turning point—it is a turning point in Palestinian political life.

The elections that are happening in Israel and the reformation of parties in Israel are not something normal. It is something that may change the face of political life in Israel. It is all happening because of our labor pains—because sometimes we know, but want to pretend we do not know, the answers for what it takes to deliver peace between Palestinians and Israelis.

You must understand that peace is not the absence of violence; it is much more. You can have violence in any society. But in our case, you should stop managing the crisis and focus on solving it.

As I have said, fourteen or fifteen years of our time have been devoted to solving it. Camp David was never a failure. Contrary to the stories you have heard or you may have read, at Camp David Israelis and Palestinians turned 80 percent of the stones. They came 80 percent of the way.

Our life has never been the same afterwards. We know it. Did we commit mistakes as Palestinians in Camp David? You bet we committed mistakes, but we were not the only ones who committed mistakes. Maybe those who were with me will master the courage, the moral courage, to stand up with me and define the mistakes they made as I can define the mistakes I made. At one point or another, we have to face the mirror and ask ourselves the question, “Could we have done something differently to save the lives of the thousands of Palestinians and Israelis who have been killed since that time?”

To Israel, they must understand that defense and security are not the same thing. They will never be the same thing. I think the United States of America spent $440 billion last year on defense, and you can answer me about the feeling of security on the mental and the physical side, because that is the definition of security. I am not here to judge anyone. I am not here to make people recourse their action. I am here telling you that I could care less if you are divided between those who are pro-Palestinians or those who are pro-Israelis. My world is divided between those who are pro-peace and those who are against peace. My job is to save lives of Israelis and Palestinians. My job is to normalize the living conditions of Palestinians and Israelis. I need help. We stand with enormous challenges in the region. We are not far away from reaching the permanent status treaty. I hope that once the dust settles down in Israel, after this eruption with this political work, that the Israelis will choose a government that is willing to reengage in the real peace process on issues of settlements, borders, Jerusalem, and refugees.

Nothing should sabotage our elections. Please, make sure to help us in carrying out these elections. I know the arguments: Hamas arms, this arms—over the last five years, I don’t know who doesn’t have arms in Gaza or the West Bank. It’s parties, families, and so on. We need to do a lot. We have to do a lot. But the starting point is these elections. Make no mistake. It is the message to all Palestinians that changes of people who govern will be through ballots and not bullets. We need your help in these elections.

Nothing should sabotage these elections. We are not telling you that democracy cannot be imposed from the outside. Impose it on us, please—help us. All you have to do is just to convince the Israelis to keep the noses outside our elections. All you have to do is to guarantee that Israel will not go around assassinating our candidates, or arresting them, or preventing certain candidates from going from place to place. We want free and fair elections.

These elections—mark my words—will constitute a turning point in Palestinian political life. Matched with an election that is coming in Israel at the end of March, we may have a real opportunity.

Thank you very much. I stand to take your questions.

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**QUESTION** (Barry Schweid, the Associated Press): You used the word “sabotage” about a half-dozen times. What evidence do you have, or do you have evidence that Israel intends to kill people or sabotage the elections? You used assassination twice. If I could go a little further, is the whole process now in abeyance because of Israel’s political situation? Will there be necessarily several months of inaction at best on the peace front?

Erekat: I think you asked three questions and I’ll answer them. I’ll tell you what is the third question. [Laughter] Number one, no I do not have evidence. I have written my Israeli colleagues seven times—seven letters—because I chair the negotiations, asking them to form the joint committee to begin the preparations for the elections. Unfortunately, I have not gotten an answer from them yet. I am here in Washington urging the Americans to help us to form this

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Defining the US policy in terms of what this Prime Minister of Israel can and cannot do, and then coming and trying to impose those things on [Palestinians] is not going to work. Abandon the policy of what is ‘possible’ for the policy of what is needed.
joint committee to have the arrangements, because when you have
the ballot boxes moved from Ramallah to Nablus you need to have
permission and to have an escort.

People think of elections as democratic and free in nations. We
are not an independent nation; we are not a state. The fact that the
Israelis have not even answered us and that on Saturday we will open
the date for candidates means that in East Jerusalem as of today we
have not verified the voters list. We need the joint committee in East
Jerusalem to begin working yesterday. We do not want to sabotage
these elections. We are urging the Israelis not to resort to methods of
assassination and arrest, if I can correct what I said. Because if they
sabotage these elections, I think as much as we pay, they will pay.
Now, on the question about—what was the second question?

Schweid: The political problems in Israel. Does that mean there has to
be a long delay?

Erekat: No. On the political problems in Israel, there are two sets of
issues. There is the short term. I want to acknowledge here the won-
derful efforts exerted by Secretary Rice in pulling out the agreement
on the Rafah terminal. In two and a half months I think everything
was completed between us and the Israelis. But, psychologically
speaking, how can they give control over us after 38 years? How do
we trust them? It was a very painful decision for us. [Secretary Rice]
came—we were relieved that she was going to go to Korea, and then
when she came back from Amman we knew that we have to come
back to our senses and have it anew. This shows that a third-party role
is essential. It can work. It can succeed. All of our respect and thanks
go to Dr. Rice, Mr. Wolfensohn, and others who participated with us.

As far as [your question], there is the airport, there is the move-
ment between the West Bank and Gaza, and vehicles and goods. There
is the returning to the situation of September 28, 2000; the release
of prisoners; and the cessation of settlement activities. All of these
issues must be dealt with immediately. Now, the long-term issues,
like resuming the permanent status negotiations, we expect after the
Palestinian elections and the Israeli elections.

This leads me to the third question that was insinuated by you—I
really wish, and I urge the Israeli voters, to choose a government that
is willing to engage in the end-game with us, because I believe the
majority of Israelis today want to reach the end-game and that is true
also of the Palestinians.

QUESTION (Clayton Swisher, the Middle East Institute): Just to
follow up, as [US General William] Ward has completed his mission,
could you give us a brief report card? And as [US General Keith]
Dayton is planning on taking over, what expectations do the Palestin-
ians have and what are you looking for in terms of expanding from a
unity of command and facilitation to more training and preparation of
the Gaza security forces?

Erekat: The mandate of General Ward was to help Palestinian reor-
ganize, reunite, consolidate, and equip Palestinian security forces,
which were literally destroyed. Our command centers, communica-
tion centers, buildings, and vehicles have been totally taken out in the
four years by the Israeli army and air force. I believe General Ward
succeeded beyond my expectations. Nobody notices what he did.
But since I follow these things on a daily basis, I believe our security
forces have come a long way.

Make no mistake; we have a long way to go in this process of rebuild-
ing the security forces. The chain of command is very well estab-
lished. The kind of training we are getting is well advanced, and the
kind of equipment that we are able to acquire through General Ward
is something that we appreciate very much. We hope that General
Dayton will continue in the same endeavor. For that, we appreciate
the commitment of President Bush’s administration.

QUESTION (Nadia Bilbassy-Charters, Al Arabiya TV): If I may
ask you an obvious question, Dr. Erekat. You just met with Secretary
Rice and officials in the White House as well. Our understanding is
that the administration is adamant that no armed groups should run
for election—i.e., Hamas or Islamic Jihad or whoever.

What is your feedback from just meeting the Secretary now, as it
is very unrealistic that you are able as the Palestinian Authority to
disarm these groups in the few weeks between now and the election,
and whether the Administration is willing to overlook their policy for
the time being until the results of the election?

Erekat: American officials can answer for themselves, Nadia. And in
my meeting with Dr. Rice and other American officials, we discussed
the elections in general. We discussed the Palestinian election law.
They bought up, without mentioning any party or name, our commit-
ment to the “one authority and one gun,” which I reiterated President
Abbas’ commitment to this, and we see the election process as part of
it.

I came out of this meeting believing that the US administration will
stand shoulder to shoulder with us in carrying out these elections
based on the Palestinian election law. And that, I think, is something
we appreciate, and we hope to see monitors and observers coming very
soon to begin monitoring the process of registration of voters before
the election campaign.

We need a lot of training now. Our election law specifies that no less
than 20 percent of the winners must be female. For this we are mak-
ing a precedent we are proud of, but we need a lot of training and a lot
of help to train the campaign movements, the party, and the coal-
itions in our villages, towns and refugee camps. I saw Mr. Ken Walsh
of the National Democratic Institute yesterday. And I was informed
that next week they will be sending the first contingent of people who
would be involved in the training of all candidates for these elections.

QUESTION (Khaled Dawoud, Al Abramy): [What is] your impres-
sion about the administration’s vision to go on after the elections in
the Israel for a permanent settlement? Are you satisfied about that?

Erekat: Well, as I said, we discussed the short-term issues. Now,
many people when they speak about the Rafah deal—I don’t want
to exaggerate the importance of the Rafah deal, but I don’t want to
minimize the importance of Rafah deal either. For us, the differ-
ce between the Rafah terminal functioning or not is the life of 1.3
million people and whether they are prisoners or free to move. This
deal enabled 1.3 million people in Gaza to feel, for the first time in 40
years, that they can come and go freely.

After this, what do we expect? We have the airport, because if you
want to give Gaza an opportunity in economics, you need to begin
transferring the economy from that of labor-oriented to goods-ori-
ented. And you can’t do that without having the freest access to the
movements of goods and then to begin the reinvestments, because creating one job in Gaza requires an investment of $25,000.

We have the harbor. We have the movement of goods between the West Bank and Gaza in vehicles. And let me say, we are a poor country—that is, a poor people, not a country. We're not a country; we're a poor people. Our economy in the year 2005 will stand 1/34 of that of Israel—one-over-34 of that of Israel. The trade deficit between us and the Israelis is expected to be $3.3 billion.

I come from Jericho. It's a banana area. When we were allowed to send our bananas to Gaza markets, the ton was sold for $1,000. When we are prevented—under quote, unquote "security" reasons to [take] the bananas from Jericho to Gaza, it's now being thrown into the streets at $100, while the Israeli farmers are getting easy access to Gaza with all goods. The issue of security disappears.

In the deal that Dr. Rice made, there is a provision about the movement of vehicles and goods and persons between the West Bank and Gaza. We must see this happening. And the date specified for that is December 15th. This is an important agreement in the short term. And as far as the long-term issues of permanent-status negotiations, we raised them. We said the US must lead the Quartet into resuming the permanent-status negotiations as soon as these elections are completed.

QUESTION (Swisher): Just a follow-on to that, what about the hudna [the cease-fire toward Israel, brokered by the Palestinian Authority with the militant factions] when that expires between Islamic Jihad, Hamas? Isn't that December 15th?

Erekat: Every effort is being exerted to have all Palestinians committed to a cessation of violence against Israelis anywhere.

QUESTION (Barbara Slavin, USA Today): Very nice to see you here again.

Erekat: Barbara, it's good to see you.

Slavin: I want to ask about Hamas and the whole issue of Islamists and the election. We've just seen elections in Egypt, where the Muslim Brotherhood has done extremely, despite government harassment. What are your expectations on the turnout and support for Hamas? And how do you think that is going to affect the relations of the next Palestinian government with the United States? Thanks.

Erekat: Well, I think you should ask me this question on January 26th, 2006, and I would be happy to answer you as usual, Barbara. I think—let me be very frank with you. As Palestinians, we have chosen the way of democracy. We have chosen the way of the ballot boxes. When you count the votes, whoever gets the highest votes will rule. And people must respect the democratic choice of Palestinians.

I belong to the Fatah party. We're having these primaries—I think it is the first time in our region that parties are having primaries. We're doing that because we are determined to win. And that we will do. I won the primaries in Jericho, and I'm running again. I'm determined to exert every possible effort to win. My program is peace, reconciliation and development. And I believe, I hope, that the Palestinians will take my message very clearly.

QUESTION (Ron Kampeas, the Jewish Telegraphic Agency): In terms of what you talked about the US role, not confining itself to what the possibilities are but to what the needs are, particularly ahead of the elections, you outline several areas that need immediate addressing now in terms of the airport, the port. What about the elections? Is there a US role in terms of what you talked about, having written seven times [and] not heard from the Israelis? Additionally, in more or less the same area, a month ago we were talking about, basically, Bibi [former Israeli Prime Minister Mr. Benjamin Netanyahu] versus Arik [current Israeli Prime Minister Mr. Ariel Sharon] in the elections, which presented one set of possibilities. Now it's Bibi versus Arik versus [the newly-elected leader of the Israeli Labour Party, Mr. Ami] Peretz, which presents a whole different set of possibilities. Does that make you a little bit more optimistic?

Erekat: Have you ever had a group of cats outside your window at 12:00 midnight, shouting? [Laughter] Answer me. Can you tell if they're making love or fighting? [Laughter] Maybe this is the definition of our politics back there, the Israelis and Palestinians. Sometimes it's so “sophisticated” for us. And that's what I told you. This is the most significant thing I've seen [in Israel] since the Israeli occupation came to my hometown, Jericho, in '67. I was 12-years-old at that time. I see the significance of what is going on there.

The fact that Mr. Peretz is elected, I believe, is a departure from the code of conduct of security-based campaigns, to a social economic campaign. I believe that the coalitions within the Likud now are taking shape and part of who's who against Bibi and Bibi against whomever—but we have to again, you know, shut our mouths and say we have to respect the democratic choice of the Israelis and this is a domestic affair of Israel. And, we want a government of Israel that would reengage with us. I hope that this will happen.

Kampeas: What would be the US role in what happened?

Erekat: Look, we're not asking, and I can speak on behalf of the Israelis also here, for the US to negotiate for us or to make the concessions for us. We are asking the US to use its good offices with both parties, in order to [help us] once they see that we came a long way and there's not something that is going to [make] the whole thing go back and collapse. [We're asking the US] to make this little push, as Dr. Rice did with the Rafah terminal.

QUESTION (Joyce Karam, the Arabic daily Al-Hayat): Sir, my question is about the European Union report that's really warning from the expansion of settlements in the West Bank and maybe, you know, the extension of Ma'ale Adomim and link it to East Jerusalem. How are you going to deal with this threat ahead of the negotiations since it is a reality on the ground?

Erekat: That was one of the issues that we discussed with Dr. Rice and other officials today. This Israeli policy of settlements—the fait accompli, dictation and facts on the grounds—are undermining the two-state solution. They're really killing the two-state solution. And to those who stand to believe in the two-state solution and to maintain the two-state solution, they must have Israel comply with an obligation it committed to. The road map specified, verbatim, that Israel must stop settlement activities including natural growth.

Karam: But if it doesn't?
Erekat: Well, that’s the question we are raising with the Europeans, with the Americans, with [people] all around the world. I believe they have built settlements—I remember Mr. Sharon in 1995 standing in a settlement called Netzarim in Gaza, where he said the future of the that settlement was part of the future of Tel Aviv. In 2005, we know what happened in Netzarim. Settlements and peace don’t go together. It’s either settlements or peace. I hope the Israelis and those who want peace will choose peace and not settlements.

QUESTION (Manelisi Dubase, the South African Broadcasting Corporation, Johannesburg): Mr. Erekat, [former US President Bill] Clinton and his point-man in the Middle East, [former chief US negotiator Mr. Dennis] Ross, have written in one of the editorials in the New York Times that it’s about time that South African President Mbeki can play a role in the issues in the Middle East, saying that South Africa comes from almost the very same difficult situation as that what [you have in Palestine]. Have you identified or have you consulted them on the role they can play? Can you brief us on that?

Erekat: I am proud to have a personal association with President Mbeki. I am proud that I was among some Israelis and Palestinians who went to South Africa for a few days, sat with the negotiators from all political spectrums during the negotiations in South Africa. I was struck that these people managed to advance in their spirit and minds far, far beyond what we were able to do as Palestinians and Israelis. These people have made a rule before they engaged in the negotiations [between] blacks and white that, number one, negotiations will continue under any circumstances, unlike Palestinians and Israelis who stop negotiations and punish themselves for anything that goes wrong outside.

The second lesson I learned from the negotiators in South Africa is that they had a theme called strengthening the other side. I think we have a long way to go as Palestinians and Israelis. That is why, you know, we appreciate that South Africa is involved. They have special representatives who come to see us and the Israelis. We were in South Africa several times. And yes, I believe South Africa with experience and the transformations is something that can teach us a lot, as Palestinians and Israelis.

QUESTION (former Arab League Ambassador Clovis Maksoud): Dr. Erekat, you have articulated the collective frustration in the negotiating process. Is there any expectation that at some time, be it with American intervention or the Quartet’s intervention, Israel will acknowledge that it is an occupying power in the West bank, Gaza and East Jerusalem? Because if it doesn’t consider itself an occupying power, it is therefore a “claimant power.” As a result of that, what it does make painful concessions rather than compliances with the mandate of an occupying authority. The second question, which is part of this, in the roadmap, which is a process, have you decided with the negotiators of Israel what is the map at the end of the road?

Erekat: The map at the end of the road, as specified in the last phase of the Road Map, Phase III, is that the objective of the peace process is to end the Israeli occupation that began in 1967. I think it was the first time that this objective was defined in any document that was submitted to Israelis and Palestinians. All Security Council resolutions lacked this line, but if you read the Road Map, in the last phase, it specifies that the objective of the third phase in the Road Map is to end the Israeli occupation that began in 1967.

Israel is an occupying power. That’s what I believe and that’s what international community believes. For the Israelis to deny facts doesn’t mean they don’t exist.

Swisher: Sharon actually acknowledged that in 2003, I believe, in his speech. He said, you can call it what you want, but it’s an occupation.

Erekat: Look, I can’t stand guards on the lips of any Israelis. As hard as it is just to watch what they do and to think about what they are doing, the last thing I want to do is to stand guard on their lips. They are an occupying power, and the whole peace process between me and them is to end their status as an occupying power and to make them as neighbors to me. That’s all.

QUESTION (Tarek Rashed, Middle East News Agency of Egypt): We have been hearing a lot of talk about the two-state solutions, and we have been hearing Americans urging Palestinians to be prepared for a state and to put their house in order. But we didn’t hear what the minimum of land is that Palestinians are ready to accept to declare a state on, as a starter. Thank you.

Erekat: You know something I don’t? [Laughter] I think we are engaged in a peace process, not in a souk. The peace process has specified in the road map is to end the Israeli occupation that began in 1967. Israelis can build settlements, can make incursions into my hometown of Jericho with tanks, and can do whatever they want.

We have no army, no navy and no air force. But trust me, this Palestinian pen will only sign on something that will be doable and satisfactory to the Palestinian people, and that is what is defined in the international legitimacy codes and resolutions.

We have started. We declared the state in 1988. And we have been recognized by more than 100 nations on earth. The last thing we want to do now is to re-engage in interim agreements or make interim solutions, or states with provisional borders. All these concepts—these are issues that we don’t consider as a starter, it’s a non-starter. On this I would like to note my appreciation also to Egypt role in enabling us and helping us in Gaza now. They’ve been doing it for the last years, and recently in the last few months. They have done a great job in helping us in regrouping, reequipping our security forces, and training us on how to run an international border. And for that, I thank Egypt.

QUESTION (Tom Lippman, the Middle East Institute): It seems to me that the premise of the two-state solution as you describe it is the same as the premise of the peace plan offered by Saudi Arabia a couple of years ago and endorsed by the Arab League. That is, that if you get an agreement based more or less on the ‘67 borders, it is the end of the game—game over, Israel lives in peace. What I don’t understand, though, is that given the continued existence of the Islamic Jihad and given the positions taken by certain organizations with whatever external support they may be getting, how can you persuade the Israelis to accept that premise and to believe that when you say the game is over, it really will be over?

Erekat: Well, first of all, in your comments about the Saudi initiative, I personally believe that this is the most important strategic move made by Arabs since 1948. Unfortunately, this wasn’t even noticed in Israel when a unanimous Arab decision was taken at the Beirut Summit to say that we’ll fully recognize the state of Israel in exchange for
withdraw to the 1967 [border around] the Occupied Territories. It is our commitment, to answer your question.

We know that the Israelis want an end game, want an end of claims, and want an end of conflict. And, trust me, they will know very well whether we are capable of delivering or not. When that moment comes, we will show every capability to deliver on our commitments.

**QUESTION** (Speaker’s name and affiliation unidentified): Yes, Dr. Erekat, thank you so much. You spoke about the Arab nations playing a role, specifically Egypt. [Egyptian] President Hosni Mubarak was recently quoted as saying Sharon was the only man he believed could deliver peace. Do you share that same sentiment, and if not, is there another candidate you believe that might help the two-state solution a little better?

Erekat: See at that point, I would stop short of saying this as a Palestinian. I say that I want the Israeli people to elect a government that is willing to re-engage in the real peace with me. We haven’t had negotiations since January 2001. That’s the truth. But there is a difference between communications and meeting and daily issues and negotiations. I can promise you something. I will respect the democratic choice of Israelis, and whomever the Israelis elect we will take as partner in the negotiations. I hope they will have the will to re-engage in the permanent-status talks. And I hope they will treat me the same.

**QUESTION** (Ori Nir, *The Forward*): Saeb, I would like to ask you two questions. . . . First question I wanted to ask you—is there any negotiational engagement bilaterally between Israelis and Palestinians at the moment, which is the small question.

The large question is, 20 years ago when we spoke, you were writing an op-ed for [the Palestinian daily newspaper] Al-Quds and we were speaking about things like the “Jordanian option,” [UN Resolution] 242, and things like that. Twenty years [later] we have Israel withdrawing unilaterally from Gaza. We have a party headed by Sharon, which officially has on its platform a two-state solution and withdrawals from the West Bank. My question is what is the rush? If Israel is not ready yet for final-state negotiations, what’s the rush? You see that things are going—that time is working in your advantage. Why rush it?

Erekat: First question, no. I differentiate, Ori, between negotiations and communications. Communications is talking to each other—we talk every day at various levels. But we don’t have negotiations.

On your second question, I believe time is of the essence. You know, it makes a difference—it makes a lot of a difference. I don’t want my son to be a suicide bomber, Ori. That is the truth. I want my son to have an opportunity similar to your [children]. And if not rushing translates into the pictures we’re seeing in Israeli cemeteries and Palestinian cemeteries, I believe we should have rushed a long time ago.

I have never believed in a “Jordanian” option or an “Israeli” option. I believe that we have one option. When I said I did not wake up one morning and feel my conscience aching for you, or your suffering, and that [that is why] I wanted to recognize you. And I said that you would not wake up one morning as Israelis and feel your consciences aching for myself, and I meant it. We both realized that this conflict is unique and cannot be played in accordance with a zero-sum game. You can never, regardless of how many tanks you possess, state-of-the-art planes, navies, relations, money, whatever—you can never define a clear-cut winner or a clear-cut loser. It’s either two winners or two losers. And two losers we have been through the conflict and through the mentality, thus the rush. I believe we owe it to our people to say that time is of the essence. And saving a single life is worth it. This is not poetry. It’s my son.

**QUESTION** (Janine Zacharia, Bloomberg News): I have two questions. Ariel Sharon stated quite clearly that Israel will not allow the elections to take place, presuming throwing up roadblocks and obstacles if Hamas and Islamic Jihad are on the ballot. What do you say to that? Second, can you talk about the challenges that Abu Mazen is facing right now? How safe is he personally, politically?

Erekat: Well, I hope that Mr. Sharon would—if I don’t want to say the word sabotage—I hope that Mr. Sharon will change the course of his thinking about Palestinian elections, and I hope that he would leave us alone. I hope he will not impede Palestinian natural growth—democratic natural growth—and I hope he will not impede these elections or do anything to sabotage these elections.

As far as President Abbas—Abu Mazen—is concerned, I think he has the most difficult job on earth today, at the end of 2005. He has an overloaded wagon of complexities and we have a lot to do. We have a lot to solve. We have to provide a lot of answers, a lot of jobs, and create many things, thinking them thinkable, but above everything else, we believe that all these things can move fast if we begin to do the planning merited by our own freedom.

We found out that if you don’t have the freedom to choose and to plan and to think and to live, I’m afraid that all the issues that you require from me—because it’s fashionable to tell Palestinians what to do and people like to tell me what to do. People love this—I don’t know why, but they love it. And they treat me like a superpower and they treat me that I should do one, two, three, four, five, six, seven, eight, nine, ten. And these ten people don’t know that a single Israeli officer can prevent me from leaving my home in Jericho if he chooses to.

It is basically my freedom and the freedom of Abu Mazen to think, and to plan for our people, on how to handle the overloaded wagon of complexities we have.

**QUESTION** (Speaker’s name and affiliation inaudible): We have a couple of questions. We’ve seen press reports recently that the PLC is considering a switch to a fully proportional representation system. And we’d like to hear your thoughts on that, if you think it’s likely it will go through, and how that would affect voting. And second, we’d like to hear you speak to the possible switch of the negotiating responsibilities from the PLO to the PA. Would the Palestinian Authority take over any of those? Is the PLO breaking up? And how do those two bodies face off against each other?

Erekat: On your first question, there was an attempt last week by some of my colleagues in the legislative council to propose—which is their right, by the way, to propose an amendment to the election law—in which I can tell you I personally, proudly, defeated with 35 votes in one session, because I don’t think it’s appropriate to talk about changing laws ten days before the opening of the candidacy, at the 24th hour. It’s really inappropriate. With all due respect to my colleagues, we had had eight months of debates over proportional or ma-
majoritarian representation, and I don’t think that there is such a thing as a better electoral system. We have settled down. I was fully support majoritarian system, the constituencies. That’s my personal opinion. Me and my colleagues defeated three motions—three readings—but then the compromise was made to have 50-50, to enable small parties, individuals who want to have the proportional system, but then I think this was inappropriate at the last minute to come with this amendment, which was defeated by me getting the signatures—35 of my colleagues in less than an hour—to motion back and to drop this.

What was your second question? [Inaudible discussion] I refer you to paragraph five of article one to the interim agreement in which the Israeli government forced us to sign that the PA has no legal international status whatsoever, and it is the PLO that can sign. On all the agreements that I sign with the Israelis, it says Saed Erekat on behalf of the PLO. They have a reason for having this.

**QUESTION** (Shmuel Rosner, the Israeli daily *Ha'aretz*): What is their reason?

Erekat: This is not the time to talk about that, about what Israelis or I think about that.

Rosner: You were very specific about the ways with which Israel needs to help or the US needs to help the Palestinians achieving some “needs” in Gaza—the airport, the seaport, et cetera. But you weren’t so specific discussing the obligations of the Palestinian Authority or the plans you have for disarming the terror groups, before or after the elections. Can you specify?

Erekat: There are sets of obligations, and I said I’m committed to my obligations. I said that Dr. Rice there is the issue of the “one authority, one gun” and the rule of law. As I said, we reiterated our commitment to that. So maybe you did not listen to that, to say that. I did not say that. But you should know that the Road Map has performance-led implemented—that the Road Map is done in parallel, not sequentially. Israel has no right whatsoever to condition the implementation of the road map on me. I have an obligation of having one authority, one legal gun, the rule of law. I am going at it in parallel in the three stages, but that doesn’t mean that Israel should stop and watch me as I sweat and finish everything.

The second thing here is that Israel should not tie my hands, tie my legs, blindfold me, and throw me to the sea, so a correspondent here and there will tell me, “Oh, look at these people! He’s drowning. He’s no good as a partner. He’s not swimming, you see?” [Laughter] I did mention the EU. And when I say today that the European Union took the most courageous decision by accepting to play the role of a third party in Rafah. I believe this is a most important strategic decision taken by Europe and a third party. And for that, I stand to praise this courage and this bravery by Europe. Not that we don’t want them to monitor us and to see to it that we are carrying out and ensuring that we carry out our obligations—no, we want them to vouch for us.

But the other thing, sir. This is the first time in our history that we operate an international crossing point, and we don’t know how. We know, but we need Europe’s help in upgrading our human and technical expertise in accordance with international standards. We want the Palestinian person to come to that point and leave in 15 minutes, but that means that Israel should stop and watch me as I sweat and finish everything.

I talked about what General Ward did. I talked about what General Dayton is doing. I said I’m no match to you in the Congress and the Senate. You don’t need to score points with me. You don’t, all right? But at the end of the day, the choices are yours. Make up your minds! I have made up my mind. You hid behind Arafat being a problem, a Palestinian president who was elected. You made him the problem. He died a year ago—did the problem disappear, sir? What’s happening with Abu Mazen now? What are you writing about him?

I believe if we’re going to stay the course of settlements, walls, not facing the moment of truth that we need to face, I will repeat the sentence I said when President Arafat died. If you were to have Mother Theresa as our president, Thomas Jefferson as our prime minister, Montesquieu as our speaker, and Mahatma Gandhi take my job and be the Palestinian chief negotiator [Laughter], they will link them to terrorism and ask them, how come you’re not doing enough? [Laughter]

**QUESTION** (Francois Clemenceau, French Radio Europe 1): You didn’t mention the role of the Quartet. Is it because it doesn’t work anymore or it’s not a useful or effective tool?

Erekat: Once I was interviewed on an Arab TV show, the “Dialogue of Life.” [The interviewer] asked me some questions. I mentioned my childhood, my sisters, and so on. I forgot to mention my wife—I was punished for a year. [Laughter] I did mention the EU. And when I say today that the European Union took the most courageous decision by accepting to play the role of a third party in Rafah. I believe this is a most important strategic decision taken by Europe and a third party. And for that, I stand to praise this courage and this bravery by Europe. Not that we don’t want them to monitor us and to see to it that we are carrying out and ensuring that we carry out our obligations—no, we want them to vouch for us.

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H.E. Amb. Afif Safi eh, the newly-assigned top Palestinian diplomat to the United States (US), spoke at a recent Palestine Center briefing about the history and challenges the PLO Mission Office faces in Washington, DC. As head of the Mission, Safi eh stressed the importance of US relations with Palestinians at home and abroad. He urged the Bush administration to follow a policy of “non-alignment” toward regional conflicts, and called on Arab Americans to be more vocally involved in American politics. Formerly based in London, Amb. Safi eh took office in DC in October 2005. Samar Assad, Executive Director of The Palestine Center and its parent organization, the Jerusalem Fund for Education and Community Development, introduced the speaker.

I feel extremely privileged to be invited by The Palestine Center to give my first public lecture here since I arrived in Washington. This invitation stirs in me many memories because I still remember in November 1991, just a few months after the Center was established, I was invited by [the late Palestine Center Board Chairman] Professor Hisham Sharabi and [former Executive Director] Dr. Mohammed Hallaj to give a lecture on the Madrid Peace Conference.

I remember saying then that we, the Palestinians, had decided to give peace a chance but that we had been “unreasonably reasonable.” We accepted to go to Madrid as half a delegation, representing half the people, and seeking half a solution. You probably remember that we accepted, because we were “unreasonably reasonable,” to be part of a Jordanian-Palestinian delegation. The Israelis stubbornly insisted that the delegation should be from the West Bank and Gaza only—no Jerusalem residents, no Diaspora Palestinians, and no PLO officials—seeking half a solution, meaning an interim self-governing authority on the road to final status.

I remember Akiva Eldar, a senior Ha’aretz editor, asking me at that time a pertinent, legitimate, and mischievous question. He said, “Mr. Safi eh, don’t you think that the role of the PLO is changing from the sole legitimate representative of the Palestinian people into becoming the sole legitimizer of Palestinian representatives?” My answer to him was, “Mr. Eldar, I have always believed that the PLO is at the same time an idea and an institution. Only a few thousand may work in the institution, but the nine million Palestinians are the powerful vehicles of the idea.” We the PLO have represented Palestinians for so long that I have no problem seeing Palestinians representing the PLO today.

I would like to tell you that I have never belonged to the optimistic ideologies that promise victory and salvation to the oppressed as a sort of inevitable, predetermined outcome. I believe that history is a cemetery of oppressed people who remained oppressed until they vanished into historical oblivion. I personally believe that the moral dilemma—the political dilemma—in the Middle East and around the world concerning the issue of Palestine was the following—there was either one people too many, this time we the Palestinians, or a state that was missing and needed to be created.

I know the verdict of the international community was that there is a state that is missing that needs to be created. However, on the ground, I believe that history is still undecided. And, I invite you in your variety of capacities to help history make the right choice.

Speaking to Palestinian audiences, I often refer to the playwright Bertolt Brecht who—in his play on Galileo—has a marvelous scene in which a disciple says, “Unhappy are the people who have no heroes,” to which Galileo answers, “No, unhappy are the people who still have a need for heroes.” Obviously, our people still have a need for heroes. However, I would like to say that I have profound respect for the collective Palestinian hero, which is the Palestinian people, for their steadfastness and capability to endure pain and suffering. I bow in respect to this collective hero. I would say that we are now in a juncture in our history where we need to define and refine the concept of heroism.

I believe that any people should seek to be a subject of history and not only an object of history. Making history is extremely important. But I also believe that explaining history and disseminating one’s version of history is of equal importance. We have not given this dimension sufficient attention—irrigating our narrative, our version, our interpretation of history. A few examples—people still believe that 1948 was a confrontation between a David and Goliath, even though all historical records say that the Jewish community in Palestine had 60,000 armed troops, meaning 10 percent of society, and the seven armies of the Arab world had 45,000 troops combined. One had unity of command, we had multiple rival commands. Yet the version of history that was propagated around the globe was “David against Goliath.”
I know the verdict of the international community was that there is a state that is missing that needs to be created.

Where do we stand today? I will share with you my personal reading of the political landscape. If our goal is a two-state solution, which has been the goal since the October-Ramadan-Yom Kippur war of 1973, I believe the Palestinian people have won diplomatically and politically. The challenge remaining for us, and it is a monumental Herculean challenge, is how to translate that victory geographically and territorially.

Why do I say we won diplomatically if the goal is a two-state solution? We won diplomatically because we have in the United Nations Security Council a unanimous vote, voted upon including by the United States, on Resolution 1397, which speaks of ending the occupation that started in 1967 and creating a Palestinian state. Mercifully the article "the" is also in the English version of that resolution. So, there is a unanimous United Nations (UN) Security Council Resolution ending the occupation and calling for the birth of the Palestinian state.

The Road Map and [President George W.] Bush’s vision speak in terms identical to the UN Resolution on these two issues. So if that is the goal, and it is, then I say we have won diplomatically. I say we have also won politically because in the influential countries. Here I am thinking of the Europe Union and the United States, where there is a comfortable majority in support of this goal.

When I left Europe a month ago, all the opinion polls across continental Europe, including the United Kingdom, showed that people were in favor of the Palestinian political position two-to-one, compared to those in support of the Israeli position. It is no longer a left-wing phenomenon, but across the board. In Britain, for example, polls show that we have a comfortable overwhelming majority among the voters and supporters of the Labor Party, the Liberal Party, and also the Conservative Party. We no longer are a marginal minority. From now on, we are the mainstream.

Often our friends are unaware of the new reality, that we are no longer marginal but the mainstream. I think that the battle in America is also winnable. An important opinion poll will be conducted in December by Zogby International, with results known in January. I think this poll will be our compass in guiding the themes that we need to approach and address.

Now, we need to translate this political, diplomatic victory territorially and that is a big challenge. I did not say it was a mission accomplished. We all know the territorial appetite of Israel. I still believe that the Nakba was not a frozen moment in history that happened sometime in 1948. Unfortunately, it is still an ongoing process. I believe the Israeli policy to date is still how to acquire as much Palestinian geography as possible with as little Palestinian demography as possible. That is the summary of the scheme, the plan, and the enterprise.

I personally believe that international perceptions, including American perceptions, have improved from 1948 onwards. Yes, our Nakba, our tragedy, occurred with the world applauding the other side. Edward [Said] explained it superbly when he said, “the fact that we were the victims of the victims of European history deprived us of the legitimate sympathy, solidarity, understanding and support that we deserved.” However, I believe that from 1967 onwards, Israel was seen as an occupier. The 1973 war, a war to reanimate the diplomatic front which was accompanied by an oil crisis, was also an eye-opener for many a country.

The 1977 defeat of Labor in Israel and the arrival of Likud to power was another eye-opener. It was an important date in the evolution of perception. Likud’s raw ideology and provocative, sometimes nauseating, discourse alienated many. Many began to discover that Israel is not a social, democratic paradise on earth, and that the Kibbutz movement, used to seduce public opinion, was failing and crumbling. People discovered that those Kibbutzim were on confiscated property and at best, never represented more than 3 percent of the society and economy.

Another important date was the 1982 invasion of Lebanon. That war, even in Jewish and Israeli circles, was extremely controversial. Within Israeli and Jewish circles, the discussion was that this war was not a war out of necessity but a war out of choice. The first Palestinian intifada, mainly nonviolent, was another eye-opener.
**Anatomy of the Palestinian Mission Office (Washington, DC)**

The Palestinian diplomatic mission has all the duties and more of a normal embassy without having any of the immunities, facilities, or the financial capabilities of a normal embassy. I define my task as having to work on ten different layers, all very important, all feeding one another. Those layers are first, the government and the Administration. Second, political parties. Third, Capital Hill. Fourth, the media—American and international—and the Arab media. Fifth, the diplomatic corps. Sixth, the NGOs—that is the big category: the churches, the think tanks, the trade unions, the humanitarian organizations, the solidarity movement, university campuses, etcetera. Seventh, the Palestinian Community. Eighth, the Arab community. Ninth, the Muslim Community. Tenth, the Jewish community. And of course there is the task of reporting back to your leadership. A diplomat is the eyes and ears of the leadership.

We will also be devoting a lot of time to the Palestinian American and Arab American communities. In our contemporary world, there is the concept of a global tribe. We are a global tribe. Our demographic, physical, geographic dispersion is the symptom of the injury that was inflicted on us, and if we are smart—and we are smart—we can turn it into a source of empowerment.

There are three players that, in my opinion, are important for the future of the peace process. They are, in a triangular approach, as follows.

First, the Israeli arena. Commentators have described recent evolutions that have, in a way, transformed the political landscape in Israel as an earthquake, a volcano. I would be more modest in my description and call it an “interesting fluidity.” There are two changes: a change in leadership within Labor and the fact that Sharon has defected from his party and taken with him the majority of members with him.

Let me mention that I have never been an admirer of the Israeli Labor Party. I have always said that the Israeli Labor Party enjoyed an undeserved good reputation around the world. When talking to Israelis, I always say that it is Labor that made Palestine unlivable for Palestinians and that what Likud usually does is make Israel unlivable for many Jews. The ethnic cleansing of 1948, 1956, and 1967, the illegal settlements, and the idea of a Wall of separation are all Labor.

From 1948 onwards, Labor has been in a historical decline and their parliamentary Knesset representation has decreased with every election. I believe this was for tribal, anthropological, and sociological reasons. Labor is known not to have attracted a significant number of “oriental,” Sephardic Jews. Up to 1990, the oriental Sephardic Arab Jews of Israel became over 50 percent of society. A party that has not politically capitivated a significant number of oriental Jews, in relative percentage terms, is shrinking. Furthermore, Labor did not succeed in politically attracting the wave of Jewish and non-Jewish immigrants from Russia, shrinking even further.

The second reason for Labor’s decline is that they too often accepted to be a junior partner in a national coalition with Likud, serving at best as a fig leaf, giving acceptability and respectability abroad to policies they did not take part in shaping. This was mainly due to the political appetite of leaders like Shimon Peres and Ben Elizer, who were afraid that moving from power to opposition may move them from Who’s Who, to who is he?

The third reason for Labor’s historical decline was the complex character of Barak. He convinced himself and his society that he made a generous offer to which we irrationally answered with a military response, revealing that we had a hidden agenda and not the two-state solution. So, people decided it would be better to have Likud rather than a pale imitation of Likud, and voted for Sharon.

However, I believe that today Labor has a window of opportunity for resurfacing and reinvigorating itself through the election of [Amir] Peretz. Being of Moroccan origin, he will give pride to a community that feels it had been treated as second class citizens. Peretz might be an attractive option, bringing to Labor the oriental Jews who never joined. In Israel, those who vote for the left are the privileged, educated, and the haves, while those who vote for the right are the under privileged, the oppressed, and the have-nots. Peretz might normalize Israeli society at that level.

However, as far as we are concerned, he has already made negative commitments by saying that Jerusalem is the united and eternal capital of Israel. He has approved the expansion of the Ma’ale Adumim settlement in Jerusalem, all this to win votes from the center on the expense of his principles at the origin.

Sharon moving out of the Likud Party was a move to get rid of a nuisance called Bibi [Netanyahu], whose political appetite is exasperating. He got rid of a paralyzing factor who does not understand the changing realities of the world. Sharon, what ever we may think of him, is a smart man and a brilliant strategist and tactician.

Second, the Palestinian arena. In my keynote speech at the memorial service for the late President Yasser Arafat in London, I said Max Weber, the German sociologist who is considered the founding father of contemporary political science, had an interesting idea about societies, leaderships, and legitimacy. He said societies pass through three phases of leadership and legitimacy: the traditional phase, the institutional phase, and the charismatic phase. Weber’s model applies to us. Prior to 1948, we had a traditional leadership with the urban families and their rural extensions. We have just witnessed the end of the charismatic era, and now comes the institutional phase. What we need in Palestine is a managerial revolution. In the diplomatic service, we are seeing the start of the managerial revolution. The diplomatic service was suffering...
I pride myself that we have always had Palestinian pluralism and a multi-party system. Maybe sometimes chaotic, but it is a multi-party system.

I believe we are not offered the luxury of resistance or non-resistance, but we have to choose what method of expression for our resistance. I am in favor of popular nonviolent resistance. This choice is for ethical considerations, but also for pragmatic and Machiavellian considerations as well. The wisest military decision we can take is to avoid a military confrontation, as a military decision as well as an ethical decision. By opting for a non-violent struggle, you neutralize all the military arsenal of the other side. Yes, they will kill and coerce. Yes, they will use bullets, be they sugar-coated or rubber-coated. Both are lethal. What they won’t use against a non-violent struggle is the Merkava tanks, the Apache helicopters and the F-16’s.

I believe this is a challenge for the Palestinian political factions. It is much more difficult to choreograph and coordinate the struggle of 3.6 million people than to manage 15 cells of three people. Our factions should be invited to mobilize the totality of our society, including the elderly, the women, and children who, in a non-violent struggle, are extremely powerful. In a military struggle, only 0.005 percent of people participate. I see this as a challenge and a window of opportunity for the Palestinians from Israel, the Palestinians of the Diaspora and the Israeli peace camp. The international solidarity movement can embrace that struggle and even join it on the ground.

I will stop there. Thank you.

This transcript is based on remarks delivered by Amb. Afi Safi on 29 November 2005 at The Palestine Center in Washington, DC. The speaker’s views do not necessarily reflect those of The Palestine Center or The Jerusalem Fund. The transcript may be used without permission but with proper attribution to The Palestine Center. For a list of all summaries and transcripts of Palestine Center briefings since 1999, see http://www.thejerusalemfund.org/palestinecenter/fortherecord.php.
Chapter 3

Reports & Commentary
Two Peoples, One State

By Michael Tarazi, The New York Times

Israel’s untenable policy in the Middle East was more obvious than usual last week, as the Israeli Army made repeated incursions into Gaza, killing dozens of Palestinians in the deadliest attacks in more than two years, even as Prime Minister Ariel Sharon reiterated his plans to withdraw from the territory. Israel’s overall strategy toward the Palestinians is ultimately self-defeating: it wants Palestinian land but not the Palestinians who live on that land.

As Christians and Muslims, the millions of Palestinians under occupation are not welcome in the Jewish state. Many Palestinians are now convinced that Israeli support for a Palestinian state is motivated not by a hope for reconciliation, but by a desire to segregate non-Jews while taking as much of their land and resources as possible. They are increasingly questioning the most commonly accepted solution to the Palestinian-Israeli conflict—“two states living side by side in peace and security,” in the words of President Bush—and are being forced to consider a one-state solution.

To Palestinians, the strategy behind Israel’s two-state solution is clear. More than 400,000 Israelis live illegally in more than 150 colonies, many of which are atop Palestinian water sources. Mr. Sharon is prepared to evacuate settlers from Gaza—but only in exchange for expanding settlements in the West Bank. And Israel is building a barrier Wall not on its land but rather inside occupied Palestinian territory. The Wall’s route maximizes the amount of Palestinian farmland and water on one side and the number of Palestinians on the other.

Yet while Israelis try to allay a demographic threat, they are creating a democratic threat. After years of negotiations, coupled with incessant building of settlements and now the construction of the Wall, Palestinians finally understand that Israel is offering “independence” on a reservation stripped of water and arable soil, economically dependent on Israel and even lacking the right to self-defense.

As a result, many Palestinians are contemplating whether the quest for equal statehood should now be superseded by a struggle for equal citizenship. In other words, a one-state solution in which citizens of all faiths and ethnicities live together as equals. Recent polls indicate that a quarter of Palestinians favor the secular one-state solution—a surprisingly high number given that it is not officially advocated by any senior Palestinian leader.

Support for one state is hardly a radical idea; it is simply the recognition of the uncomfortable reality that Israel and the occupied Palestinian Territories already function as a single state. They share the same aquifers, the same highway network, the same electricity grid and the same international borders. There are no road signs reading “Welcome to Occupied Territories” when one drives into East Jerusalem. Some government maps of Israel do not delineate Israel’s 1967 pre-occupation border. Settlers in the occupied West Bank (including East Jerusalem) are interspersed among Palestinian towns and now constitute nearly a fifth of the population. In the words of one Palestinian farmer, you can’t unscramble an egg.

But in this de facto state, 3.5 million Palestinian Christians and Muslims are denied the same political and civil rights as Jews. These Palestinians must drive on separate roads, in cars bearing distinctive license plates, and only to and from designated Palestinian areas. It is illegal for a Palestinian to drive a car with an Israeli license plate. These Palestinians, as non-Jews, neither qualify for Israeli citizenship nor have the right to vote in Israeli elections.

In South Africa, such an allocation of rights and privileges based on ethnic or religious affiliation was called apartheid. In Israel, it is called the Middle East’s only democracy.

Most Israelis recoil at the thought of giving Palestinians equal rights, understandably fearing that a possible Palestinian majority will treat Jews the way Jews have treated Palestinians. They fear the destruction of the never-defined “Jewish state.” The one-state solution, however, neither destroys the Jewish character of the Holy Land nor negates the Jewish historical and religious attachment (although it would destroy the superior status of Jews in that state). Rather, it affirms that the Holy Land has an equal Christian and Muslim character.

For those who believe in equality, this is a good thing. In theory, Zionism is the movement of Jewish national liberation. In practice, it has been a movement of Jewish supremacy. It is this domination of one ethnic or religious group over another that must be defeated before we can meaningfully speak of a new era of peace; neither Jews nor Muslims nor Christians have a unique claim on this sacred land.
The struggle for Palestinian equality will not be easy. Power is never voluntarily shared by those who wield it. Palestinians will have to capture the world’s imagination, organize the international community and refuse to be seduced into negotiating for their rights.

But the struggle against South African apartheid proves the battle can be won. The only question is how long it will take, and how much all sides will have to suffer, before Israeli Jews can view Palestinian Christians and Muslims not as demographic threats but as fellow citizens.

This opinion piece by PLO legal advisor Michael Tarazi appeared in the 4 October 2004 edition of The New York Times. The views expressed in it do not necessarily reflect those of The Jerusalem Fund or its educational arm, The Palestine Center. For a list of other opinion articles posted to The Palestine Center listserv with permission, see http://www.thejerusalemfund.org/palestinecenter/reportsandcommentary.php.
Learning from Arafat’s Legacy

By Nadia Hijab, The Daily Star

The sudden deterioration in the health of Palestinian President Yasser Arafat reminded the world that he has his place in history in spite of the many attempts by Israel—and especially by present Israeli Prime Minister Ariel Sharon—to marginalize him in hopes of destroying the Palestinian national movement.

Whether or not Arafat survives to lead another day, it is worth drawing the lessons of his legacy for the new course he or his successors must chart if the Palestinian people are to realize their human rights.

He’s had successes. The most memorable was ending two decades of Palestinian invisibility after the UN partitioned Palestine and created Israel in 1948. After the guerrillas transformed the Palestine Liberation Organization (PLO) into an independent body in 1968, it forged a unified Palestinian people from the despair of dispossession, exile and occupation.

The constraints on Palestinian action quickly emerged. A people struggling for justice within the post-World War II state system posed nearly as much of a threat to Arab states as they did to Israel. Still, 1970-1982 were perhaps Arafat’s finest years, keeping the struggle alive, avoiding the specter of civil war, and generating worldwide support at one stage more states recognized the PLO than they did Israel.

Arafat’s modus operandi evolved in the environment in which he had to work. He is often accused of saying one thing at home and another abroad. But this ignores perhaps his most significant achievement. Between 1968 and 1988, through hints and asides, Arafat managed to convince his people that the liberation of all of Palestine was not a realistic goal, and that two states should be the objective of the struggle.

He is criticized for managing by corruption, although not accused of himself being corrupt.

The PLO began to lose its way when the first intifada broke out in December 1987, and the years since have been marked by a disastrous lack of vision and strategy, and an inability to learn from hindsight. One lesson surely is that the first intifada should have been supported until the occupation ended, with the slogan of “not one soldier, not one settler.” Instead, Palestinian leaders embarked on the first of many futile rounds of negotiations with Israel about how to end the occupation.

A reading of the voluminous Oslo agreements produced between 1993 and 1999 shows how Israel tied up scarce Palestinian resources in the web of negotiations—a plethora of committees, a string of deadlines toward deadlines. The leadership’s main role was to provide security for the occupiers while the number of settlers doubled to 400,000.

The PLO demonstrated a bewildering naiveté of the kind Arafat never showed in dealing with his own Palestinian or Arab people.

The newly installed Palestinian Authority might have done better to stop the minute the first settlement was expanded or “thickened,” and show up Israel as responsible for the breakdown of peace.

Instead, even today, the Palestinian leadership’s rallying cry is to urge the world to pressure Israel to return to the negotiating table. How does a dispossessed, fragmented, occupied people—its institutions are in tatters, its world demarcated by roadblocks and the separation barrier, its children starving—negotiate with the sixth strongest military power in the world? What sources of power can such a people bring to bear? These questions are never posed.

No one can deny Arafat’s remarkable determination in the face of adversity (his refusal to leave his compound since 2002 being just one example). But PLO leadership since 1988 has been too little, too late. When the Camp David talks broke down in 2000, the United States and Israel had a clear field to attack the Palestinian leader for not accepting their “generous offer.” Only a year later did an Op-Ed in The New York Times set out Arafat’s side.

When the first suicide bombing took place, after 27 years of occupation, the PLO waited several months before speaking out against attacks on civilians. This allowed Israel to reframe its own high-tech attacks on Palestinian civilians, illegal assassinations, land confiscations, indeed the whole illegal occupation itself, as necessary for its security.
The diverse sources of power the Palestinians had been able to bring to bear—the diplomatic power in different capitals, the international grassroots movement of the 1980s, outreach to the media—were allowed to dissipate after Oslo. Fortunately, some diplomatic posts are still functioning well enough to have made a powerful Palestinian case at the International Court of Justice. And the international grassroots movement of support has been regrouping after a decade’s dispersal.

Perhaps the most important problem is the inability to articulate the Palestinian cause in a way that mobilizes Palestinians and their international supporters. Everyone knows what the Palestinians are fighting against, but what are they fighting for? As a result, Palestinian supporters do not gain traction.

Yet the ability to articulate the cause is crucial. The Palestinian struggle with Israel is, above all, a battle of principles. For all Israel’s military ability, it has no power against international law: rights to freedom and self-determination; equality of citizens before the law; inadmissibility of the acquisition of territory by war. These are among the basic tenets of the state system established after World War II. Israel cannot be part of the state system and simultaneously undermine it. This is why the ICJ, whose 15 judges are described as conservative and rarely able to agree, were so unanimous in support of the Palestinian case. Any other decision would have shredded the principles on which the whole post-War world was constructed.

It is not too late to chart a new course, based on the principles of international law so recently restated by the ICJ. Indeed, any leadership that wants to secure Palestinian rights must do so, considering these parameters:

- Israel—under both Labor and Likud governments—has violated the agreements intended to end the occupation, from Oslo to the “road map,” and can no longer be trusted as a partner for peace. The leadership will only return to the negotiating table once the occupation is ended. Ending the occupation is non-negotiable.

- A leadership whose every move depends on the will of the occupying power cannot be held accountable for good government by its people or for security by its neighbors. Local leaders should guide Palestinian life, and national leaders work to liberate the people from occupation and towards self-determination.

- After the occupation is ended and the parties return to the negotiating table, the leadership should say it is no longer willing to consider a state based on the 1967 borders (the 1949 armistice lines) as at Oslo, because the borders proposed in the 1947 UN Partition Plan are more realistic given Palestinian demographic trends.

- Discussions around Jerusalem—not the withdrawal from East Jerusalem, which should be non-negotiable—but its status as the capital of Palestine as well as Israel or an international city should also be based on the UN partition plan.

- The Palestinian people must be able to exercise their right to self-determination, as called for most recently by the ICJ. Ending the occupation is a separate issue from the right to self-determination and right of return. Whether the nine million Palestinians live in a single state with Israelis, in two states, in the countries where they now live, or any other configuration, is a matter for self-determination.

- The rights of all citizens in Israel to enjoy equality and freedom from discrimination must be upheld: the over one million Arab Christian and Muslim citizens of Israel must enjoy the same rights as its Jewish citizens.

The power of these arguments is unassailable, as evidenced in the ruling of the ICJ and the growing movement for sanctions. The people of Israel yearn for peace and security, the people of Palestine for freedom and self-determination. Both are possible only by respecting the international rule of law.

This op-ed was written by Nadia Hijab, the former Executive Director of The Palestine Center, for The Daily Star (Lebanon) and published on 1 November 2004. The views expressed in it are her own and do not necessarily reflect those of The Jerusalem Fund. Copyright (c) 2004 The Daily Star. For a list of other opinion articles posted to The Palestine Center listserv with permission, see http://www.thejerusalemfund.org/palestinecenter/reportsandcommentary.php.
Why Some Arabs Look to Kerry with Hope

By Marwan Bishara, International Herald Tribune

WASHINGTON - Arabs are divided on the American elections between a skeptical majority that sees no difference between George W. Bush and John Kerry and a hopeful minority that believes Kerry could narrow the gap between the Muslim world and the West.

The skeptics see both Bush and Kerry as ardent supporters of Israel and its doctrine of pre-emptive war who are committed to American triumph in Iraq regardless of the cost. The optimists, however, see important differences in the candidates’ discourse and approach.

While I agree with the skeptics, I think a Kerry presidency would have a better chance of containing the dangerous escalation between America and the Muslim world.

Bush’s evangelical messianism and his politics of fear have diminished tolerance and increased misunderstanding of the Middle East. His zero-sum approach of “You’re either with us or against us” has alienated the majority of the Arabs and Muslims who stand against Osama bin Laden but cannot withstand an open-ended American military crusade.

Kerry’s approach, on the other hand, reflects a nuanced understanding of regional power politics and global geopolitical reality. He advocates broad international coalitions to combat terrorism and regional participation in solving Middle Eastern problems. This could translate into a win-win situation where less US military involvement would bring about more regional stability and greater American security.

The importance of Kerry’s call for a more “sensitive” war on terrorism, though ridiculed by Vice President Dick Cheney, cannot be overestimated. The United States needs to improve relations with regional players who have been offended each time Bush spoke out on the war on terrorism.

The Bush administration chose to attack Iraq even though it posed no credible threat to the United States and even though Bush was warned by the State Department of the terrible consequences of such a war. The invasion of a sovereign state thousands of miles away has increased America’s nonstate enemies who, unlike Saddam Hussein’s Baathist regime, cannot be boycotted, contained or held legally accountable for their actions.

Those foes, including religious and ideologically driven terrorist groups and resistance movements, have been strengthened, not weakened, by Bush’s war. In fact, the Bush administration has become a new galvanizing symbol for the extremists in the region.

Even in Afghanistan, the Taliban and Al Qaeda are re-emerging thanks to Washington’s short attention span and the Bush administration’s redirection of American financial and military resources to Iraq. Bin Laden’s weekend video release is a rude reminder of this reality.

The Bush administration has started more fires than it has put out. While its earlier campaign against Al Qaeda has been effective to a large degree, its overall performance in the war on terrorism, especially in Iraq, has only fanned the flames of hatred and resistance.

As a result, anti-American groups are now able to tap into larger reservoirs of fresh recruits, extending from the belts of poverty around metropolitan cities to neighborhood mosques in the Middle East and elsewhere. The gray areas in which they can operate have grown, such as the war zones in Iraq and Afghanistan, where the weak grip of central government coupled with the presence of foreign soldiers produces chaos – terrorists’ favorite playing field.

Despite its fanciful talk about elections and democracy in Afghanistan and Iraq, the Bush administration has in reality cultivated the direct opposite of what it ostensibly set out to accomplish. Its pre-emptive wars have weakened the democratic and liberal movement in the region while its crusade has mobilized diverse and disconnected groups in a jihad against America.

A Kerry presidency could erase the negative perception of America in the Middle East. It should begin with resolving fairly the Palestinian problem, which, according to recent polls, would increase the proportion of Arabs who view America favorably from below 15 percent to almost 60 percent.
Kerry’s multilateral approach to Iraq, coupled with an international effort to resolve outstanding regional problems, including the proliferation of unconventional weapons, could earn America many more friends and empower the region’s subdued majority, which has been sidelined by Bush and bin Laden.

Marwan Bishara is visiting lecturer at the American University of Paris and the author of Palestine/Israel: Peace or Apartheid (Zed Books, 2003). This opinion piece was published in the 2 November 2004 edition of the International Herald Tribune (France). The views expressed in it are the author’s and do not necessarily reflect those of The Jerusalem Fund or The Palestine Center.
Palestinian leader Yasser Arafat, better known as Abu Ammar, died Thursday, 11 November 2004. He was 75 years old. His death comes at a time of deep uncertainty for Palestinians in both the internal and external political arena. For the past three years, Israel has confined Arafat to two rooms in his West Bank headquarters after a large-scale military offensive in the occupied Territories. This took a toll on Arafat's political life internationally and to a degree on his political clout internally. But many Palestinians feel that the heaviest toll had been on Arafat's health.

Palestinians will remember him as the symbol of the national struggle for freedom. His charisma and ruthlessness has kept him a step ahead of his enemies and a unifying force among the many Palestinian security and political factions.

Israel and the United States tried to sideline him, accusing him of not being a man of peace and of supporting terrorism. In fact, Arafat's popularity among Palestinians soared after he refused to sign a deal at the 2000 Camp David summit that would have permanently kept Israel in control of the Palestinian Territories and the lives of Palestinians.

His 2001 confinement to his Ramallah headquarters was not the first time Israel, specifically Ariel Sharon, held Arafat under siege. In 1982, the Israeli army commanded by Sharon encircled the PLO in Beirut forcing Arafat to evacuate the city with his fighters to Tunisia, where in 1990 he married his 28-year-old Christian-born secretary Suha Tawil in a secret ceremony. The two have a 9-year-old daughter whom he named Zahwa after his mother.

During the Beirut siege, Arafat was in the trenches with the PLO fighters. Aides said that during the Israeli raid on his Ramallah headquarters, Arafat vowed he would not be taken alive and would fight until death.

His departure from Lebanon was the second time Arafat had to take the PLO out of an Arab country. In 1970 his forces were expelled from Jordan as tensions grew with the late King Hussein.

In 1965, a year after the first Arab League summit established the Palestine Liberation Organization, Arafat and a group of close friends formed Fateh—the largest party within the PLO and the most dominant group in the occupied Territories. Four years later, in 1969, the Palestine National Council elected Arafat as chairman of the PLO, a post he held until his death.

Arafat became recognized internationally through his green military uniform and his checkered black and white headdress neatly arranged in the shape of Palestine. He drew attention in 1974 when he addressed the United Nations with a pistol holster strapped to his side. He told the world, "I have come bearing an olive branch and a freedom fighter's gun; do not let the olive branch fall from my hand." Nine days later, the UN General Assembly recognized the right of the Palestinian people to sovereignty and national independence. The PLO was given observer status at the world body.

Arafat has never discussed his childhood. There are conflicting reports regarding where he was born. He says he was born in Jerusalem on August 4, 1929, but researchers say that he was born in Cairo or Gaza. After the death of his mother, when he was about 4-years-old, he and his brother Fathi were sent to Jerusalem to live with an uncle.

At the age of 17, two years before the creation of the state of Israel in 1948, Arafat smuggled arms into Palestine from Cairo and took part in some of the battles. It was at King Fuad University (now Cairo University) where he enrolled in 1950, that he met the young men who would later join him in establishing Fateh and taking control of the PLO.

While a student of engineering, Arafat served as a reserve second lieutenant and leader of a demolitions squad in the 1956 Suez War between Israel and the Arabs, his first formal military training. In Egypt he became involved with the Muslim Brotherhood—an affiliation that would later lead to a warrant for his arrest. He fled to Kuwait where he worked as an engineer and opened a private contracting business. His business was successful and he indulged in fast cars.

Arafat's exile to Tunisia in 1982 was seen as the end of the guerrilla leader and of the PLO. But he continued to put Palestine on the map. In 1987, demonstrations against Israel broke out throughout the occupied Territories and developed into a large-scale, organized, non-violent resistance to Israeli occupation. A year later during a meeting of the Palestine National Council, Arafat declared the independent state of Palestine
in the West Bank, Gaza and Jerusalem—the first de facto recognition of Israel. Days later, Arafat addressed the UN in Geneva, renounced terrorism, and called for negotiations with Israel. The US then ended its 13-year ban on talks with the PLO.

Five years later, Arafat was again in the news when he and Israeli Prime Minister Yitzhak Rabin shook hands on the White House lawn on September 13, 1993 in the presence of President Bill Clinton, launching over a decade of Palestinian-Israeli negotiations under the Oslo Accords. Three years later in 1996, he was elected President of the Palestinian Authority by Palestinians in the occupied Territories. Although Arafat won a Nobel Peace Prize in 1994, Palestinian-Israeli talks and US mediation failed to end Israel’s occupation or to achieve a viable Palestinian state.

Arafat died before he could deliver freedom to the Palestinians and before fulfilling his dream of praying in Jerusalem. In every public speech since his return to the Palestinian Territories in 1994, he told Palestinians not to lose faith. “Others see it far away, but I see it close,” he would say referring to Jerusalem. He died as he lived most of his life, away from Palestine, the land he struggled to liberate until his death.

This obituary was written by Samar Assad following the passing of Palestinian President Yasser Arafat on 11 November 2004 in a French hospital. It may be used without permission but with proper attribution to The Palestine Center.
Outlook for Peace: 
Personalities vs. Realities in Palestine and Israel

By Nadia Hijab, the San Diego Union Tribune

No sooner was Palestinian President Yasser Arafat laid to rest in Ramallah than the visiting peacemakers began to descend on the region: outgoing United States Secretary of State Colin Powell, British Foreign Secretary Jack Straw and other European leaders.

This flurry of movement is designed to shore up support for the Palestinian presidential election January 9. Powell is said to have secured a commitment by Israel to ease restrictions on Palestinian movement and the Quartet—the United States, European Union, Russia and United Nations—has also called on Israel to ease restrictions while pledgeing to underwrite the costs of the elections.

The political analysts have their microscopes out to examine the candidates for the Palestinian elections. Mahmoud Abbas has been named as the candidate of Fateh, the largest political party. He was, in fact, the first person to serve as Palestinian prime minister—a post imposed on Arafat in 2003 by foreign donors to promote power sharing and accountability. Both President Bush and Condoleezza Rice, then national security adviser and now secretary of state nominee, liked Abbas and thought he was someone with whom they could do business.

Abbas is less popular with the Palestinians themselves. He is seen as one of the old guard who came back with the Palestine Liberation Organization (PLO) from exile in Tunisia to manage endless yet fruitless negotiations with Israel. In fact, the most popular leader in the occupied Territories is Marwan Barghouthi, whose capture and imprisonment by Israel during the current uprising against occupation evokes comparisons with South Africa's Nelson Mandela. Barghouthi grew up under Israeli occupation and was a leader of the first uprising against Israel at the end of the 1980s. He speaks fluent Hebrew, which he learned in Israeli jails during those years.

Barghouthi, one of Fateh’s “young guard,” considered running. Now that Fateh has nominated Abbas, however, Barghouthi has decided to throw his weight behind Abbas. Other candidates are putting their names forward or thinking about it, and we can expect to see much discussion of their personalities and politics in the lead-up to the election.

However, the real question is this: will new Palestinian leadership lead to peace? Was Arafat really the obstacle to peace as Israel and the United States have claimed since 2000, with the United States not just refusing to deal with him but acquiescing to Israel’s confinement of him to his office compound in the unsafe and unsanitary conditions that doubtless contributed to his death?

For answers to these questions, we need to examine the reasons why Abbas resigned in frustration after only four months as prime minister in 2003 and why Arafat was unable to sign the agreement President Clinton tried to broker at Camp David in 2000. Abbas did indeed have his quarrels with Arafat, who refused to reform the security forces and was digging his heels in over sharing power with a prime minister. But Abbas was far more undermined by Israeli actions during his short tenure, in three ways.

First, Israel was dragging its feet on a promised prisoner release that would have enabled Abbas to give the Palestinians hope that peace was serious. The issue of prisoners is vital for thousands of families who see their young men—and women—jailed for years without trial, and without access to lawyers or to their own relatives. Palestinian prisoners, who are a symbol of resistance to the occupation, are currently estimated to number 6,500. This summer, they launched a hunger strike to protest their conditions of detention in Israeli jails. Since the occupation began in 1967, it is estimated that some 600,000 Palestinians have been imprisoned by Israel—a staggering number given that the total West Bank and Gaza population is around 3.8 million.

Second, Israel continued to assassinate Palestinian militants during the summer of 2003 although they had observed a cease-fire as of the end of June. This led to tit-for-tat reprisals that culminated in a suicide attack on a Jerusalem bus in August 2003. At present, Hamas and Islamic Jihad are refusing appeals to observe a cease-fire while Israel refuses to halt its assassination policy.

Third and most seriously, Israel did not end its occupation of Palestinian lands as provided under the peace accords Arafat and the late Prime Minister Yitzhak Rabin initiated in 1993. Instead, it has continued to expand settlements and carve the Wall through West Bank fields and towns and across Palestinian water resources.

None of these issues has gone away. Moreover, neither the United States nor the Quartet has given any indication of willingness to do anything more than urge both sides to work for peace, ignoring the power differential between one of the strongest military forces in the world and a people living under its occupation.
At most, the elections may bring the Palestinians, who now face over 700 roadblocks if they attempt to move between towns and villages within the West Bank and a virtual siege on the whole of Gaza, breathing space.

The realities on the ground will stymie anyone who tries to lead the Palestinian people, as they did Arafat, their most popular leader, for all his flaws.

Israel may perhaps one day recognize how much it owes Yasser Arafat and the PLO. Arafat managed to convince his people that the liberation of all of Palestine was not a realistic goal, and that two states should be the objective of the struggle. The reason that most Palestinians under occupation are willing to accept a two-state solution with a state of Palestine on just 22 percent of their country is because the PLO had been carefully talking them into it between 1974 and 1988. In the early days, some PLO officials were shot by radical groups for even hinting at a two-state solution, and Palestinians dreamed of recovering Haifa, Jaffa and Acre. So Arafat performed no mean feat for peace.

Arafat could not accept Ehud Barak’s so-called “generous offer” at Camp David in July 2000 because it did not provide for a sovereign Palestinian state in the West Bank and Gaza, as American negotiator Robert Malley revealed a year later. Having sold his people a two-state solution, he could not go back and tell them the West Bank would be trisected by settlements, Israel would keep control over the borders, sovereignty over East Jerusalem was incomplete, and the rights of the refugees would not be addressed.

Today, what the Palestinians in the West Bank and Gaza want is an end to the Israeli occupation. Over the four years of this uprising, it is estimated that Israeli forces have killed over 3,222 Palestinians and injured 27,484. Palestinian attacks have killed over 1,000 Israelis.

Every week, more Palestinian homes are demolished and fields razed. To give a sense of scale by taking just one fruit-bearing tree, it is estimated that 360,000 olive trees have been uprooted since 2000. Over the same period, some 4,500 Palestinian homes have been demolished bringing devastation into the lives of thousands of families. Some 11,000 homes have been demolished since 1967. Meanwhile, between 1993 and 1999, during the years of the Oslo peace process itself, the number of Israeli settlers doubled to 400,000.

Indeed, today, the occupation is worse than at any previous time in history, with the land colonized and fragmented, the people unable to move beyond a very narrow radius, their children prey to malnutrition and illiteracy. A World Bank report released last week estimates that half the population is living in poverty on less than $2 a day. The “precipitator of this economic crisis has been ‘closure’” the bank says, referring to the system of curfews, roadblocks and checkpoints imposed on the Palestinians.

On November 19, the U.S. Senate unanimously approved Resolution 477 trumpeting a “reinvigorated” U.S. vision of freedom, peace and democracy in the Middle East that emerged after President Bush’s meeting with British Prime Minister Tony Blair. But 11 years after Oslo, the Palestinians will need more than words to believe there will be a change in the realities on the ground.

What the Palestinians want most of all is not an endless round of peace negotiations, most recently framed in the Quartet’s road map, but someone who can lead them to freedom. Whether Abbas will be able to do so depends on the lessons each side has learned from the ghosts of peace plans past.

This op-ed was written by Nadia Hijab, the former Executive Director of The Palestine Center. It appeared in the Sunday edition of the San Diego Union Tribune on 28 November 2004. The views expressed in it are her own and do not necessarily reflect those of The Jerusalem Fund. For a list of other opinion articles distributed to The Palestine Center listserv with permission, see http://www.thejerusalemfund.org/palestinecenter/reportsandcommentary.php.
On Thursday evening, 13 January 2005, the international community lost a leading Arab and Palestinian intellectual and activist. Dr. Hisham B. Sharabi died in Beirut, Lebanon. He was 78 years old.

Born in Jaffa, Palestine, Sharabi’s political activism started at an early age. In 1947, he graduated from the American University in Beirut with a Bachelor of Arts in philosophy and joined the Syrian Social Nationalist Party (SSNP, also known as the Parti Populaire Syrien). The group’s uncompromising determination on the issue of Palestine captivated the young Sharabi, who in turn impressed the group’s leader with his intellectual power.

In 1977, along with like-minded colleagues and friends, Sharabi founded the Jerusalem Fund for Education and Community Development in Washington, DC. The Fund's original mission was to provide scholarships to Palestinian university students for study in Israel, the West Bank and elsewhere. In 1981, the Fund expanded its mission to provide direct assistance for the educational, cultural, health and community service institutions of Palestinian society.

In 1991, Sharabi and Fund’s Board of Directors established the Center for Policy Analysis on Palestine (CPAP) to provide a much-needed Palestinian/Arab perspective to political, academic, and media establishments in Washington, DC. and beyond. CPAP was later renamed The Palestine Center. Sharabi served as chairman of The Jerusalem Fund and The Palestine Center until his death in 2005.

Sharabi played a key role in building institutions that promote awareness and understanding of the Arab world with particular emphasis on Palestine. For 24 years, Sharabi served as editor of the English-language quarterly, *Journal of Palestine Studies*, published by the Institute for Palestine Studies. He co-founded the Center for Contemporary Arab Studies at Georgetown University, the only academic center solely devoted to the study of the Arab World in the United States.

Sharabi began his professional academic career in 1953, teaching history at Georgetown University in Washington, DC. At his death, he was professor emeritus of European Intellectual History and was previously the Omar al-Mukhtar Professor of Arab Culture at Georgetown University.

Sharabi put his academic studies on hold in 1948 after Palestine fell to the Zionist forces. Sharabi left his master's program in the United States and returned to Lebanon to resume his activities with the SSNP. He became the editor of SSNP’s monthly magazine, *al-Jil al-Jadid* (The New Generation). When the Lebanese government began to crack down on the SSNP, Sharabi fled to Jordan and returned to the United States. He earned a Master of Arts in philosophy in 1948 and a Doctorate of Philosophy on the history of culture from the University of Chicago in 1953. In 1955, he officially ended his affiliation with the SSNP.

However, that was not the end of his political involvement. The Arab defeat in 1967 and the 1968 Arab student movement had a strong impact on Sharabi both intellectually and politically. He moved toward the political Left, reading Marx and Freud, teachings he later incorporated in his analysis of Arab society.

In 1970, Sharabi moved back to Lebanon to work in the Palestine Planning Center and was a visiting professor at the American University of Beirut. At that time, the Arabic translation of his book *Arab Intellectuals and the West* became widely available. Sharabi is the author of eighteen books, numerous articles, monographs and conference papers published in the United States, Europe and the Middle East.

Sharabi is best known for his influential writings and will remain a unique Arab intellectual phenomenon. His two-volume autobiography, *al-Jamr wa al-Ramad: Dhibrayat Muthaqqaq Arabi* (Embers and Ashes: The Memoirs of an Arab Intellectual) published in 1978 and *Suwar al-Madi: Sira Dhatiyyah* (Images of the Past: An Autobiography) published in 1993, is a noted classic. His book *Neopatriarchy: A Theory of Distorted Change in Arab Society* (Oxford University Press, 1988) had a great impact on scholarly and intellectual circles in the Arab world. Sharabi’s critique of Arab society was on the basis of its neo-patriarchal nature. He saw the cornerstone of this phenomenon in its oppression of women, an issue on which he wrote extensively and by which he was deeply influenced.

After retiring from Georgetown University in 1998, he devoted all his time to The Jerusalem Fund and The Palestine Center. That year he wrote:
In Jaffa, one of my favorite places as a small boy was the city’s ancient harbor. I visited the harbor when I went back in the fall of 1993. Standing where I often stood so many years ago, I felt only the bitterness and anger all Palestinians feel when they go back to where they were born and where their grandparents were born and spent their lives before becoming refugees.

As I stood there I could hear people speaking Russian, probably recent immigrants from the former Soviet Union. They were full citizens in my country, and I was there only on a limited Israeli tourist visa. I try to remind myself of what sustained all Palestinian refugees over the long years of exile: this land is not a memory, it is not lost, it is out there where it can be seen and touched, a patrimony that can never be given up nor taken away.

Does this mean that there can be no peaceful solution to the conflict? Does the solution lie in the reversal of what happened 50 years ago and the destruction of Israel? No, the clock cannot be put back, the past cannot be redeemed, Israel’s destruction cannot be the goal. The conflict’s real solution cannot be a zero-sum outcome, but only a political compromise. The legitimate struggle of the Palestinians will seek a solution based on justice, international law, and the imperative need for mutual accommodation and survival.

~ “Palestinians Fifty Years Later” (Washington, DC: Center for Policy Analysis on Palestine, 1998)

Sharabi is survived by his daughters Nadia and Leyla, his brothers Nizam and Nazim, his sisters Aafaf and Etaf, his son-in-law Mr. Ali Shihabi, and his grandchildren, Omar, Dina, and Faisal.

Condolences will be received in person at the offices of the Jerusalem Fund in Washington, DC weekdays 9:00 am–5:00 pm until Friday, 28 January 2005. You may also sign our online condolences book at www.thejerusalemfund.org. Condolences will be received in Lebanon at the American University of Beirut Alumni Club (Wardieh) on Saturday, January 15 from 3:00-6:00 pm, and on Sunday, January 16 from 10:00 am-1:00 pm and 3:00-6:00 pm.

At the request of the family, donations may be sent in lieu of flowers to the Inaash Charitable Association in Lebanon. Contact the Jerusalem Fund for more details.
In Memoriam:
Samih K. Farsoun, Ph.D.

By Samar Assad

Dr. Samih K. Farsoun, who was born in Haifa, Palestine, died unexpectedly at the age of 68 on 9 June 2005 in New Buffalo, Michigan (USA). Farsoun was Professor Emeritus of Sociology at American University in Washington, DC where he taught for thirty years until his retirement in 2003. During his long career at AU, he served as chairman of the Department of Sociology for eleven years, chair and member of numerous University-wide committees, and founder of its Arab Studies Program. He served as founding Dean of the College of Arts and Sciences at the newly-established American University of Sharjah in the United Arab Emirates from 1997-99. In 2004, Farsoun was named founding Dean of Academic Affairs and the College of Arts and Sciences at the newly-established American University of Kuwait, where he served until February 2005.

In addition to his scholarly pursuits, Farsoun was a dedicated activist and mentor to students, having served as a founding member and president of the Association of Arab-American University Graduates, Inc., founding member of the Arab Sociological Association, editor of the Arab Studies Quarterly, a member of the International Advisory Board of the Journal of Holy Land Studies (London), a founding fellow of the Middle East Studies Association (Tucson, AZ), board member of Partners For Peace (formerly the American Alliance for Palestinian Human Rights, based in Washington, DC), and board member of the Middle East Children’s Alliance (Berkeley, CA). Farsoun was also one of the first members of the Board of Directors of the Jerusalem Fund for Education and Community Development (established in 1977) and of the Executive Committee of the Center for Policy Analysis on Palestine, now The Palestine Center (established in 1990). He is a founding member of the Trans-Arab Research Institute (Boston, MA).

Farsoun published six books about the sociology and politics of the Middle East, including Palestine and the Palestinians (Westview Press, 1997), for which a new revised and updated edition was scheduled to appear in 2005; an updated Arabic edition of the book was published in Beirut, Lebanon in 2003. He also recently authored Culture and Customs of Palestine (Greenwood Publishing Group, 2004). In addition, he has published over 75 papers, book chapters, and articles. His articles and books have been translated into several languages, including Arabic, Farsi, French, Italian, and German. Farsoun also published numerous columns in Arabic and English journals and newspapers. He lectured at numerous conferences, and provided commentary on various radio and television news reports on the Middle East.

Farsoun received his Doctorate of Philosophy and a Master of Arts in sociology from the University of Connecticut, and an Bachelors in mathematics and physics from Hamilton College in New York. Farsoun is survived by his wife, Katha Kissman, of Washington, DC and New Buffalo, Michigan; a daughter, Rouwayda, of Northampton, Massachusetts; a brother, David, of Beirut, Lebanon; sisters Regina, Despina, and Samia of Vancouver, British Columbia; and many beloved nieces, nephews and cousins, and his adopted family of the Kissmans.

Funeral services will be held at the Sommerfeld-Smith Funeral Home, 15 North Barton Street, New Buffalo, MI 49117 (Tel. 269-469-2233). The viewing will be held on Monday, 13 June 2005, from 4:00-9:00 PM; the service on Tuesday, 14 June 2005, at 11:00 AM. All friends, colleagues, and well-wishers are welcome. Memorial services will also be held in Vancouver, British Columbia and in Washington, DC; details will follow at a later date.

Contributions in memory of Dr. Samih Farsoun may be sent in lieu of flowers to the Trans-Arab Research Institute at P.O. Box 1514, Onset, MA 02558, or to the Jerusalem Fund for Education and Community Development at 2425 Virginia Avenue, NW, Washington, DC 20037.
Hisham Sharabi was born in 1927 in Jaffa, Palestine, then under the British Mandate. As a consequence, his formative years were shaped by the reality of imperialism and colonialism. He was old enough to remember, and to be unsettled by, the violent Palestinian rebellion of 1936–39. By the time he was twenty-one, his family had been made refugees by the war that transformed the Zionist colonial movement into the State of Israel. The anger created by such events can find expression in depression and hopelessness, or it can be sublimated into activism. Hisham’s inclination was always for the latter. He once told me that even as a child it never occurred to him to “do nothing” about the world falling apart around him. Thus, as an impressionable youth he became involved with the pan-Syrian and militantly secular Syrian Social Nationalist Party, whose charismatic but authoritarian and patriarchal leader, Anton Saadeh, mesmerized him. He once told me that even as a child it never occurred to him to “do nothing” about the world falling apart around him. Thus, as an impressionable youth he became involved with the pan-Syrian and militantly secular Syrian Social Nationalist Party, whose charismatic but authoritarian and patriarchal leader, Anton Saadeh, mesmerized him. The PPS aimed at transforming the social and political structure of the Middle East. The movement’s failure sent Sharabi looking for other approaches to action compatible with his studious and intellectual nature. What he did retain from his PPS experience was the conviction of the need for radical change in the region.

In 1947 Sharabi arrived in the United States as a young graduate student at the University of Chicago. His choice of study in the United States reflected his intellectual affinity for Western thought. Despite a religious family background and the persistent efforts of his grandmother to assure his exposure to traditional Muslim learning, he had developed a secular outlook. This was probably the result of his early schooling in Western institutions. He had attended the Quaker Friends School in Ramallah and later matriculated at the American University of Beirut. This exposure to Western ideas coincided with a growing anxiety among politically aware young Arabs about the fate of a Middle East still directly or indirectly controlled by colonial forces. The resulting tension turned Sharabi away from Islam, brought him into the folds of the PPS, and triggered an exploration of the intellectual ideas that constituted the humanistic side of Western thought.

Thus, at the age of twenty, he found himself transported away from the familiar surroundings of his youth, particularly the Lebanese seaside where he and his college friends liked to fish and swim, to the wintry shores of an alien Chicago. It was not only the physical environment that was alien, but also, as he tells us in his 1978 autobiography much about the University of Chicago as well. Despite Sharabi’s prior education in Western run schools in the Middle East, the fluid and debate-oriented learning environment of his new university came on him as a form of intellectual culture shock. His classroom experience in Lebanon, albeit at an American university, was culturally Arab—that is, a top-down affair. He reports that the undergraduate classrooms of his youth were patriarchal in nature and that the position taken by the professor was almost never questioned. In Chicago, only slowly did he overcome his reticence about entering into the daily dialogue of his classes. As he did adapt, he became convinced of the methodological superiority of this approach to learning and began to travel down a road of intellectual exploration.

That road had its obstacles. His new experiences called into doubt many of the values and ways of his homeland. On the intellectual level, the ideals of democracy, gender and religious equality, and the open competition of ideas created an enduring dissatisfaction with the contemporary state of Arab intellectual, political, and social affairs. On the emotional level, however, the culture of his Arab upbringing was more deeply ingrained than he liked to admit. The resulting internal contradictions might help explain certain aspects of his behavior. As a professor, he often said little during classroom discussions. He loved to have students over for dinner and to sit with them on his back porch for long and en-
glossing intellectual and political talks, but even then, he generally said little. This was not a congenital personality trait. In fact, he once told me that he had trained himself to be like this over many years. It was never clear to me why he had undertaken this transformation. Perhaps he was guarding himself against slipping into the authoritarian ways of his old Arab professors or, alternatively, the posture of his former mentor Saadeh. On the other hand, the effect of this demeanor could be quite patriarchal and even intimidating. Was this imposing quiet the result of an unconscious compromise, an effort at once to be, and yet not to be, the Arab patriarch?

Much of his intellectual production over a fifty-year period reflected his dissatisfaction with the social and political state of the Middle East, as well as the plight of the Palestinian people. He read Arab newspapers regularly and listened almost obsessively to news broadcasts in both English and Arabic. He was always up-to-date on the politics of the Arab world and knew personally many of the important political figures of the region. He saw the history of the Middle East as being in constant motion and mostly changing for the worse. This meant that, though he was hired by Georgetown University in 1953 as a professor of modern European intellectual history and spent his entire academic career as such, almost everything he wrote had something to do with the Arab world.

Hisham had mixed feelings about this, as if the events of his time had forced him away from subjects of study that he found more congenial. I once asked him what topics he would have pursued had he not felt compelled to concentrate on the problems of his homeland. He immediately replied that he had once hoped to write a book on Nietzsche. In his house in Bethesda, Maryland, the dining table off the kitchen would be piled high with the books he was currently studying. I use the word "studying" advisedly, for other than the occasional work of fiction, he rarely indulged in casual reading. In contrast to the Arabic newspapers that were also on hand in the dining area, the books were mostly Western philosophical, political, and historical works. In the last ten years or so of his life, the pile of books reflected his growing fascination with post-modernist writers. Thus the dining room was where Hisham’s two worlds met.

Sharabi the activist, however, was always facing East. Like so many Arab intellectuals, he had been shocked and energized by the June 1967 war. Israel’s swift and conclusive defeat of the Arabs only reinforced his long held conviction that the Middle East was in need of thorough reform. At first he appeared to believe that the inspiration for reform was to be found in the Arab intellectual past. His 1970 work Arab Intellectuals and the West: The Formative Years, 1875–1914 was an effort to reinterpret the experiences and thinking of the sometimes religiously motivated Arab intellectuals of the late nineteenth century in ways that could be helpful to secular Arab reformers in the present. “All the problems that are being confronted today were confronted then,” he noted. Just as Western intellectuals interested in enhancing political and human rights return, again and again, to thinkers such as Locke and Voltaire, he wrote, so should Arab reformers study their predecessors. “The task of Arab scholars is to go back to this period, and reinterpret it, as the classical Enlightenment has been reexamined by each generation in Europe and the United States.” What is certain is that for Sharabi, the study of the past ceased to be an end in itself following the 1967 war and instead became a search for solid ground in the formulation of contemporary tactics.

Yet as time went on, I am convinced that he looked for inspiration less to the Arab past and more to Western oriented intellectual movements and ideas. During our thirty-seven-year friendship, I cannot recall him making a single conversational reference to a pre-twentieth century Arab thinker. As far as I can tell, the Palestinian leader he most admired was George Habash, leader of the Popular Front for the Liberation of Palestine and a Marxist internationalist. He did not think very highly of the bulk of contemporary Arab intellectuals who manned the region’s universities and institutes. More than once he complained to me of their “mediocrity.” That is not to say that he did not have close intellectual friends in the Middle East whom he deeply admired. He also yearned to return to the Middle East to live and teach. However, in my opinion, Hisham saw the best and most promising intellectual work and social and political analysis as coming from the West, and this could not help but influence how he envisioned the future of the Middle East.

**Theory and Practice**

After 1967 Hisham Sharabi’s work was divided between theory and practice. In terms of practice, his major activity was to contribute to the well-being of his people, the Palestinians, as they struggled against an enemy bent on ethnically cleansing them from their homeland. It is this part of his work that tapped into his emotions, channeled his anger productively, and allowed him to make a positive difference in the lives of many Palestinians. He helped establish The Jerusalem Fund with its charitable and educational support programs for Palestinians in both occupied lands and the Diaspora. He served as editor of the *Journal of Palestine Studies* from 1972 until 2002, and in 1990 helped set up the Center for Policy Analysis on Palestine, both dedicated to chronicling and interpreting the history and current evolution of the Palestinian struggle. He also tirelessly pursued “meetings with Congress, the State Department, the Pentagon, and when possible the White House . . . to tell them what’s wrong with US policy in the region.” He pursued all such endeavors with a stubborn determination that refused to give in to the odds massed against the Palestinian people and their cause.

On the level of theory, he devoted himself to the intellectual analysis and theoretical understanding of contemporary Arab society. It is this work that preoccupied his powerful intellect and kept him connected to the intellectual life befitting his personality. In this effort, he helped found the Georgetown University Center for Contemporary Arab Studies and began writing extensively on the status of Arab culture and society. In both the English and Arabic speaking worlds, the most widely read product of that effort was his book *Neopatriarchy: A Theory of Distorted Change in Arab Society.*

In this seminal work, Sharabi concluded that the traditional patriarchal culture of the Arab world, far from being undermined by imperialism, became further entrenched in a new and more powerful form. In effect, instead of inheriting democracy or civil liberties from the West, the traditional Arab elites inherited the technologically enhanced power structure of their colonial masters. As a result, the struggle against impe-
rialism left the old Arab system of the dominant male authority figure not merely intact but strengthened by new governmental structures. This meant that the various ideologies of reform, be they nationalist, socialist, or state capitalist, carried within them the seeds of a now bureaucratized and armed neopatriarchy. Thus, the various governmental forms that neopatriarchy took failed to produce truly modern and liberating societies. Indeed, the only thing modern about them was their use of up-to-date surveillance and military equipment. Civil society languished in a perennially undeveloped state, the economy remained locked into a patriarchal patronage system, initiative and free thinking were often punishable offenses, and other human rights, particularly for women, were nowhere to be found.

In Sharabi’s view, this neopatriarchal system did damage not only to the Middle East in general, but also specifically to the Palestinian cause. Thus, once Yasir Arafat and his associates negotiated their return to Palestine, they ruled the occupied Territories like a shaykhdom. The neopatriarchal and authoritarian nature of the Palestine National Authority under Arafat (toward whom, after Oslo, Hisham felt only disgust and bitter disappointment) directly contradicted the goals of modernism and liberalization that he both wrote about and acted to promote.

Paradoxes and Dilemmas

It was not only the state of the Arab world that caused Sharabi concern. The contradictions between West’s intellectual heritage, as he understood it, and Western (particularly American) policy in the Middle East constituted a never ending source of frustration for him. He was an Arab expatriate whose mind had been opened through the study of Western philosophy and intellectual history to the liberating potential of a critical and questioning approach to the world. Yet once he put down the books and walked out of the classroom, he was rudely confronted with the fact that the political leaders and public in the West often suspended critical thinking in favor of unanalyzed, unquestioned propaganda, fantasy, and distortion. Worse still, this uncritical approach was applied with particular zeal by his adopted Western country (the United States) specifically to the history and struggles of his own homeland (Palestine). It was not long before the juxtaposition of Western political theory (i.e., the championship of reason, democracy, and individual rights) and American practice (i.e., a foreign policy driven by prejudice and stereotyping) filled him with perplexity and a deep sense of injustice.

This sense of injustice was reinforced by his frequent contacts with US government and civic officials. Concerning the way in which these last categorized Palestinians “in the most racist way as terrorists without anyone raising an eyebrow,” he noted: “Being at the heart of this, I am able to plumb the depth of the above attributes directly, without the comforting cushion of abstract analysis.” As for the Israelis whom these same officials portrayed as representatives of Western civilization in the midst of Middle Eastern barbarity, Hisham saw most of them as acting in a “moral vacuum which is the breeding ground of evil.”

I am aware of only one American political experience that Hisham saw as important and positive in the years following the 1967 war: his association with the Georgetown chapter of the Students for a Democratic Society (SDS). The chapter had been founded in the fall of 1967 by myself and several other students. The SDS opposed the Vietnam War and had an anti-imperialist analysis of American foreign policy. For Sharabi, who sometimes attended our meetings, this anti-imperialism meant that, potentially, the organization could serve as a vehicle to promote sympathy with and support for the Palestinian cause. More broadly, he saw the SDS as a vehicle through which young citizens resisted war, propaganda, and the dehumanizing effects of bureaucratic processes. His witnessing of a popular movement combining debate and analysis, egalitarianism, and activism suggested to him that reason could overcome fantasy and propaganda in the minds of Americans.

Encouraged by his SDS experience, Hisham broadened his efforts beyond the government and sought more media access for the message that American policy in the Middle East was wrongheaded. He appeared on television, wrote innumerable op-ed pieces, and held news conferences. He also sought to help strengthen Arab American interest group formation that had been ongoing for some time. For several years he was the head of the Association of Arab-American University Graduates. By 1970, he had learned that the SDS was in fact an anomaly within the American political scene and that it was not going to mature into a broad-based political movement. Particularly when it came to the subject of Palestine, the SDS never did evolve into the popularizing springboard for which he had hoped.

A good part of the problem was that Hisham, and the rest of us who supported the Palestinian cause, were doing verbal battle in an informational environment that more often than not failed to recognize the validity of any non-Zionist interpretation of reality. This made any effort to promote Arab and Palestinian interests in the United States extremely difficult. Any public statement Sharabi might make, no matter how accurate, would immediately elicit angry and sometimes libelous responses by the Zionist operatives who command attention in the nation’s capital. His assessment that Israel and its American allies were, to all intents and purposes, seeking to “subdue” the Palestinians in the Occupied Territories (an understatement relative to what was actually happening on the ground and an assessment with which any objective observer would agree) was condemned as an outrageous falsification by emotionally driven pro-Zionist elements at Georgetown University and other Schools of International Affairs. This made any effort to promote sympathy with and support for the Palestinian cause. More broadly, he saw the SDS as a vehicle through which young citizens resisted war, propaganda, and the dehumanizing effects of bureaucratic processes. His witnessing of a popular movement combining debate and analysis, egalitarianism, and activism suggested to him that reason could overcome fantasy and propaganda in the minds of Americans.

It is an indication of the dilemma Hisham faced that even Zionists who claim to have known him well were convinced that he wished for nothing less than the destruction of Israel (a reversal of what the Israelis not only yearned for relative to the Palestinians, but in fact executed). In any case, it does not matter what Sharabi yearned for in his heart of hearts. Unlike some empowered Zionists, his behavior was not controlled by vengeful and genocidal yearnings. When it came to practice, “fantasy” was as far from Sharabi’s mind as stars in the heavens. Unless, of course, you consider the following position statement, written in 1998, as delusional:
I try to remind myself of what sustained all Palestinian refugees over the long years of exile: this land is not a memory, it is not lost, it is out there where it can be seen and touched, a patrimony that can never be given up or taken away. Does this mean that there can be no peaceful solution to the conflict? Does the solution lie in the reversal of what happened 50 years ago and the destruction of Israel? No, the clock cannot be put back, the past cannot be redeemed, Israel’s destruction cannot be the goal. The conflict’s real solution cannot be a zero-sum outcome, but only a political compromise. The legitimate struggle of the Palestinians will seek a solution based on justice, international law, and the imperative need for mutual accommodation and survival."

Fantasy? Only if those who hold power in Washington and Jerusalem insist on a “zero-sum outcome” and then call that sanity.

Right to the end, Hisham Sharabi refused to accept as inevitable a world of Zionist realpolitik and as permanent the horrors it engendered. Right to the end he believed in acting within the public sphere, and in the possibility of melding theory and democratic practice—just as he had seen accomplished for a brief historical moment by the Georgetown SDS. More than once he told me that “I miss the ‘revolutionary’ days.” I would respond that he carried the seeds of a humanistic revolution within him and had helped nurture the same potential in others. I still believe this to be so. Through his work, both theoretical and practical, he chose to keep alive an alternative perception of reality that was eminently sane and humane. And he never gave up. Thus, he was, and will remain as long as his memory prevails, a model for those who fight for a world ruled by reason and justice.

Lawrence Davidson is professor of history at West Chester University and author of America’s Palestine: Popular and Official Perceptions from Balfour to Israeli Statehood (University Press of Florida, 2001). This article appeared in the Journal of Palestine Studies 34, no. 3 (Spring 2005), pages 57-64. The views expressed in it are his alone and do not necessarily reflect the views of The Jerusalem Fund. This article is reproduced with permission. For a list of other opinion articles distributed to The Palestine Center listserv with permission, see http://www.thejerusalemfund.org/palestinecenter/reportsandcommentary.php.

Notes


ii Sharabi, Al-Jamr wa al-ramad.


v Sand, “Hisham Sharabi.”


xi Sullivan, “Arab Intellectual Hisham Sharabi, 77, Dies.”

xii Barry Rubin, “Sharabi: Death of a Teacher,” 18 January 2004, online at gloria.idc.ac.il.

xiii Rubin, “Sharabi.”


The Gaza Disengagement and the Prospect of Further Human Rights Violations

By Ilan Pappe, Adalah Newsletter

There is an amazing gap between the global discourse on the Gaza Disengagement Plan of the Sharon government and the local realities on the ground. Whereas the Israeli pullout is being portrayed in the international public arena as an historic decision, which offers a rare opportunity for peace in the area, local observers—especially in Palestine—warn that the plan is not likely to advance the peace process; in fact, it is seen as a deliberate attempt by the Israelis to obstruct any future progress towards an acceptable solution.

This imbalance between representation and reality makes it difficult to assess and discuss the significance of the Gaza withdrawal from a human-rights perspective. The attempt here will be to weigh the potential positive outcomes of the Israeli withdrawal against the potential negative repercussions for human rights in Israel and Palestine. There is a consensus among mainstream Israeli and Palestinian literati and pundits that the disengagement from Gaza is no more than a redeployment of Israeli forces and is not intended to change the status quo or bring an end to the occupation. Theoretically, and in itself, this realization does not preclude a potential improvement in the lives and rights of the people living in the 1967 Occupied Palestinian Territories (OPTs).

For instance, the removal of the provocative settlements from the Gaza Strip and from a small area in the north of the West Bank could improve the quality of life of many Palestinians. The settlers violated Palestinian rights directly through their daily violence and brutality, and indirectly by inviting heavy and oppressive military invasions into the OPTs either to protect them, or to retaliate in their name. The withdrawal could thus remove this despicable aspect from the lives of some Palestinians in the areas to be evacuated.

Moreover, regardless of its real motives, the move could advance the Palestinian right to self-determination. This is a position argued by the Islamic forces in the OPTs, which see the pullout as the defeat of the occupying army, and there is indeed more than a modicum of truth in this representation. However, for these two positive aspects to materialize as a new reality, the withdrawal must mean a genuine Israeli detachment from the lives of the Palestinians in the Gaza Strip and northern parts of the West Bank.

Unfortunately, there is very little evidence to suggest that this will in fact be the outcome of the disengagement. The first omen is the Israeli insistence that there will be no further territorial concessions. While this position is not always stated openly, it was spelled out clearly by Dov Weissglas, Ariel Sharon’s senior aide, in an interview with Ha’aretz on 8 October 2004, in which he stated, “The disengagement is actually formaldehyde. It supplies the amount of formaldehyde that’s necessary so that there will not be a political process with the Palestinians.” Other senior Israeli officials, including the Prime Minister himself, declared that the disengagement is a national trauma; by which they mean that no Israeli government is ever going to attempt such a move again.

Furthermore, the Israelis have minimized, as far as possible, any cooperation with the Palestinian Authority on the withdrawal in order to avoid creating any domestic impression that the pullout is part of a peace dialogue, and not, as they wish to portray it, the redeployment of forces.

These declarations fit well with the overall strategy of the Sharon government—which enjoys broad support among the Israeli Jewish electorate. The aim is to create a Greater Israel, which includes almost half of the West Bank, but which excludes the Gaza Strip and purely Palestinian areas in the West Bank (these latter areas are spread intermittently between Jewish settlement blocs and lack territorial contiguity). These Palestinian enclaves in the West Bank, together with the Gaza Strip, can become autonomous areas and can even, at a later stage, be called a state.

Thus, the wider context for analyzing the impact of the Disengagement Plan on human rights is Israel’s overall strategic thinking. This Israeli vision of the future will affect human rights in the OPTs, and inside Israel, in more ways than one. However, before these possible influences can be presented here, one has to consider the probable Palestinian reaction to such a strategy. What can one expect from the Palestinian leadership, different Palestinian groups and the Palestinian public in general to do, once it transpires that the pullout from Gaza is the end of, rather than a station in, the peace process?

At the very least, one can expect a similar level of resistance to that currently being attempted by the various Palestinian forces in their desperate struggle against the status quo (although one can even envisage far worse scenarios). Let us assume, for the sake of argument, that the frustration in the Palestinian areas will not result in actions that exceed the known patterns of attacks against the army and settlers from both the Gaza Strip and the West Bank. This means that a low-key second intifada is likely to continue, despite the discourse of peace accompanying
the withdrawal. If we append this probable Palestinian conduct to the overall Israeli strategy, we have a more complete picture, which should enable us to analyze more closely the possible impact of the disengagement on human rights in the OPTs.

Three senior Israelis—the Prime Minister, the Minister of Defense and Eival Giladi, the Director of the Strategic Coordination Staff in the Prime Minister's Office—have already explained what the Israeli retaliation would be against such a Palestinian reaction. Giladi told the printed and electronic press that, "Israel will act in a very resolute manner in order to prevent terror attacks and militant fire while the disengagement is being implemented . . . and if pinpoint response proves insufficient, we may have to use weaponry that causes collateral damage, including helicopters and planes, with mounting danger to surrounding people" (Ha'aretz, 22 June 2005).

A month later, Tawfiq abu Husa, spokesperson for the Palestinian Ministry of the Interior, notified the Israelis that the Ministry could not secure a peaceful pullout (www.walla.co.il, 30 July 2005). Even without this declaration, it was clear that shots would be fired during and after the pullout. Giladi, who is quite often in the shadow, made several additional and rare public appearances for the sake of repeating the same message, extending the threat to the period after the evacuation. It seems as if he were preparing local public opinion for massive destruction to be inflicted by Israel on Gaza during and after the pullout. The Israeli army needs such a show of force, which could lead to gross violations of human rights, precisely because the Islamic groups portray the withdrawal as a defeat for Israel. The same sense of defeat in the summer of 2000 in Lebanon, led then-IDF Chief of the General Staff Shaul Mofaz to demand a brutal show of force against the Palestinians when the second intifada broke out. In his present capacity as Minister of Defense, Mofaz harbors the same ideas. This contiguity is described in a new book, Boomerang, written by journalists Ofer Shelah and Raviv Druker. The former served as an officer in Mofaz's battalion during his army service and has a good personal connection with the Minister.

According to the book, in order to 'rehabilitate' the loss of 'Arab respect' for the army, back in 2000 and 2001 Mofaz foiled any serious attempt made by the Palestinians and moderate Israelis to end the military escalation of the second intifada. The book shows that the Disengagement Plan was concocted by Ariel Sharon, after learning that then-state prosecutor Edna Arbel was about to indict him on corruption charges. The army went along with the plan, although most of Mofaz’s colleagues rejected it. The army's position is quite puzzling. All of its senior officers said openly and in internal debates that a unilateral withdrawal would be a disaster. Eventually, however, all, to a man, came out in its favor. Why did the IDF agree to a plan it thought was disastrous? According to the book, because it bent to heavy political pressure from a Prime Minister who was convinced he would be prosecuted for his political and financial corruption. Indeed, the army chiefs continue to argue that after the withdrawal there is likely to be more fire directed from the Strip at Jewish towns within pre-1967 Israel. The army will have to show after the withdrawal that the deterrence capability it believes Israel will have lost by unilaterally withdrawing can be restored. In the case of the OPTs, this means one thing only: the systematic abuse of human rights through the excessive employment of gunships, F-16s and other weaponry that will inflict ‘collateral damage.’

The likelihood that the disengagement will not end the occupation, but rather perpetuate it, is in itself bad news for the future human and civil rights of the Palestinians. The possibility of brutal Israeli actions leading to massive killing within the Gaza Strip is also troubling, to say the least. Moreover, the Israeli insistence on disconnecting the Strip from any land contact to the east, north and south, and on continuing to blockade it from the sea to the west, raises genuine concerns about the economic standard of living and social welfare of its more than 1.4 million Palestinian residents.

It is quite likely, then, that Palestinians will pay for the 'national trauma,' in order that both the 'nation' and the army can feel healed after the crisis is over. However, far more important is the possible sense of success that will descend on the Israeli policy-making apparatus, should the withdrawal be implemented relatively smoothly. It would be considered a victory for 'unilateralism,' which is now the mantra of the consensual political center in the country.

'Unilateralism' means that the Palestinians, wherever they are—inside Israel, in the refugee camps, in the Diaspora or in the OPTs—have no say in the future of Palestine and Israel. Hence, laws can be passed to prevent Palestinian marital partners from different sides of the Green Line from living together in Israel, with total disregard to the wishes of the Palestinians themselves (in July 2005, 59 members of Knesset voted to extend this law, with minor amendments, whilst only 13 voted against it, although in fact more than 100 out of 120 Israeli members of Knesset support this racist legislation). In addition, Israeli security arrangements in the form of the Wall and other defensive means can be decided upon regardless of any concern for what the Israeli Supreme Court euphemistically calls “the comfort of the Palestinians.” By now it has been well documented that these means have caused the transfer of people, the loss of their livelihood and their imprisonment between huge walls and army lookout towers.

After the withdrawal, which is portrayed domestically as a national trauma not to be repeated, and to the world at large as the bravest peace plan ever proposed to the Palestinians, ‘unilateralism’ is in danger of becoming sacrosanct. In terms of human rights, this means that in the aftermath of the disengagement the Israeli agencies dealing with the Palestinians under their control will pursue the same callous policies described above with even less regard to Palestinian opinion or rights. Against the mood and discourse of ‘significant concessions’—as with the talk of ‘the most generous offer’ in the summer of 2000—the Israeli authorities will have no scruples in determining, with brutal force, who the Palestinians can marry, where they can live and work, when they can go out or for how long they have to stay imprisoned in their homes before curfews and closures are lifted. Worse, the army will be able to continue its policies of shooting and killing without any inhibitions.

Within Israel itself, the pullout also raises serious questions about the state of human and civil rights. The anti-pullout opposition has claimed that the Sharon government is guilty of violating basic human and civil rights, both in the way in which it legislated the decision to implement
the withdrawal and in which it silenced civil disobedience against it. On a certain level, some of the principal allegations of the settlers and their supporters are correct. Several of their basic rights as citizens—such as freedom of speech and protest—were curbed. Their eviction, on the other hand, cannot be regarded as a violation of human rights, as they are being removed from an area in which they settled illegally.

However, the government and its agencies’ overall treatment of the protest movement serves to highlight a different aspect of human and civil rights in Israel: the wide gap between the ways in which Palestinian and Jewish citizens of Israel engaged in protests against the government are dealt with. Some of the actions undertaken by the protestors were identical to those undertaken during the protest demonstrations held by Palestinian citizens of Israel throughout the country in October 2000: unauthorized demonstrations, the blockading of roads and highways, throwing stones at the security forces, etc.

Although the settlers and their supporters have been engaging in such activities for several months, the police have responded almost entirely through non-violent means resulting in almost no injuries. Detainees have been held for relatively short periods of time. In October 2000, 13 unarmed Palestinian citizens of Israel were shot dead in clashes with the Israeli security forces. Hundreds of others were wounded and arrested, and dozens were criminally indicted and received lengthy prison sentences. The most bewildering official statement in this context was that given by former Prime Minister, Ehud Barak on the current protests, in which he condoned the settlers’ blockading of highways. In October 2000 he ordered snipers to fire live bullets at Palestinians doing the same in Wadi ‘Ara.

The discrimination evident in the means of dealing with these two cases is a portentous omen for the future. It suggests not only that Israel will attempt to evade withdrawal from any further occupied land and avoid conducting genuine peace negotiations with the Palestinians, but also that it will maintain the current regime of segregation and discrimination within Israel, allowing extreme right wingers to perpetuate Israeli intransigence and preventing Palestinian and non-Zionist political groups in Israel from enjoying their basic rights to freedom of expression and political participation.

In short, the Disengagement Plan is a step toward consolidating an Israeli regime of discrimination inside the state, as well as the policies of occupation, colonization, and, potentially, massive killing in the OPTs. The regrettable misconception of the move in the international media will allow the Israeli government to continue to pursue its plans. As in the past, it remains the duty of the civil societies in the West to expose this distorted picture and to exert pressure on their governments to demand a total Israeli withdrawal from all of the Territories it occupied in 1967 and the introduction of international peace-keeping forces in their place. These developments would bring relief to those living under occupation, after enduring almost 40 years of the systematic abuse of their human and civil rights. International protection should be provided for the Palestinians until all the outstanding problems—the refugee issue, the question of Jerusalem and the future political structure for both peoples—are resolved through peaceful dialogue.

Dr. Ilan Pappe is a Senior Lecturer in the Department of Political Science in Haifa University and Chairman of the Emil Touma Institute for Palestinian Studies in Haifa. This article appeared in the August 2005 issue (vol. 16) of the Adalah Newsletter. Adalah is the Legal Center for Arab Minority Rights in Israel. For more information, see www.adalah.org. The views expressed in this article are his own and do not necessarily reflect those of The Jerusalem Fund. For a list of other opinion articles distributed to The Palestine Center listserv with permission, see http://www.thejerusalemfund.org/palestinecenter/reportsandcommentary.php.
Palestine, Israel and the United States

Released by the Bureau of Democracy, Human Rights, and Labor (28 February 2005)

For the 2004 Human Rights Report regarding Israel, see http://www.state.gov/g/drl/rls/hrrpt/2004/41723.htm.

“The Occupied Territories (Including Areas Subject to the Jurisdiction of the Palestinian Authority)”

Israel occupied the West Bank, Gaza Strip, Golan Heights, and East Jerusalem during the 1967 War. Pursuant to the May 1994 Gaza-Jericho Agreement and the September 1995 Interim Agreement, Israel transferred most responsibilities for civil government in the Gaza Strip and parts of the West Bank to the newly created Palestinian Authority (PA). The 1995 Interim Agreement divided the Territories into three types of areas denoting different levels of Palestinian Authority and Israeli occupation control. Since Palestinian extremist groups resumed the use of violence in 2000, Israeli forces have assumed control of a number of the PA areas, citing the PA’s failure to abide by its security responsibilities.

The body of law governing Palestinians in the occupied Territories derives from Ottoman, British Mandate, Jordanian, and Egyptian law, and Israeli military orders. Laws and regulations promulgated by the PA also are in force. Israeli settlers were subject to Israeli law.

The Palestinian Authority now has a democratically elected President and Legislative Council, which elects a Prime Minister and Cabinet. Following the death of PA Chairman Yasser Arafat on November 11, an election for PA president was scheduled for January 9, 2005. Seven candidates competed in a vigorous election campaign throughout the occupied Territories. Municipal elections were held in selected West Bank localities on December 23—the first since 1976. Future rounds of municipal elections were scheduled for 2005. New Palestinian Legislative Council elections were scheduled for July 17, 2005.

Israel exercised occupation authority through the Israeli Ministry of Defense’s Office of Coordination and Liaison (MATAK).

Violence associated with the intifada has claimed the lives of 3,417 Palestinians, according to the Palestine Red Crescent Society (PRCS), 1,291 Israelis, according to the Israeli Ministry of Foreign Affairs website, and 32 foreign nationals, according to B’shelem, an Israeli human rights organization that monitors the occupied Territories. During the year, over 800 Palestinians were killed during Israeli military operations in the occupied Territories, a total of 76 Israelis and four foreigners were killed in terrorist attacks in both Israel and the occupied Territories, and 41 members of the Israeli Defense Forces were killed in clashes with Palestinian militants.

The Palestinian security forces included the National Security Forces (NSF), the Preventive Security Organization (PSO), the General Intelligence Service, or Mukhabarat, the Presidential Security Service, and the Coastal Police. Other quasi-military security organizations, such as the Military Intelligence Organization, also exercised de facto law enforcement powers. Palestinian police were normally responsible for security and law enforcement for Palestinians and other non-Israelis in PA-controlled areas of the West Bank and Gaza Strip. Palestinian security forces were under the authority of the PA. Members of the PA security forces committed numerous, serious abuses.

Israeli security forces in the West Bank and Gaza Strip consisted of the Israeli Defense Forces (IDF), the Israel Security Agency (Shin Bet), the Israeli National Police (INP), and the Border Police, an operational arm of the Israel National Police that is under IDF command when operating in the occupied Territories. Israeli military courts tried Palestinians accused of security offenses. Israeli security forces were under effective government control. Members of the Israeli security forces committed numerous, serious abuses.

The population of the Gaza Strip was approximately 1.4 million, of the West Bank (excluding East Jerusalem) approximately 2.4 million, and of East Jerusalem approximately 444,318, including 177,335 Israelis. The economy of the West Bank and Gaza Strip is small, underdeveloped, and highly dependent on Israeli and international assistance. The continuing conflict, including Israeli curfews and closures, severely affected the economy.

The PA’s overall human rights record remained poor, and it continued to commit numerous, serious abuses. There were credible reports that PA officers engaged in torture, prisoner abuse, and arbitrary and prolonged detention. Conditions for prisoners were poor. PA security forces infringed privacy and freedom of speech and press. The PA did not take available measures to prevent attacks by terrorist groups either within the occupied Territories or within Israel. Impunity was a serious problem. Domestic abuse of women persisted. Societal discrimination against women and persons with disabilities and child labor remained problems.

There were reports that Israeli security forces used excessive force, abused and tortured detainees. Conditions in permanent prisons met international standards, but temporary facilities were austere and overcrowded. Many Israeli security personnel were prosecuted for committing abuses, but international and Israeli human rights groups complained of lack of disciplinary action in a large number of cases.

The Israeli Government continued construction of a security barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank. The PA alleged that the routing of the barrier resulted in the taking of land, isolating residents from hospitals, schools, social services, and agricultural property. Israel asserts that it has sought to build the barrier on public lands where possible, and where private land was used, provided opportunities for compensation. Palestinians filed a number of cases with the Israeli Supreme Court challenging the routing of the barrier. In June, the Court ruled that a section of the barrier must be rerouted; determining that the injury caused by the routing of the barrier did not stand in proper proportion to the security benefits; various portions of the barrier route were rerouted. On July 9, the International Court of Justice issued an advisory opinion, concluding that “the construction of the Wall built by Israel, the occupying Power, in the Occupied Palestinian Territories, including in and around East Jerusalem . . . and its associated regime, are contrary to international law.”

RESPECT FOR HUMAN RIGHTS

Section 1 - Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Killings by Palestinian and Israeli security forces and by Israeli settlers and Palestinian militant groups remained a serious problem.

Umm Abu Hamidiyeh, a 17-year-old Palestinian, was found dead in Hebron in December 2002. In April 2003, four Israeli Border Police officers were arrested on charges that they had beaten Hamidiyeh and then dumped him from their moving vehicle, causing fatal injuries. At year’s end, a trial begun in 2003 was reportedly still ongoing.

Three US security personnel in a diplomatic convoy were killed in an attack in October 2003. At year’s end, there had been no progress by the PA’s investigative team, and the case remains unsolved.

On May 2, Palestinians belonging to the al-Aqsa Martyrs’ Brigades and the Islamic Jihad shot and killed Tali Hutsuel, an Israeli settler and her four daughters in the Gaza Strip.
On October 1, according to a Palestinian human rights group, 10 unknown individuals in military uniforms entered the central prison in Nablus and killed two prisoners. On October 27, an Israeli settler shot and killed 18-year-old Salman Yussuf Safadi near Ramallah, alleging that Yaghmour had collaborated with Israel. The PA security services arrested two persons who were subsequently released.

On September 27, an Israeli settler, Yehoshua Elitzur, shot and killed Palestinian taxi-driver Sa‘al Jabara near Nablus. According to witnesses, Elitzur shot Jabara at close range after he had slowed his car to ask whether Elitzur needed assistance. On October 25, Elitzur was indicted in Tel Aviv District Court.

On October 7, gunmen belonging to al-Aqsa entered a hospital in Ramallah, kidnapped a Palestinian accused of collaboration, shot him, and left his body on the street. On October 11, an assailant believed to be an Israeli settler shot and seriously wounded Palestinian farmer Hani Shadid, 26, after Shadid engaged in an argument with settlers. Local Palestinians said that settlers had cut down approximately 1,000 olive trees in an effort to drive Palestinians from their farmland.

On October 7, two IDF soldiers and a plainclothes individual during the beating. On October 27, an Israeli settler shot and killed 18-year-old Salman Yussuf Safadi near Ramallah, alleging that Yaghmour had collaborated with Israel. The PA security services arrested two persons who were subsequently released.

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On December 27, a Palestinian male was found dead outside Ramallah. Al-Aqsa claimed responsibility for killing the suspected collaborator.

b. Disappearance

There were no reports of politically motivated disappearances during the year.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Article 13 of the PA Basic Law prohibits the use of torture or force against detainees; however, international human rights groups stated that the use of torture was widespread and not restricted to those persons detained on security charges.

Torture by PA security forces reportedly was widespread. Documentation of abuses was very limited, due partly to the hesitancy of alleged victims to file or make public claims of torture or abuse against PA authorities. Palestinian security officers have no formal guidelines regarding the proper conduct of interrogations; most convictions were based largely on confessions.

Israeli law, as interpreted by a 1999 High Court of Justice decision, prohibited torture and several interrogation techniques, such as violent shaking, holding and tying of prisoner in painful positions, shackling, sleep deprivation, covering the prisoner’s head with a sack, playing loud music, and prolonged exposure to extreme temperatures, but allowed "moderate physical pressure" against detainees considered to possess information about an imminent attack. However, CATI and the Physicians for Human Rights in Israel (PHR) reported that techniques prohibited by the law were used against Palestinian detainees during interrogation and that security forces often beat Palestinians during arrest and transport. Israeli law prohibits the admission of forced confessions, but most convictions in security cases were based on confessions made before legal representation was available to defendants.

(A detainee may not have contact with a lawyer until after interrogation, a process that may last weeks. The International Committee of the Red Cross (ICRC) is notified of arrests 12 days after they take place, and the ICRC is allowed to visit detainees 14 days after their arrest.) Detainees sometimes stated in court that their confessions were coerced, but there were no instances when judges excluded such confessions.

In January, at the Huwwara checkpoint, an IDF sergeant handcuffed and beat a Palestinian man in front of his family. The man was then removed to a hut and further beaten. The incident was taped by an IDF video team. The sergeant was convicted by a military judicial panel in September, sentenced to 6 months in jail, and demoted to the rank of private; he also admitted beating at least 8 other Palestinians and smashing windshields of 10 taxicabs from mid-January until the end of February.

On May 23, a PA prison guard at a facility in Jericho severely beat a prisoner with a metal ruler, according to a witness. The witness also saw several other guards and nonuniformed individuals taking part.

On May 24, another witness in the same facility observed a prisoner being beaten with a nightstick. The prison governor claimed that the prisoner had provoked the initial beating by taunting the guards, but he refused to explain the presence of other guards and plainclothes individuals during the beating.

The Public Committee Against Torture in Israel (PCATI) reported that on July 6, a Palestinian inmate at the Gilboa Prison poured a hot substance on an Israeli prison official. In response, prison officials allegedly forced the cellblock inmates to kneel with their hands tied behind their backs and beat them, resulting in numerous injuries. At year’s end, PCATI had not received a response from the prison authorities regarding this incident.

On September 26, the Israeli Justice Ministry filed indictments against five Border Police accused of severely abusing two Palestinians detained for lacking the necessary permits in Abu Dis earlier in September. According to the indictment, the border policemen forced the two Palestinians into a building and beat one with rifles, boots, and fists before forcing him to jump out of a second-floor window. The border policemen allegedly burned the second Palestinian with a cigarette and forced him to drink urine. The policemen then allegedly threw the Palestinian’s papers into a puddle of urine and ordered him to pick up his papers with his mouth and tongue. They then threw him out the same second story window. At year’s end, further legal action remained pending.

In February 2003, Israeli authorities arrested Daoud Dirawi, a Palestinian lawyer, for being in Jerusalem without proper identification. Dirawi told his lawyer that soldiers beat him severely on the way to the Asyun military prison in the Negev. In March 2003, Israel sentenced Dirawi to 6 months of administrative detention. He was released in August.

Israeli soldiers on patrol in June 2003 allegedly attacked 20 Palestinian youths, who were trying to cross a dirt road near a military checkpoint north of Jerusalem. The soldiers allegedly beat the youths with their rifles and threw several of them in a sewage ditch before leaving the scene.

In June 2003, Israeli Border Police in Tulkarm took the identity card of shepherd Nazih Salah ‘Awad Damiri, 24, and forced him to mime sexual intercourse with his donkey.

In November 2003, IDF soldiers at the Huwwara checkpoint outside Nablus demanded that two Palestinians stop and clean the checkpoint. When the men refused, the soldiers accosted, blindfolded, and detained them for several hours. When B’tselem investigated the incident, the soldiers admitted to the action and claimed their superiors had ordered them to do it. B’tselem has requested an official investigation of the incident; however, at year’s end, there was no response to their request.

PA prison conditions were poor. Facilities were old, dilapidated, and neglected. Most prison facilities were destroyed during the intifada, and prisoners were kept informally in houses or other buildings. There were separate facilities to hold juvenile prisoners. Prison facilities were poorly protected and subject to intrusions by outsiders. The PA generally permitted the ICRC access to detainees and allowed regular inspections of prison conditions; however, the PA denied access to some detainees for 14 days following their arrests. The PA permitted independent monitoring of its prisons, although human rights groups, humanitarian organizations, and lawyers reported difficulties arranging visits or gaining access to specific detainees. Human rights organizations stated that their ability to visit PA prisons and detention centers varied depending on which security organization controlled the facility. Human rights monitors stated that prison authorities did not consistently permit them to have access to PA detention facilities and that they rarely were permitted to see inmates while they were under interrogation.

The conditions of Israeli permanent prison facilities generally met international standards. The standards were less lenient for Israeli detention centers, because prison facilities refused to take new inmates when their maximum capacity was reached. The detention and interrogation facilities for Palestinian detainees, including the four interrogation centers (Shikma, Kishon, Petah Tikva, and the Jerusalem Intermment Center) were austere, overcrowded, provisional facilities. Israel held at least 121 Pales-
Palestinian prisoners in some form of solitary confinement. Israel permitted independent monitoring of prison conditions by the ICRC and other groups, although human rights groups reported delays and difficulties in gaining access to specific detainees. Male family members between 16 and 40 years of age, and any family members with security records, usually were barred from visiting relatives in Israeli facilities. According to the ICRC, between January and May, 3,537 detainees in Israel, Gaza, and the West Bank had visits from family members.

The NGO, Palestinian Prisoners Club, had approximately 820 medical cases in Israeli prisons. During the year, approximately 57 cases required urgent medical attention. Following the August 18 hunger strike, Israeli authorities provided increased medical attention; however, prisoners continued to claim that it was inadequate. Several private doctors were authorized to visit prisoners.

d. Arbitrary Arrest or Detention

The 2001 PA Criminal Procedures Law allows police to hold detainees without charges for 24 hours. Court approval is necessary for detention without charges for a maximum of 45 days. A trial must start within 6 months of arrest or the detainee must be released. In practice, however, many Palestinians were held in detention without charge for months.

PA security forces detained persons without informing judicial authorities, and often ignored laws that protect the rights of detainees and court decisions calling for the release of alleged security criminals. At year’s end, Palestinian sources estimated that between 250 and 300 suspected collaborators were held in PA prisons. Alledged collaborators often were held without presentation of evidence to a court and were denied access to lawyers, their families, or doctors.

Under applicable occupation orders, Israeli security personnel may arrest without warrant or hold for questioning a person suspected of having committed or to be likely to commit a security related offense. Israeli Military Order 1977 permits the Israeli army to detain persons for 10 days, during which detainees are barred from seeing a lawyer or appearing before court. Administrative detention orders could be issued for up to 6-month periods and could be renewed indefinitely by judges. No detainee has ever successfully appealed a detention order. Israeli military Order 1769 provides for a 7-year prison term for anyone who does not respond to a special summons in security cases. Suspects are entitled to an attorney, but this can be deferred during the interrogation phase, which sometimes lasts up to 90 days. Israeli authorities stated that they attempted to post notification of arrests within 24 hours, but senior officers may delay notification for up to 12 days. Additionally, a military commander may appeal to a judge to extend this period in security cases for an unlimited period, and many families reported serious problems in learning of the status and whereabouts of prisoners. Evidence used at hearings for administrative detentions in security cases was often unavailable to the detainee or his attorneys due to security classification.

The Israeli Government maintained that it held no political prisoners, but Palestinians claimed that administrative detainees were political prisoners. At year’s end, Israel held approximately 8,500 Palestinian security prisoners (up from 5,900 in 2003), of which at least 960 were in administrative detention.

During the year, Israel did not conduct mass detentions in the West Bank as had been the case in the past; arrest operations were geared more toward specific persons. Israeli authorities intermittently issued special summonses for those suspected of involvement in or knowledge of security offenses.

Palestinians transferred to prison facilities in Israel had difficulty obtaining legal representation because only Israeli citizens or Palestinian lawyers with Jerusalem identification cards were permitted to visit them. However, during the year, procedures were revised to permit more lawyers to have access to the prisons. Israeli authorities in some instances scheduled appointments, but they subsequently moved the clients to another prison to delay lawyer client meetings for as long as 90 days.

The Government of Israel frequently failed to notify foreign consular officials in a timely manner when their citizens were detained.

In contrast to past practice, during the year, Israel did not forcibly transfer Palestinians from the West Bank to the Gaza Strip. On August 27, Israel allowed Kifah Ajouri, a Fatah activist who was forcibly transferred to Gaza in 2002, to return to his home in Nablus. Mahmoud Suleiman Sa’di al-Sadii al-Saffouri was transferred to Gaza from Jenin in May 2003 and was required to remain in the Gaza Strip.

Amnesty International (AI) noted that Muhammad Hassan Mustafa al-Najjar was administratively detained for the fourth consecutive time on May 20. Subsequently, AI reported that al-Najjar was released on June 20.

e. Denial of Fair Public Trial

The PA court system is based on legal codes that predate the 1967 Israeli occupation and Israeli military orders. A High Judicial Council (HJC) maintained authority over most court operations. State security courts were formally abolished in 2003. Military courts, established in 1995, have jurisdiction over police and security force personnel as well as crimes by civilians against security forces. The PA courts were inefficient, lacked staff and resources, and often did not ensure fair and expeditious trials. These problems predated PA jurisdiction, and were aggravated by lack of PA attention thereafter. The PA executive and security services frequently failed to carry out court decisions and otherwise inhibited judicial independence.

The ongoing violence adversely affected the PA administration of justice. Operation Defensive Shield in 2002 damaged the Court of First Instance and Conciliation in Ramallah and the PA’s main forensic lab. Many police stations and incarceration facilities were damaged or destroyed. Travel restrictions, curfews, and closures significantly impeded the administration of justice.

Israeli law provides for an independent judiciary, and the Government generally respected this in practice. Palestinians accused of security offenses usually were tried in military courts. Security offenses are comprehensively defined and may include charges as varied as rock throwing or membership in outlawed terrorist organizations, such as Hamas or the PFLP. Military prosecutors brought charges. Serious charges were tried before three-judge panels; lesser offenses were tried before one judge. The Israeli military courts rarely acquitted Palestinians of security offenses, but sentences in some cases were reduced on appeal.

Israeli military trials followed evidentiary rules that were the same as those in regular criminal cases. Convictions may not be based solely on confessions, although, in practice, some security prisoners were convicted on the basis of coerced confessions of themselves and others. The prosecution must justify closing the proceedings to the public in security cases. The accused is entitled to counsel, and a judge may assign counsel. Charges are made available to the defendant and the public in Hebrew, and the court may order that the charges be translated into Arabic, if necessary. Defendants had the right to appeal through the Military High Court or to the Civilian High Court of Justice in certain instances. The court may hear secret evidence in security cases that is not available to the defendant or his attorney. However, a conviction may not be based solely on such evidence.

Trials sometimes were delayed for very extended periods, because Israeli security force witnesses did not appear, the defendant was not brought to court, files were lost, or attorneys were delayed by travel restrictions (see Section 2.d.). Palestinian legal advocates alleged that these delays were designed to pressure defendants to settle their cases.

On May 20, a Tel Aviv District Court convicted West Bank Fatah leader and Palestinian Legislative Council member, Marwan Barghuti, on three charges of murder and one charge of attempted murder involving terror attacks that resulted in the deaths of five Israelis. Barghuti was arrested in April 2002 and initially was barred from seeing an attorney; however, he was allowed to retain and dismiss legal counsel during the course of his trial. The trial began in September 2002 and proceeded sporadically for more than 2 years. Barghuti rejected the Israeli court’s jurisdiction, did not mount a legal defense, and did not appeal the five consecutive life sentences he received.

In May 2003, the PA High Court of Justice ordered the release of Tayyib Abu Mejhas and Mehdi Abu Seif from detention for lack of evidence on charges of collaborating with Israel. At year’s end, it appeared that they had not been released.

On October 16, a PA civil court in the Gaza Strip sentenced a Palestinian to death by hanging after finding him guilty of collaborating with Israel; however, by year’s end, there had been no execution. Another three Palestinians convicted of the same charges received prison terms.

On November 28, an Israeli military court delayed PLC member Husam Khader’s trial until March 6, 2003. Khader was arrested in March 2003 for alleged involvement in intifada-related violence, but his trial since has been delayed repeatedly.

Crowded facilities, poor arrangements for scheduling and holding attorney client consultations, and confessions prepared in Hebrew hindered legal defense efforts.

Israeli settlers were tried under Israeli law in the nearest Israeli district court. Civilian judges presided, and the standards of due process and admissibility of evidence were governed by the laws of Israel, not military orders. Settlers rarely were prosecuted for crimes against Palestinians and, in the rare instances in which they were convicted, regularly received lighter punishment than Palestinians convicted in Israeli courts (see Section 1.a.).
The PA required the Attorney General to issue warrants for entry and searches of private property; however, Palestinian security services frequently ignored these requirements. Police searched homes without the consent of their owners. In some cases, police forcibly entered premises.

Under occupation orders, an officer of the rank of lieutenant colonel or above could authorize entry of private homes and institutions without a warrant, based upon military necessity. On some occasions IDF personnel beat occupants and destroyed or looted property. Authorities stated that these were punishable violations of military regulations, and compensation was due.

Israeli security forces demolished and sealed the homes (owned or rented) of Palestinians suspected of terrorism or the relatives of such suspects, without judicial review (see Section 1.g.). During the year, according to B’tselem, Israeli forces demolished 181 housing units in the occupied Territories (compared with 219 in 2003) as punishment for terror activity and deterrence against future attacks.

On February 26, the IDF blew up the apartment of Itaf Abu Sha’ira in the al-Aida refugee camp near Bethlehem. Abu Sha’ira said that an IDF officer on the scene told her that the demolition was punishment for her husband Hassan’s June 2001 killing of an IDF soldier. The IDF gave Abu Sha’ira and her family 10 minutes to remove items from her apartment prior to its destruction; the explosion also damaged other apartments in the building.

On April 4, the IDF blew up the home of Fakhri ‘Arama from the Tulkarm refugee camp after one of his sons killed an Israeli and injured another in a northern West Bank settlement on April 3.

Israel demolished many homes between the Rafah refugee camp and the border with Egypt, claiming that the houses concealed tunnels used for weapons smuggling or provided cover for attacks against Israeli soldiers. Between May 17 and 24, the IDF undertook “Operation Rainbow” to secure the neighborhoods along the Philadelphi road that divides the Gaza Strip from Egypt and eliminate “terrorists and wanted operatives.” UNWRA and UN Office for the Coordination of Humanitarian Affairs (OCHA), judged that this operation destroyed 298 buildings, leaving 3,794 individuals homeless. Since 2000, approximately 1,500 buildings in Rafah have been demolished by the IDF, making more than 15,000 Palestinians homeless.

The IDF destroyed numerous citrus, olive, and date groves, and irrigation systems, stating that Palestinians had been shooting from those areas. The IDF also cleared and took control of land held by private Palestinians for construction of the separation barrier. B’tselem estimated that at least 6,900 acres of land has been taken for construction of the separation barrier. According to OCHA, the separation barrier was approximately 115 miles long and was projected to be more than 372 miles long.

Human rights monitors reported that the IDF provided greater protection to Palestinian farmers than they did in the past. Still, Palestinians complained that the IDF measures gave insufficient time to complete the harvest, and that they were limited in their own ability to protect their property by curfews and travel restrictions.

On November 17, approximately 70 Israeli settlers from the West Bank settlement of Iitamar attacked Palestinian olive harvesters; Israeli security forces attempted to prevent disruption of the harvest.

Between December 9 and 12, according to the daily Haaretz, Zuffin settlers uprooted more than 217 olive and citrus trees at Jayus.

Israeli authorities generally did not prosecute settlers for acts of violence against Palestinians, and settlers rarely served prison sentences if convicted of a crime against a Palestinian. However, in August 2003, Israel arrested nine settlers for plotting an attack on a Palestinian school in East Jerusalem. Ultimately, during 2003, two were sentenced to 15-year terms, and one was sentenced to 12 years' imprisonment. The remaining six were released from custody for lack of evidence.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts

Palestinian members of Fatah, Hamas, and PFLP attacked and killed civilians in Israel, Israeli settlers, foreign nations, and soldiers. They used weapons designed to inflict casualties on noncombatants, such as suicide bombs, and fired area weapons such as rockets and mortars at their targets without regard for noncombatants. In addition, they often fired at Israeli security forces from civilian population areas, increasing the risk that Israeli return fire would harm noncombatants. The PA did not take sufficient steps to prevent terrorist attacks, enforce a ban on militant groups, or prevent such groups from seeking shelter in civilian areas. By year’s end, some PA officials made statements questioning the utility of violence. During the presidential campaign, PA presidential candidate Abbas called the armed intifada counterproductive to Palestinian interests.

According to the PA Ministry of Health, the Palestine Red Crescent Society, and B’tselem, at least 800 Palestinians were killed during the course of Israeli military and police operations during the year. The PA Ministry of Health estimated that approximately half of those killed were noncombatants. B’tselem reported a figure of 452 innocent Palestinians killed this year. The IDF stated that the majority of Palestinians killed were armed fighters or persons engaged in planning or carrying out violence against Israeli civilian and military targets. According to the PRCS, IDF operations resulted in injuries to approximately 4,000 Palestinians.

The IDF conducted numerous military incursions into Palestinian population centers, in response to Palestinian mortar and antitank fire. These actions often resulted in civilian casualties. Israeli forces fired tank shells, heavy machine-gun rounds, and rockets from aircraft at targets in residential and business neighborhoods where Palestinian gunfire was believed to have originated. Palestinians often used civilian homes to fire upon Israeli forces and booby-trapped civilian homes and apartment buildings. In response to these actions, the IDF usually raided, and often leveled, these buildings.

During an IDF incursion into two refugee camps in the northern Gaza Strip on March 7, Israeli forces killed 10 Palestinian militants and 4 civilians, including 3 children, during fighting throughout the day.

On May 17, Israel launched “Operation Rainbow” in Rafah in the Gaza Strip. According to the IDF, the operation was designed to destroy tunnels used for smuggling weapons into the Gaza Strip from Egypt. Over 40 Palestinians were killed during the operation, including civilians. (See Section 1.f. regarding housing destroyed in this operation.) Human Rights Watch (HRW) also reported that the IDF actions destroyed over 50 percent of Rafah’s roads and elements of its water, sewage, and electrical systems.

On May 18 in Rafah, two Palestinian children, 16-year-old Asma al-Mughayr and her 13-year-old brother, were shot in the head on the roof-terrace of their home while performing household chores. A conclusion that IDF snipers killed both Israeli army officials suggested that they were killed by an explosive device set by Palestinians. At year’s end, there was no information on any further official investigation.

On July 6, IDF forces killed Dr. Khaled Salah, a Palestinian engineering professor at al-Najah University, and his teen-age son during a raid on their apartment building. IDF soldiers were seeking Palestinian militants in the building and, in the exchange of gunfire, also killed Salah and his son.

On September 7, a girl sitting in a UN-flagged school was struck in the head by gunfire from an Israeli position in Gaza. At year’s end, an IDF investigation was ongoing into the circumstances of the shooting.

On September 19 in Nablus, during an exchange of gunfire between the IDF and militants, an 11-year-old Palestinian girl was shot and killed while standing in the doorway of her house. Palestinians claimed the IDF killed the girl, but the IDF stated that a preliminary investigation found that no IDF gunfire had been directed at the girl.

On September 28, the IDF launched “Operation Days of Penitence” into the northern Gaza Strip in response to continued Hamas rocket fire into Israel that killed two Israeli children in the town of Sderot. The IDF attacked targets in Bayt Hanun and Jabaliya refugee camp using tanks and helicopters during the 17-day operation. Human rights groups claimed that the IDF security forces killed as many as 310 Palestinians and wounded over 410 during the operation, although the UN put the number of those killed at 107. According to B’tselem, among the Palestinians killed were approximately 30 civilians, including at least 26 Palestinians under the age of 18. The IDF estimated that 19 civilians were killed.

On October 5, IDF soldiers shot and killed Imam al-Hams, a 13-year-old Palestinian schoolgirl, as she approached an IDF outpost in the southern Gaza Strip. The girl approached the post carrying a bag that troops suspected contained explosives, but which later turned out to contain only schoolbooks. After the girl had been shot from a distance, the IDF company commander repeatedly fired his automatic weapon into her at close range. On November 24, after investigation including statements by soldiers under his command, an IDF military court indicted the company commander on two counts of illegal use of weapons, obstructing justice, unbecoming behavior, and improper use of authority. At year’s end, the court martial remained ongoing.
On October 7, IDF tank fire killed two boys 12 and 15 years of age while they were standing near their school.

On October 8, a 10-year-old Palestinian girl was shot and killed by IDF gunfire in Bayt Hanun in the northern Gaza Strip as she stood on the street in front of her house.

On October 12, Israeli military forces shot and killed an 11-year-old, Ghadir Mokheimer, as she stood outside her school in Khan Yunis refugee camp in Gaza. The IDF claimed that they returned fire after coming under rocket attack from militants using the school as cover.

On October 4, the IDF severely damaged the Gaza City wastewater treatment plant resulting in $100,000 ($320,000 NIS) worth of damage to the USAID-funded parts of the plant. An investigation is being conducted into the incident; however, the IDF stated that the plant was not intentionally targeted. According to USAID, the total repair and replacement costs for damage during the year to USAID-funded projects are estimated at $450,000 (1.93 million NIS).

On November 5, Israeli media reported that an IDF tank round killed two Palestinian children, ages 8 and 10 years old, when tank fire hit their home in the al-Qarrara district of Khan Yunis.

On November 6, a 13-year-old Palestinian boy was shot and killed by IDF forces in Jenin. The IDF said the boy had thrown a firebomb at IDF soldiers.

On November 18, IDF tank fire killed three Egyptian policemen at the border near Rafah. Reportedly, the IDF believed the police were Palestinians attempting to plant explosives. Subsequently, the Government apologized for the killings.

IDF soldiers reportedly fired without warning on trespassers in or near restricted areas.

On September 28, Israeli forces killed a mentally ill Palestinian man when he climbed a fence near an army outpost in Jenin. On another occasion in the Gaza Strip, Palestinian youths were killed when they approached the security fence. Soldiers said the boys were providing intelligence to militants; Palestinians maintained that the boys were hunting birds.

During the year, according to Palestinian security and media reports, the IDF targeted for killing at least 25 Palestinians suspected of involvement in terrorism. IDF forces killed at least 28 bystanders—four of whom were civilians and many of the remaining were affiliated with terrorist organizations and injured a number of others.

On March 22, rockets from Israeli helicopters killed Sheikh Ahmad Yassin, the founder of the Islamic Resistance Movement (HAMAS), as he was leaving a mosque in the Gaza Strip. Palestinian youths were killed when they approached the security fence. Soldiers said the boys were providing intelligence to militants; Palestinians maintained that the boys were hunting birds.

On March 22, rockets from Israeli helicopters killed Sheikh Ahmed Yassin, the founder of the Islamic Resistance Movement (HAMAS), as he was leaving a mosque in the Gaza Strip. Two bodyguards and one of Yassin's sons-in-law also died in the attack, along with eight worshippers from the mosque. Fifteen bystanders were injured.

On April 17, rockets from Israeli helicopters killed 'Abd al-Azziz al-Rantisi, a co-founder of Hamas and Yassin's replacement as its leader. Rantisi's bodyguards were killed during the attack. Eighteen other persons were wounded.

On October 21, Israeli aircraft fired two missiles at a car killing Adnan al-Ghoul, a senior Hamas commander, and his assistant. Eight bystanders also were slightly wounded.

Israeli security personnel operating checkpoints killed a number of Palestinians.

There were no developments in the investigation into the circumstances surrounding the July 2003 death of 3-year-old Palestinian Mahmoud Jawadat Sharif Kabaha, who was shot while sitting in his parents' car at the Barta'a checkpoint west of Jenin (see Sections 1.a. and i.c.).

During the year, Israeli forces delayed the movement of, and occasionally fired upon, medical personnel and ambulances. Israel has presented video evidence of armed Palestinians running from a building and entering an ambulance and of an ambulance crew that picked up an injured Palestinian, retrieved his weapon, and put it inside the ambulance before driving away. The UN maintained that the ambulance crews acted under duress. The Israeli Government acknowledged that an accusation that an ambulance crew had transported a Qassam rocket was in error.

On January 11, according to PRCS allegations, Israeli soldiers manning a checkpoint in the West Bank beat an ambulance driver and medic as they transferred patients from Nablus to Ramallah hospital.

On June 13, according to PRCS, an ambulance attempted to evacuate protesters injured during an antigovernment demonstration. Israeli security personnel allegedly fired gunshots and tear gas at the ambulance.

The IDF abuse of Palestinians or their vehicles at checkpoints continued, but at a more reduced level than during 2002-03. Qhira Muhse, age 41, from the village of al-Funoh, alleged that four Israeli Border Police in the vicinity of the Jaliyya checkpoint punched, kicked, and cursed him.

In April, a young Palestinian woman from Bethlehem told Machsom Watch, an Israeli women's rights organization, that she witnessed IDF soldiers at the "Container" checkpoint, southeast of Jerusalem, hit her father with truncheons as he sat in his car as well as abusing other drivers.

Palestinians frequently threw stones, Molotov cocktails, and on occasion fired live ammunition at Israeli security forces. Israeli security forces on various occasions responded with tear gas, rubber bullets, and live fire, including tank fire.

On May 19, to 10 Palestinians were killed and more than 39 wounded when tank shells exploded near demonstrators in the Rafah refugee camp. IDF officials claimed that the tank had fired warning shots, and denied firing into the crowd. The IDF claimed that gunmen were in the crowd. This claim was disputed by Palestinians, and there was no evidence to substantiate the IDF charge. The IDF released a statement that expressed deep sorrow and regret over the loss of civilian lives.

On November 25, according to witnesses, Israeli border police entered Saint Vincent's Monastery in Bethany and seriously wounded an unarmed 15-year-old boy when his group, holding a mourning demonstration for Arafat, did not disperse as police requested.

Israeli forces used Palestinians as "human shields" in violation of applicable Israeli law. In 2002, the Israeli High Court of Justice granted an injunction against the use of Palestinians as "shields" for Israeli forces. The IDF admitted violations of existing procedures and reiterated that IDF forces "are absolutely forbidden to use civilians of any kind as a means of 'living shield' against gunfire or attack by the Palestinian side, or as 'hostages.'" However, IDF soldiers were permitted to seek consensual assistance of civilians in operations. Human rights groups asserted that Palestinians who consented often did so out of fear even if they were not coerced. Such Palestinians face the risk of being branded as collaborators.

On January 12, IDF soldiers used Ahamd Assaf to enter and search homes in the Tulkarm refugee camp and fired gunshots into the homes as Assaf searched them. Another Tulkarm refugee camp resident, Ahmad Ganim, claimed that Israeli soldiers made him search homes in the camp.

In April, Adalah, an Israeli-Arab human rights organization, asked the Israeli High Court to issue an injunction against the IDF seeking the assistance of Palestinians, without exception. On September 5, the President of the Court urged the IDF to forego the use of the procedure, citing the Fourth Geneva Convention. The High Court announced that it would give its decision at a later date.

According to B'tselem, there have been 50 military police investigations since September 2000 relating to Palestinians killed and injured during the intifada, resulting in the filing of 29 indictments. B'tselem reported that one soldier was convicted for causing the death of a Palestinian.

B'tselem and the Association for Civil Rights in Israel (ACRI) petitioned the High Court in September 2003 to open military investigations into all cases where IDF soldiers killed Palestinians who had not engaged in hostilities. At year's end, the High Court had not ruled on the petition.

Section 2 - Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The PA restricted freedom of speech and freedom of the press. During the year, the PA limited free expression, particularly regarding human rights and alleged security issues. PA security services banned publications or broadcasts and periodically harassed or detained members of the media. Palestinian commentators and human rights groups stated that, as a result, journalists practiced self-censorship. In addition, armed extremist groups attacked journalists.

There were three Palestinian dailies and several Palestinian weekly newspapers. There also were several monthly magazines and three tabloids. The PA operated two televi-
The Palestine Center

In April 2003, an IDF soldier killed Nazeeh Darwaza while he was filming a wounded of the investigation.

James Miller was killed by the IDF in May 2003 while filming a documentary in Gaza an Israeli army incursion into Jenin. Samoudi, who was wearing a “press” sign, alleged demonstrators in Jerusalem. 36–e policemen destroyed the journalist’s cameras.

In March 22, Mohammad Abu Halima, a correspondent for the al-Najah University-affiliated radio station, was killed by IDF gunfire as he reported on clashes in the Balata refugee camp in Nablus, according to the Committee to Protect Journalists. An IDF spokesperson said that Abu Halima had opened fire. At year’s end, there was no report of any Israeli investigation of the circumstances of the killing.

During the year, Israeli gunfire killed a journalist, and at least 11 other journalists sus- tained injuries during clashes between IDF soldiers and Palestinians in the occupied Territories. Israeli soldiers beat journalists on several occasions, detained others, and confiscated their press cards.

On September 27, Riad Ali, a Cable News Network journalist, was abducted by a group of armed Palestinian men. Ali, an Israeli citizen from the Druze community, was released 36 hours after his abduction. There were no claims of responsibility for the kidnapping.

In March 2003, PA police in Gaza City shut the Palestinian newspaper, al-Risalah, a weekly publication of the Islamic National Salvation Party (Khalas). The paper returned to publication during the year.

On April 2, Ammar Awaad was covering clashes between Israeli police and Palestinian demonstrators in Jerusalem. The policemen destroyed the journalist’s camer.

On April 24, an IDF soldier shot journalist Ali Samoudi in the nose as he was covering an Israeli army incursion into Jenin. Samoudi, who was wearing a “press” sign, alleged that the soldier intentionally fired at him.

James Miller was killed by the IDF in May 2003 while filming a documentary in Gaza City. After repeated requests from his family and from foreign diplomatic representa- tives, the IDF Military Attorney General (MAG) ordered an investigation into the incident. At year’s end, the NGO B’tselem had no information regarding the status of the investigation.

In April 2003, an IDF soldier killed Nazeem Darwaza while he was filming a wounded child during an IDF incursion in Nablus. On June 16, B’tselem was informed that the MAG was investigating the case. At year’s end, there was no further information.

On December 27, Israeli police detained PA presidential candidate Mustafa Barghuti for several hours after he attempted to campaign in Jerusalem. Barghuti lacked a permit to enter Jerusalem (see Sections 2.d. and 3).

The PA had authority over all levels of education. During the year, the PA did not interfere with education, but academic institutions were adversely affected by the violence.

On November 27, Yaser al-Madhoun, a Palestinian professor at al-Azhar University in Gaza City, was killed when a remote control bomb exploded in his office; another Palestinian was injured. At year’s end, PA police continued the investigation.

Israeli closures, curfews and the separation barrier restricted access to Palestinian academic institutions. In some instances, Israeli authorities shut universities entirely. Israeli shelling and gunfire during military operations damaged a number of schools and, in some cases, killed schoolchildren (see Section 1.g.).

In 2003, Israeli authorities closed the Hebron University and the Hebron Polytechnic School, which served 5,000 students. The schools reopened during the year.

According to UNICEF, years of conflict damaged 350 schools and, in 2003, 380 schools were periodically forced to close.

The PA Ministry of Education claimed that, since 2001, the IDF had converted three schools in Hebron into military barracks.

Physical damage to schools and universities was calculated at more than $10 million (43 million NIS).

b. Freedom of Peaceful Assembly and Association

The PA imposed some formal limits on freedom of assembly; however, while it required permits for rallies, demonstrations, and large cultural events, these permits rarely were denied. In Gaza, police approval was required for political meetings at specific meeting halls and for buses to transport passengers to attend political meetings. The PA prohibited calls for violence, displays of arms, and racist slogans, although these provisions were rarely enforced. The PA placed some limits on freedom of association; however, charitable, community, professional, and self-help organizations were able to operate.

Israeli military orders banned public gatherings of 10 or more persons without a permit; however, Palestinians were able to ignore this order without punishment.

Israeli security forces used force against Palestinians involved in demonstrations (see Section 1.c.). The Israeli and Palestinian authorities disputed whether Palestinians attacked security forces during such demonstrations. In 2001, the IDF authorized the use of gunfire in some rock-throwing situations.

On February 26, Israeli security forces used tear gas, rubber bullets, and live ammuni- tion, reportedly after demonstrators began throwing stones at Israeli forces during an antisecuraitation demonstration in the Biddu village. Two persons were killed and approximately 70 persons sustained injuries.

Orient House, the preeminent Palestinian political institution in Jerusalem, was shut by Israeli forces in 2001 and remained closed throughout the year. In 2002–03, Israel closed the Arab Graduates Club, frequented by Fatah activists, the Multi-Sectoral Review Project, the Land Research Center, the East Jerusalem offices of the Federation of Palestinian Chambers of Commerce, and the Jerusalem Cultural Association and the Union of Sports Clubs. Israeli authorities claimed that these institutions were operating under PA supervision in violation of signed agreements. At year’s end, these organizations remained closed.

c. Freedom of Religion

The PA has no law that specifically protects religious freedom, but religious freedom was respected in practice. Islam is the official religion of the PA. Religion must be declared on identification papers, and personal status legal matters must be handled in ecclesiastical courts. The PA’s Ministry of Waqf and Religious Affairs paid for the construction and maintenance of mosques and the salaries of imams. Christian clergy and charitable organizations received limited financial support. The PA did not provide financial support to any Jewish institutions or holy sites in the occupied Territories; these areas were generally under Israeli control. During the year, there were no reports of violence against or vandalism of Jewish institutions in the occupied Territories.

The PA required that religion be taught in PA schools. The PA provided separate religious instruction for Muslim and Christian students.

Media frequently published and broadcast material about the occupation that included anti-Semitic content. The rhetoric used by Palestinian terrorist groups included expres- sions of anti-Semitism. Muslim religious leaders and the PA television station engaged in expressions of anti-Semitism. On the positive side, in a December sermon broadcast on PA Television, preacher Muhammad Jamal Abu Hamud called for the development of a modern Islamic discourse, to recognize the “other,” to treat him with tolerance, and to avoid extremism and violence.

Israeli authorities generally respected religious freedom and permitted all faiths to operate schools and institutions. However, internal and external closures prevented tens of thousands of Palestinians from reaching their places of worship in Jerusalem and the West Bank, including during religious holidays. Citing security reasons, Israel prevented most male Muslim worshippers under the age of 45 from attending Friday prayers inside the Haram al-Sharif/Temple Mount, the third holiest site in Islam and the holiest site in Judaism. Most West Bank residents and virtually all Gaza residents were restricted from entering Jerusalem during Ramadan.
Palestine, Israel and the United States

In August 2003, Israeli police began escorting tourists to the Haram al-Sharif/Temple Mount to reassert the right of non-Muslims to visit the shrine.

For a more detailed discussion, see the 2004 International Religious Freedom Report.

d. Freedom of Movement Within the Occupied Territories, Foreign Travel, Emigration, and Repatriation

The PA generally did not restrict freedom of movement. The Israeli occupation authorities, citing military necessity, often tightly restricted the movement of Palestinians in response to changing security conditions.

During periods of unrest (in the aftermath of terrorist attacks or during military exercises), travel between some or all towns within the Territories was prohibited. Such "internal closures" were supplemented, during periods of potential unrest and during major Israeli and Muslim holidays, by "comprehensive, external closures," which precluded Palestinians from leaving the Territories. During the year, there were no extended blanket closures, although several Gaza crossing points were simultaneously closed for extended periods, completely closing off the Gaza Strip. Since 1993, Palestinians were able to enter East Jerusalem only with a travel permit issued by Israeli authorities. The Israeli authorities also imposed curfews in some areas, which confined Palestinians to their homes for all but a few hours per week. During the year, there were fewer curfews than in 2003.

The PA issued passports for Palestinian residents of the West Bank and Gaza. Because there are no commercial flights from the Territories, travelers must depart via land crossings into Israel, Jordan or Egypt. Even prior to the intifada, it was difficult for Palestinians to obtain permits to visit Israel. While transit passes for travelers using Ben Gurion airport exist, they are not widely available. Vehicles originating in the Territories are often not permitted entry into Israel or Jerusalem. Palestinians were prohibited from using the Sheikh Hussein or Arava crossings. As a result, most Palestinians traveling abroad could exit and enter only via the Allenby Bridge or Rafah crossing points.

Between April 16 and September 18, the IDF prevented Palestinian males between the ages of 16 and 33 from exiting Gaza through the Rafah terminal. On July 18 the terminal was closed completely, leaving approximately 2,000 Palestinians on the Egyptian side for more than 2 weeks. The IDF was searching for a tunnel in the vicinity, but failed to locate it. On December 12, a terrorist attack extensively damaged the terminal and killed five Israeli soldiers. At year's end, the terminal remained closed.

Palestinians with Jerusalem identification cards, issued by the Israeli Government, needed special documents to travel abroad. Upon request, the Jordanian Government also issued travel documents to Palestinians in the West Bank and East Jerusalem. Palestinians who wish to travel to Jordan must leave their Israeli identification documents with Israeli authorities at the Allenby Bridge. Bridge-crossing permits to Jordan were available at post offices without a screening process.

The external and internal closures contributed to increased unemployment and poverty in the occupied Territories. Approximately 146,000 West Bank and Gaza workers, representing roughly 25 percent of the Palestinian work force, depended on day jobs in Israel, Israeli settlements, and Jerusalem. The closures impeded Palestinians from reaching jobs or markets in the occupied Territories and disrupted internal and external trade. The unemployment rate was estimated at 31 percent at year's end. The economic dependency ratio (total population divided by employed persons) increased during the year. The percentage of employees whose monthly wages fell below the poverty line increased from 43.5 percent in the third quarter 2000 to 56.8 percent at year's end.

For the approximately 200,000 Palestinians who lived in rural villages without the full range of urban services—such as medical care, education, or potable water—the closures were a particular hardship.

Apart from closures, delays at checkpoints and roadblocks affected all aspects of life, particularly emergency health care. According to OCHA, in the West Bank there were 61 fully manned checkpoints, 6 occasionally manned checkpoints, 374 earthen mounds blocking roads, 102 cement roadblocks, 48 road gates, and 51 gates along the separation barrier. The Israeli authorities' figures show 47 checkpoints and 130 roadblocks in the West Bank as of December. (OCHA and Israeli Government statistics are based on different methodologies.) Although ambulance response times improved during the year as the Israeli authorities provided additional permits, many problems remained, including difficulties for ambulances attempting to reach villages in remote areas of the West Bank.

In January, villagers from Javyus were unable to exit the village to tend fields or graze sheep.

On March 10, the IDF delayed a car containing an ill-10-month-old for three hours at a roadblock near Khan Yunis in the Gaza Strip. The baby died.

On April 30, Mohammad Dagaghmahl, a shepherd from Hebron who claimed to have a valid permit, was not permitted to pass a checkpoint for two days, although his sheep were allowed to pass.

According to B'tselem, on June 25, taxi driver Fadi al-Jaiyusi reported that IDF soldiers refused to let him and four other drivers cross the Jit checkpoint, contending that al-Jaiyusi did not have the proper permit, and impounded his vehicle for four days.

On July 10, Israeli soldiers delayed at the Allenby Bridge gates for approximately two hours a PRCS ambulance carrying a cancer patient in critical condition to a local Palestinian hospital. During a search of the ambulance by Israeli security personnel, the patient's condition deteriorated, but PRCS medics were not permitted to intervene. The patient was dead on arrival.

On July 20, Abdel Latif Elmaitait died of a heart attack at a roadblock near the village of Bayt Furik. According to his family, Elmaitait suffered severe chest pain and was trying to reach the hospital in Nablus. Israeli soldiers stopped the car when it attempted to leave the village for approximately two hours.

On December 23, at the Erez Crossing into Israel from Gaza city, only five of 25 medical cases that had permits to enter were allowed to cross into Israel. Those unable to enter were directed to leave and reapply to enter on another day.

The Israeli Government continued construction of a security barrier along parts of the Green Line (the 1949 Armistice line) and in the West Bank. The PA alleged that the routing of the barrier resulted in the taking of land, isolating residents from hospitals, schools, social services, and agricultural property. Israel asserts that it has sought to build the barrier on public lands where possible, and where private land was used, provided opportunities for compensation. Palestinians filed a number of cases with the Israeli Supreme Court challenging the routing of the barrier. In June, the Court ruled that a section of the barrier must be rerouted; determining that the injury caused by the routing of the barrier did not stand in proper proportion to the security benefits; various portions of the barrier route were rerouted. On July 9, the International Court of Justice issued an advisory opinion, concluding that "the construction of the Wall built by Israel, the occupying Power, in the Occupied Palestinian Territories, including in and around East Jerusalem... and its associated regime, are contrary to international law."

At the end of the year, the barrier divided approximately 77,800 acres with a population of 93,200 from the rest of the West Bank. According to OCHA, Palestinians have been impeded from reaching their land to harvest crops and graze animals. Residents’ access to schools, medical care and other services was also impeded. In October 2003, Israeli military orders required Palestinians residing in “seam zones” between the separation barrier and the Green Line (approximately 5,000 of the 93,200 mentioned above) to obtain residency permits to remain in these areas.

Israel offered East Jerusalem residents citizenship following Israel’s occupation of Jerusalem in 1967. Most have chosen not to accept Israeli citizenship, but instead have sought a residence permit or Jerusalem identification card. Under the 1952 Law of Permanent Residency, such residents risk loss of status if their ties with Jerusalem lapse, although human rights groups report that such revocations have been infrequent. On July 8, an Israeli ministerial committee reportedly adopted an unpublished resolution calling for the application of the 1950 Absentee Property Law to East Jerusalem; however, the resolution does not appear to have been acted upon or implemented by year's end.

Residency restrictions affected family reunification. Palestinians who were abroad during the 1967 War, or who subsequently lost their residence permits, were not permitted to reside permanently with their families in the occupied Territories. Foreign-born spouses and children of Palestinian residents experienced difficulty in obtaining residency. Palestinian spouses of Jerusalem residents must obtain a permit to reside there. Palestinians reported delays of several years or more before spouses were granted residency permits. The Government of Israel occasionally issued limited-duration permits, but renewing the permits could take up to 8 months, which resulted in many Palestinians falling out of status. Palestinians also reported extensive delays in registering newborn children with Israeli authorities.

Neither the Israeli Government nor the PA used forced exile or forcibly deported anyone from the occupied Territories during the year.
Section 3 – Respect for Political Rights: The Right of Citizens to Change Their Government

Following the death of PA Chairman Yasser Arafat on November 11, an election for PA president was scheduled for January 9, 2005. Seven candidates competed in a vigorous election campaign throughout the occupied Territories. The Government of Israel and the PA agreed to follow the 1996 parameters for voting in East Jerusalem.

On December 23, the PA held municipal elections in 26 West Bank localities for the first time since 1996. Further elections were scheduled for Gaza on January 27, 2005, and for other municipalities in the spring and summer of 2005. Domestic and international election observers found the December 23 elections met democratic standards, while noting several technical and procedural problems.

The 88-member Palestinian Legislative Council (PLC) and Chairman of the Executive Authority were elected in 1996 in a process that international observers concluded generally met democratic standards, despite some irregularities.

On September 27, the Palestinian cabinet adopted a one-year reform action plan, approved by the council, that was designed to create a more equal balance of power between the executive and the council and more accountability and transparency in governance.

In September and October, the independent Central Elections Commission conducted voter registration. The registration process went smoothly except in East Jerusalem, where Israeli police closed registration centers, and in some parts of Gaza, where IDF operations disrupted the process. The register was used in the December 23 municipal elections and will be used in elections scheduled for 2005. Following the closure of registration centers in East Jerusalem, very few Palestinian residents of the city attempted to register elsewhere, though they were eligible to do so.

While Palestinians with residency permits were eligible to vote in Jerusalem municipal elections, most did not recognize the jurisdiction of the Israeli municipality of Jerusalem and did not participate. There were no Palestinian residents of Jerusalem on the city council.

There was a widespread public perception of corruption within the PA, notably within the security forces. There were calls for reform from many social and political elements, especially during the summer.

The law requires official PA institutions to “facilitate” the acquisition of requested documents or information to any Palestinian; however, the law does not require any PA agency to provide such information. Many Palestinians cited the law when seeking to acquire information from the PA; however, no cases have come before the PA courts. NGOs were seeking to amend the law to make it mandatory to provide information to Palestinians.

During the year, there were five women on the 88-member Council, and two women served in Ministerial-level positions.

Section 4 – Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

Local Palestinian human rights groups and several international organizations monitored the PA’s human rights practices. By the end of 2003, the PA had issued registration certificates for 150 of the approximately 350 new and existing NGOs that submitted applications under the 2000 NGO law. During the year, an additional 74 such certificates were granted; others still were being processed at year’s end.

PA officials usually met with NGO representatives. Public criticism from these groups has been somewhat less forthcoming since the outbreak of the intifada, with several NGOs voluntarily deciding to defer criticism of the PA’s human rights performance. Observers noted that documentation of abuses was very limited.

On March 2, Khalil al-Zaban, a journalist and advisor to PA Chairman Arafat on human rights and the media, was shot and killed in Gaza City. Al-Zaban headed the PA’s government-appointed NGO Council and published its monthly newsletter. Al-Zaban was noted both for open criticism of Islamic militancy and aggressive attacks on those critical of the PA, particularly on human rights. At year’s end, neither the perpetrators nor their motives had been identified.

Some PA security organizations, including the General Intelligence Service in the West Bank and the police, appointed officials to act as liaisons with human rights groups. These officers met with human rights organizations and members of the diplomatic community to discuss human rights cases.

The ICRC and human rights groups, such as the Palestinian Independent Commission for Citizens’ Rights and the Mandela Institute, regularly visited PA prisons and detention centers. During the year, some groups reported that they occasionally encountered delays in obtaining access to detainees in Palestinian prisons. PA officials reportedly were less responsive to queries regarding the PA’s policies toward and treatment of collaborators than to queries on other detainees (see Sections 1.c. and 1.d.).

Israeli, Palestinian, and international humanitarian and human rights NGOs monitored the Israeli Government’s practices in the occupied Territories. The Israeli Government permitted human rights groups to publish and hold press conferences, and provided the ICRC and other groups with access to detainees (see Section 1.c.). Some of these organizations were critical of the Israeli Government’s practices and cooperation. In many cases, human rights groups refused to apply to Israeli authorities for special travel permits in order to protest Israel’s regulation of their activities. During the year, human rights groups reported that Israeli closures impeded and, at times, completely prevented their work.

On January 15, Thomas Hurndall, 22, a British activist with the International Solidarity Movement, died as a result of injuries sustained in April 2003 when an IDF soldier shot him as he attempted to move Palestinian children to safety during clashes in Rafah. At year’s end, the court-martial of the IDF soldier charged with manslaughter was still pending.

In May 2003, Israel began requiring foreigners entering the Gaza Strip to sign a waiver providing that “the Government of the State of Israel and its organs cannot be held responsible for death, injury and/or damage/loss of property which may be incurred as a result of military activity.”

In May 2004, then-Israeli Minister of Foreign Affairs Silvan Shalom said, “Most human rights offices in the West Bank and Gaza Strip provide shelter for Palestinian terrorists.”

In September, a settler confronted two members of the Temporary International Presence in Hebron (TIPH), an NGO that monitored relations between Israeli and Palestinian security forces, Palestinian civilians, and settlers in the city, and attempted to run over one of the TIPH staff. IDF soldiers refused to intervene, allegedly told the TIPH members to leave, and blamed them for the incident.

On September 29, unidentified assailants suspected of belonging to the Maon settlement in the South Hebron Hills attacked and robbed two US citizen members of the Christian Peacemakers Teams (CPT) as they escorted Palestinian children to school. One sustained internal injuries, including a punctured lung, and the other a broken arm. Settler officials denied any knowledge of the attack. At year’s end, the assailants had not been apprehended.

On October 9, members of the CPT, AI, and an Italian NGO (“Operation Dove”) were escorting Palestinian children from the village of Tuwani to a school in the village of Tabban southeast of Hebron. As they were walking by the settlement of Maon, settlers wearing masks and shouting obscenities in Hebrew attacked the escorts with baseball bats, seriously injuring an Italian volunteer. At year’s end, the assailants had not been apprehended.

The UN Relief and Works Agency (UNRWA) and other groups reported continued delays in transporting goods to Palestinian refugees in the occupied Territories. During Operation Days of Penitence in September and October, the IDF restricted entrance into the Gaza Strip, preventing humanitarian agencies such as UNRWA from delivering food and providing assistance.

In October, UNRWA claimed that 24 of its staffers were detained by the IDF and that it was not notified. An Israeli official stated the number detained was not 24, but said that other UNRWA staff members were under indictment.

Physicians for Human Rights, which offered weekly “mobile clinics” in Palestinian villages, has been denied access to Gaza for three years and has only limited access to the West Bank.

On March 16, 2003, an Israeli bulldozer clearing land in Rafah in the Gaza Strip crushed and killed Rachel Corrie, 23, a US citizen peace activist. Corrie was standing in front of the bulldozer and was wearing a reflective vest. Eyewitness demonstrators stated that they believe the driver knew Corrie was in front of the bulldozer as he proceeded forward. IDF investigations concluded that the operator was not negligent.
Palestine, Israel and the United States

US officials who have seen the IDF report found inconsistencies among the statements of the people involved in the accident and other witnesses. The Corrie family believes that the investigation was not thorough, credible, and transparent and continued to pursue the case. In conjunction with the report of the IDF Judge Advocate General, the IDF implemented two remedial procedures for improved safety: The presence of more senior officers to oversee such operations and the designation of closed military zones with orders forbidding the presence of civilians in areas when IDF military operations are concluded.

On April 7, 2003, gunfire from an undetermined source struck 24-year-old US citizen Brian Avery in Jenin. The IDF denied responsibility for the incident. Avery, an activist with the International Solidarity Movement, was walking outside during curfew in the city when an IDF armored personnel carrier approached him. Avery was shot in the face and required considerable surgery and extended hospitalization. In December, a lawyer petitioned the Supreme Court to require Israeli military authorities to investigate his shooting. According to B'tselem, the IDF had reportedly conducted an internal investigation and concluded that it was impossible to determine whether Avery was hit by IDF or Palestinian gunfire. At year's end, the Israeli High Court had not delivered its decision in the case.

On December 16, 2003, Israeli security forces fired at demonstrators attempting to penetrate the separation barrier built near the town of Qalqilya. The gunfire wounded a 25-year-old US citizen and seriously wounded Israeli citizen Gil Na'ami in both legs. The IDF internal inquiry concluded that the soldiers involved had not violated the open-fire regulations. On November 27, the Military Attorney General (MAG) decided that no criminal charges would be brought. However, the MAG recommended a reprimand for the regional brigade commander and further recommended that the commander of the Engineers Corps unit that was involved, his second in command, and two other soldiers be brought to a disciplinary hearing.

At year's end, the Government of Israel continued to withhold information regarding the documents and property taken during the 2002 seizure of Orient House (see Section 2.b.).

Section 5 - Discrimination, Societal Abuses, and Trafficking in Persons

Women

PA law does not explicitly prohibit domestic violence, but assault and battery are crimes. There were reports indicating that Palestinian domestic violence increased since 2000.

So-called honor crimes occurred infrequently, according to human rights groups. Public discussion of the issue gained greater attention due to a significant effort by Palestinian women's groups. The crimes almost exclusively involved alleged sexual interactions of female family members with men who were not their husbands. Women's shelters were not accepted culturally. There was no reliable data on the incidence of violence against women.

Rape is illegal, but spousal rape is not.

Palestinian women endured social prejudice and repression. Some girls, especially in rural areas, did not finish mandatory schooling because prospective husbands did not approve. Education and cultural restrictions occasionally prevented women from attending college. Muslim and Christian women who married outside of their faith often were disowned and sometimes harassed. Local officials sometimes advised such women to leave their communities to protect themselves.

Before 2000, a growing number of women worked outside the home, where they often encountered discrimination and, occasionally, sexual harassment. There were no special laws on women's rights in the workplace. Women were underrepresented in most aspects of professional life, although a small group of women were prominent in politics, medicine, law, teaching, and NGOs.

For Muslims, personal status law is derived from Shari'a (Islamic law). Ecclesiastical courts rule on personal status issues for Christians. Shari'a pertaining to women is part of the Jordanian State Law of 1976, which includes inheritance and marriage laws. Women in most cases are not entitled to inheritance. Men may take more than one wife, although few did so. Women may make "stipulations" in the marriage contract to protect them in the event of divorce and on questions of child custody; however, only an estimated 1 percent of women took advantage of this provision. Ecclesiastical courts also often favored men over women in divorce and child custody cases.

Children

The PA provides for compulsory education through the ninth grade. However, girls who married before the ninth grade left at the behest of husbands and, in rural areas and refugee camps, boys left school to help support their families.

Internal closures, checkpoints, and the separation barrier significantly impeded the ability of both students and teachers to reach educational facilities (see Sections 2.a. and 2.d.).

In areas under curfew, all classes were cancelled. UNRWA reported that more than 35,000 teacher workdays were lost in the 2002-03 academic year. Enrollment of students from Gaza at Birzeit University in the West Bank declined from 370 in 2000 to 93 at year's end.

Education and health care professionals judged that the violence produced lack of focus, nightmares, incontinence, and other behavioral problems. UNRWA reported that elementary school exam pass rates in Arabic, mathematics, and science declined dramatically between 2000-01 and 2003-04.

OCHA reported that during the past 5 years, Palestinian universities lost approximately $4.85 million (20.8 million NIS) worth of infrastructure. During the year, university dropout rates increased by 7 percent, in part, because families were unable to pay the fees.

The PA Ministry of Health provided for children's immunizations. The PA insurance program provided basic medical care for children, for a small monthly fee. The latest available figures showed a slight improvement in nutrition levels from 2003. In 2003, 3.4 percent of Palestinian children suffered from acute malnutrition and 10.7 percent suffered from chronic malnutrition. The prevalence of anemia varied between the West Bank (17.4 percent) and the Gaza Strip (31.2 percent).

Child abuse was not a widespread problem. The law does not explicitly prohibit child abuse, but does sanction parents who failed to protect children from abuse. PA courts may protect children in "difficult situations," including cases of neglect or abuse. The Ministry of Social Affairs may ask a court to intervene to place a child in an official protective institution or with an alternate family.

The law provides that no one under 14 can work. Those between 15 and 18 can be employed under limited conditions (see Section 6.d.). There was no juvenile court system, but certain judges specialized in juvenile cases.

Palestinians in East Jerusalem received municipal services inferior to those available in other parts of Jerusalem. In 2001, the Israeli High Court ordered the construction of new infant care clinics in East Jerusalem. The Association for Civil Rights in Israel stated that six centers now existed in East Jerusalem and the surrounding areas and that there was sufficient coverage for the local East Jerusalem population. East Jerusalem schools remained under-funded and overcrowded, and many students were denied enrollment due to lack of space. In 2003, the Israeli High Court ordered the municipality to build 245 new classrooms within the next 4 years, but, at year's end, only 2 new classrooms were finished and 25 were under construction.

International and domestic NGOs, including UNICEF, Save the Children, and Defense for Children International, promoted educational, medical, and cultural services for children, and other groups specialized in the needs of children with disabilities.

Palestinian terrorist groups used minors to conduct attacks or as human shields. On January 11, a 17-year-old high school student from Nablus blew himself up near an army post at Jusufat; no IDF soldiers were hurt. On November 1, a 16-year-old Palestinian bomber blew himself up in a Tel Aviv marketplace, killing three Israeli civilians.

Trafficking in Persons

Palestinian law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked to, from, or within the occupied Territories.

Persons with Disabilities

Accessibility to public facilities was not mandated in the occupied Territories. Palestinians with disabilities were discriminated against in most spheres, including education, employment, transportation, and access to public facilities. There were approximately 130,000 Palestinians with disabilities prior to the outbreak of the current intifada. The Health, Development, Information, and Policy Institute estimated that one-tenth of the approximately 28,000 Palestinians injured in the intifada will have permanent disabilities.
Some institutions cared for persons with disabilities; however, their efforts consistently were underfunded.

Care for Palestinians with physical and mental disabilities remained a problem. Cultural stigmas coupled with inadequate funding produced poor quality care. The PA depended on NGOs to care for physical disabilities, and offered substandard care for mental disabilities. In February, the Ministry of Health, with input from the World Health Organization, released a national strategy for mental health services that called for increased efforts to care for mental health patients and to reintegrate them into the community.

Other Societal Abuses and Discrimination

There were no laws that discriminated against homosexuals, and there were no reports of specific incidents of abuse because of sexual orientation. However, cultural traditions and religious publications reject homosexuality, and Palestinians alleged that the public and PA security officers subjected them to harassment, abuse, and sometimes arrest because of their sexual orientation.

Section 6 - Worker Rights

a. The Right of Association

Labor Law 7 went into effect in 2001, but calls for 48 bylaws. Nine have been approved by the Ministers Council and published; 9 were approved but have not yet been published; and 30 remain incomplete. Workers may establish unions without government authorization. There were 19 trade unions registered with the Ministry of Labor.

The International Labor Organization (ILO) has paid to disseminate an explanation of labor laws prepared by the Department of Law at Birzeit University.

Workers in Jerusalem are free to establish unions, but may not join West Bank federations; however, this restriction was not enforced. Workers, holding Jerusalem identity cards, may belong simultaneously to West Bank unions and the Israeli Histadrut Labor Federation.

Palestinians who worked in Israel or Jerusalem prior to 2000 were partial members of Histadrut and had 1 percent of their wages withheld. Partial membership entitled them to limited benefits, including compensation for on-the-job injuries, maternity leave, and employer bankruptcy. Histadrut and West Bank union officials negotiated an agreement to transfer half of this fee to the Palestinian General Federation of Trade Unions (PGFTU), which claimed it was owed $6.5 million (28 million NIS).

Article 66 of the labor law provides for the right to strike. Prospective strikers must send a written warning 2 weeks in advance to the other party and the Ministry of Labor notifying them of the basis for the strike. (For strikes affecting public utilities, the period is 4 weeks.) In practice, strikers had little protection from retribution. Unions that seek to strike must accept arbitration by the Ministry of Labor and are subject to disciplinary action if they do not accept the result.

The PGFTU participated in some programs of the International Confederation of Free Trade Unions, but was not a member. The PGFTU became an ICFTU affiliate in 2002.

b. The Right to Organize and Bargain Collectively

A majority of workers in the occupied Territories were self employed or unpaid family helpers. Approximately 35 percent had wage jobs. Most were employed by UNRWA and the PA. Articles 60 to 65 of the labor law stated that conflicts should be resolved by a mediator from the ministry. If the ministry cannot resolve the dispute, it can be referred to a special committee, and, eventually to a special court. Accordingly, in practice the right to strike remained questionable.

There are no export processing zones in the occupied Territories, although the Gaza Industrial Estate previously enjoyed free trade access to foreign markets.

c. Prohibition of Forced or Compulsory Labor

PA law does not prohibit specifically forced or compulsory labor; however, there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The minimum employment age is 15, and there are special conditions for employment between 15 and 18. For minors, working at night, hard labor, and travel outside their area of domicile were prohibited. However, many children under 15 worked in family farms and shops, or as street vendors, and in small manufacturing enterprises, such as shoe and textile factories. According to the Palestinian Central Bureau of Statistics’ Labor Force Survey Report, July-September 2003, 1.7 percent of children 10 to 14 years of age worked in 2003. The PA had only 40 labor inspectors for an estimated 65,000 enterprises. The ILO and UNICEF worked with the PA to develop capacity. During the year, the ILO began to implement its International Program for the Elimination of Child Labor, conducted a survey, and hired a specialist to conduct a technical assessment.

e. Acceptable Conditions of Work

There was no minimum wage. Prior to 2000, the average wage for full-time workers provided a decent standard of living. The standard of living dropped significantly over the last 4 years.

The normal workweek was 45 to 48 hours. There was no effective enforcement of maximum workweek laws.

The PA Ministry of Labor was responsible for enforcing safety standards, and, while its ability was limited, it carried out some inspections. The ministry stated that new factories and workplaces met international health and safety standards, but that older ones did not. Palestinians who worked in Israel were required to contribute to the National Insurance Institute and received limited benefits.

Any views or opinions presented herein are solely those of the U.S. Government and do not necessarily represent those of The Jerusalem Fund or its educational program, The Palestine Center. This report is reproduced here for informational purposes only.

For the full 2004 Human Rights Report by the U.S. Department of State, see http://www.state.gov/g/drl/rls/hrrpt/2004/41723.htm.
Amnesty International Annual Report: “Israel and the Occupied Territories”
(Covering events from January - December 2004)

STATE OF ISRAEL

Head of state: Moshe Katzav
Head of government: Ariel Sharon
Death penalty: abolitionist for ordinary crimes
International Criminal Court: not ratified
U.N. Women's Convention: not ratified
Optional Protocol to U.N. Women's Convention: not signed

The Israeli army killed more than 700 Palestinians, including some 150 children. Most were killed unlawfully—in reckless shooting, shelling and air strikes in civilian residential areas; in extrajudicial executions; and as a result of excessive use of force. Palestinian armed groups killed 109 Israelis—67 of them civilians and including eight children—in suicide bombings, shootings and mortar attacks. Stringent restrictions imposed by the Israeli army on the movement of Palestinians in the Occupied Territories caused widespread poverty and unemployment and hindered access to health and education facilities. The Israeli army destroyed several hundred Palestinian homes, large areas of agricultural land, and infrastructure networks. Israel continued to expand illegal settlements and to build a fence/wall through the West Bank, confining Palestinians in isolated enclaves cut off from their land and essential services in nearby towns and villages. Israeli settlers increased their attacks against Palestinians and their property and against international human rights workers. Certain abuses committed by the Israeli army constituted crimes against humanity and war crimes, including unlawful killings; extensive and wanton destruction of property; obstruction of medical assistance and targeting of medical personnel; torture; and the use of Palestinians as “human shields.” The deliberate targeting of civilians by Palestinian armed groups constituted crimes against humanity.

Background

In February Prime Minister Ariel Sharon announced the “disengagement plan”, to evacuate all Israeli settlements in the Gaza Strip and four in the West Bank, while maintaining military control of all land and sea access to the Gaza Strip, and of its airspace. In October Prime Minister Sharon’s bureau chief publicly stated that the evacuation of Israeli settlements in the Gaza Strip was intended to strengthen Israeli control of much of the West Bank, where more than 100 Israeli settlements are located. Israel started to build a network of secondary roads and tunnels in the West Bank intended to keep existing main roads for the sole use of Israeli settlers. No steps were taken to implement the “road map” peace plan, agreed the previous year by Israel and the Palestinian Authority (PA) and sponsored by the USA, the UN, the European Union and Russia. After the death of PA President Yasser Arafat in November, the “road map” sponsors expressed renewed interest in its implementation and urged Israel and the PA to resume peace negotiations within its framework.

Killings and attacks by the Israeli army

The Israeli army killed around 700 Palestinians, including some 150 children, in the Occupied Territories, most of them unlawfully. Many were killed in deliberate as well as reckless shooting, shelling and bombardment of densely populated residential areas or as a result of excessive use of force. Some 120 Palestinians were killed in extrajudicial executions, including more than 30 bystanders, of whom four were children. Others were killed in armed clashes with Israeli soldiers. Thousands of others were injured.

Four Palestinian schoolgirls were shot dead by the Israeli army in their classrooms or walking to school in the Gaza Strip in September and October. Raghda Adnan al-Asar and Ghadeer Jaber Mukhaymar, aged 10 and nine, were shot dead by Israeli soldiers while walking in a park in Khan Yunis refugee camp. Eight-year-old Rania Iyad Aram was shot dead by Israeli soldiers as she was walking to school. On 5 October Israeli soldiers shot dead 13-year-old Iman al-Hams near her school in Rafah. According to an army communication recording of the incident and testimonies of soldiers, a commander repeatedly shot the child at close range even though soldiers had identified her as “a little girl . . . scared to death.” The commander was charged with illegal use of his weapon, obstructing justice, improper use of authority and unbecoming conduct. He was not charged with murder or manslaughter.

On 22 March, Hamas leader Sheikh Ahmad Yassin, a 66-year-old wheelchair-bound paraplegic, was assassinated in an Israeli air-strike as he was leaving a mosque in Gaza City after dawn prayers. Seven other Palestinians were killed in the attack and at least 17 were injured. His successor, Abd al-Aziz al-Rantisi, was likewise assassinated by the Israeli army on 17 April.

Ten-year-old Walid Naji Abu Qamar, 11-year-old Mubarak Salim al-Hashash, 13-year-old Mahmoud Tariq Mansour and five others were killed on 19 May in Rafah in the Gaza Strip when the Israeli army opened fire with tank shells and a helicopter-launched missile on a non-violent demonstration. Dozens of other unarmed demonstrators were also wounded in the attack.

‘Human shields’

Israeli soldiers continued to use Palestinians as “human shields” during military operations, forcing them to carry out tasks that endangered their lives, despite an injunction by the Israeli High Court banning the practice. A petition against the use of “human shields” submitted by Israeli and Palestinian human rights organizations to the Supreme Court in May 2002 was still pending at the end of 2004.

In April, Israeli soldiers used 13-year-old Muhammed Badwan as a “human shield” during a demonstration in the West Bank village of Biddu. The soldiers placed the boy on the hood of their jeep and tied him to the front windscreen to discourage Palestinian demonstrators from throwing stones in their direction.

Killings and attacks by Palestinian armed groups

Sixty-seven Israeli civilians, including eight children, were killed by Palestinian armed groups in Israel and in the Occupied Territories. Forty-seven of the victims were killed in suicide bombings, the others were killed in shootings or mortar attacks.

Most of the attacks were claimed by the al-Aqsa Martyrs Brigades, an offshoot of Fateh, and by the armed wing of Hamas. Forty-two Israeli soldiers were also killed by Palestinian armed groups, most of them in the Occupied Territories.

Chana Anya Bunders, Natalia Gamril, Dana Itach, Rose Bona and Anat Darom and six other Israelis were killed on 29 January when a Palestinian man blew himself up on a bus in Jerusalem. More than 50 other people were wounded in the attack. The suicide bombing was claimed by both the al-Aqsa Martyrs Brigades and the armed wing of Hamas.

Tali Hatuel, who was eight months pregnant, and her four young daughters, Hila, Hadar, Roni and Meirav, aged between two and 11, were shot dead in the Gaza
The destruction was intended to further widen the no-go area along the Egyptian border and to uncover tunnels used by Palestinians to smuggle weapons into the Gaza Strip from Egypt.

In October, after two Israeli children were killed by a Palestinian mortar fired from the Gaza Strip, the Israeli army launched a major attack in and around the Jabalya refugee camp in the northern Gaza Strip, and destroyed or damaged some 200 homes and buildings as well as roads and other vital infrastructure.

Collective punishment, closures and violations of economic and social rights

The Israeli army continued to impose stringent restrictions on the movements of Palestinians in the Occupied Territories. Military checkpoints and blockades around Palestinian towns and villages hindered or prevented access to work, education and medical facilities and other crucial services. Restrictions on the movement of Palestinians remained the key cause of high rates of unemployment and poverty. More than half of the Palestinian population lived below the poverty line, with increasing numbers suffering from malnutrition and other health problems.

Palestinians had to obtain special permits from the Israeli army to move between towns and villages within the West Bank and were barred from main roads and many secondary roads which were freely used by Israeli settlers living in illegal settlements in the Occupied Territories. Movement restrictions for Palestinians were routinely increased in reprisal for attacks by Palestinian armed groups and during Jewish holidays. Further restrictions were also imposed on the movement of international human rights and humanitarian workers throughout the Occupied Territories.

The Israeli army routinely used excessive and unwarranted force to enforce blockades and movement restrictions. Soldiers frequently fired recklessly towards unarmed Palestinians, ill-treated, humiliated and arbitrarily detained Palestinian men, women and children, and confiscated or damaged vehicles. Sick people needing to reach medical facilities were often delayed or denied passage at checkpoints.

Continued construction by Israel of a fence/wall through the West Bank left an increasing number of Palestinians cut off from health, education and other essential services in nearby towns and villages and from their farm land—a main source of subsistence for Palestinians in this region. Large areas of Palestinian land were encircled by the fence/wall and Palestinians living or owning land in these areas had to obtain special permits from the Israeli army to move in and out of their homes and land. Israeli soldiers frequently denied passage to residents and farmers in these areas. In July the International Court of Justice declared that Israel’s construction of the fence/wall in the West Bank was illegal under international law and called for it to be dismantled.

In an exceptional ruling in June, the Israeli High Court ordered that some 30km of the fence/wall be re-routed. The Israeli army subsequently made minor adjustments to some five per cent of the route of the fence/wall.

Detainees and releases

Thousands of Palestinians were detained by the Israeli army. Most were released without charge. More than 3,000 were charged with security offences. Trials before military courts often did not meet international standards of fairness, and allegations of torture and ill-treatment of Palestinian detainees were not adequately investigated. Some 1,500 Palestinians were detained administratively without charge or trial during the year.

In January Israeli authorities and the Lebanese group Hezbollah concluded an exchange of detainees, hostages and remains of soldiers and combatants. Hezbollah released an Israeli businessman and the bodies of three Israeli soldiers captured in Lebanon in October 2000. Israel released some 400 Palestinian detainees, 35 detainees from other Arab countries, mostly Lebanese, and the bodies of 59 Lebanese killed by the Israeli army and buried in Israel. Among those released by Israel were four Lebanese men who had been held as hostages without charge or trial for several years.

Former nuclear technician and whistle-blower Mordechai Vanunu was released in April, having served his entire 18-year jail sentence, mostly in solitary confinement. Upon his release he was banned from leaving the country and from communicating...
with foreigners and his movements in the country were restricted. He was twice rearrested and interrogated in November and December.

Violence against women

The UN Special Rapporteur on violence against women visited the Occupied Territories in June to gather information on the impact of the occupation and conflict on women. She concluded that the conflict had disproportionately affected Palestinian women in the Occupied Territories, in both the public and private spheres of life. In addition to the women killed or injured by Israeli forces, Palestinian women were particularly negatively affected by the demolition of their homes and restrictions on movement, which hampered their access to health services and education, and by the sharp increase in poverty. The dramatic increase in violence as a result of the conflict also led to an increase in domestic and societal violence, while at the same time there were increased demands on women as carers and providers.

Discrimination

In August the UN Committee on the Elimination of Racial Discrimination called for the revocation of the Citizenship and Entry into Israel Law, passed the previous year and extended for six months in July. The law institutionalized racial discrimination. It barred Israeli Arab citizens married to Palestinians from the Occupied Territories from living with their spouses in Israel, and forced families to either live apart or leave the country altogether.

AI visits

AI delegations visited Israel and the Occupied Territories in May, September and October.
THE PALESTINIAN AUTHORITY

The internal security situation deteriorated significantly in the West Bank and Gaza Strip during 2004. Power struggles and disagreements between and within the Palestinian Authority (PA), and political factions and groups resulted in increasingly frequent armed confrontations, attacks on individuals and property, and abductions. Palestinian armed groups and members of various security services also killed some 18 Palestinians who allegedly “collaborated” with the Israeli security services. Members of Palestinian armed groups continued to carry out attacks against Israel both in the Occupied Territories and inside Israel, killing 109 Israelis. The PA frequently condemned Palestinian attacks against Israelis and Palestinians, but the security forces and judicial authorities were unable or unwilling to prevent and investigate such attacks and bring those responsible to justice.

Background

The al-Aqsa intifada (uprising), which started on 29 September 2000, continued. Some 200 Palestinians were killed by Israeli security forces, many of them unlawfully (see Israel and the Occupied Territories entry). Palestinian members of armed groups killed 109 Israelis, including 67 civilians. About half of them were killed in suicide bombings, generally claimed by the al-Aqsa Martyrs Brigades (an offshoot of Fateh) and the ‘Izz al-Din al-Qassam Brigades (the military wing of Hamas). Some of the attacks were claimed by Islamic Jihad and the Popular Front for the Liberation of Palestine. Palestinian armed groups also continued to launch mortar attacks from the Gaza Strip towards nearby Israeli cities and Israeli settlements inside the Gaza Strip, killing five Israeli civilians. Thousands of Palestinians and hundreds of Israelis were injured.

Palestinians were hindered or prevented from gaining access to their agricultural land, workplaces and education and health facilities by the Israeli army which set up blockades and imposed stringent restrictions on the movement of Palestinians in the Occupied Territories and carried out repeated military raids into Palestinian towns and villages. The continued construction of a 600 km fence/wall through the West Bank also cut off towns and villages from each other. As a result unemployment and extreme poverty remained high, with some two thirds of Palestinians forced to rely on international aid.

President Yasser Arafat remained confined to his headquarters in Ramallah until he fell ill and was taken to France for medical care. He died on 11 November. The Speaker of the Palestinian Legislative Council (PLC), Rawhi Fatouh, took over as interim President for a 60-day period and presidential elections were scheduled for January 2005.

Increased lawlessness

The PA security and judicial institutions, whose infrastructure had been repeatedly targeted and largely destroyed by the Israeli army in previous years, became increasingly dysfunctional and were themselves involved in factional in-fighting. The PA security forces’ operational capacity remained severely limited; the Israeli army continued to prevent them from carrying weapons and operating in most areas of the Occupied Territories.

As central authority and control were increasingly eroded, disagreements, rivalries and in-fighting between political factions, security services and armed groups resulted in an increase in violent confrontations. Incidents included demonstrations, armed protests, abductions of and attacks on members of the security forces, PA officials and foreign nationals. Attacks and confrontations often involved different factions of the al-Aqsa Martyrs Brigades, which increasingly acted independently of or against each other.

At least 13 people, among them international relief workers and PA security force officials, were abducted by armed Palestinians, most of them in the Gaza Strip. They were all released unharmed within hours. The kidnappers reportedly protested against widespread corruption, called for PA reforms, or demanded payment of their salaries. Journalists and media workers were threatened, beaten or abducted by armed men in what appeared to be an attempt to stifle independent and critical reporting, in particular concerning the internal political situation and allegations of corruption in the PA. In most cases, the attacks were not claimed by any group, but were believed to have been carried out by the al-Aqsa Martyrs Brigades.

On 8 January the Gaza correspondent with the al-Arabiyya television station, Saifeddin Shahin, was attacked and beaten in Gaza City by five armed men who reportedly warned him not to criticize Fateh in his reports. One of the alleged attackers was arrested by Palestinian police but was subsequently released without charge.

In February, gunmen burst into the offices of Chief of Police Ghazi al-Jabali in Gaza City and opened fire, killing one officer and wounding 11 others, one of whom later died.

PLC member and former Information Minister Nabil ‘Amr was shot in the leg by gunmen in Ramallah on 20 July; his right leg had to be amputated. He had criticized the PA’s corruption, lawlessness and lack of accountability. No investigation was known to have been carried out, and no one had been arrested in connection with the attack by the end of the year.

Unlawful killings by Palestinians

Scores of Palestinians were killed in cases of political inter-factional fighting and score-settling. At least 18 others were killed by Palestinian individuals or members of armed groups because they were suspected of “collaborating” with the Israeli security services. At least five Palestinians were killed by gunmen while in PA custody. Most of the killings were attributed to the al-Aqsa Martyrs Brigades. The PA consistently failed to investigate these killings and none of the perpetrators was brought to justice.

Nineteen-year-old Shafi ‘Ali Ahmad was abducted on 8 May by a group of armed men outside the shop where he occasionally worked in Kafr al-Dik village in the West Bank. His body was found the following day on the outskirts of the village. A communiqué signed by an al-Aqsa Martyrs Brigades group stated that he had been killed because he had “collaborated” with the Israeli security services. However, the group subsequently apologized for the killing and publicly announced that Shafi ‘Ali Ahmad was not a “collaborator” and should not have been killed.

On 2 July Muhammad Rafiq Daraghmeh was killed in Qabatiya in the West Bank by members of the al-Aqsa Martyrs Brigades, who accused him of “collaborating” with the Israeli security services and of sexually abusing his daughters. He was killed in the town square in front of a large crowd which had gathered after gunmen reportedly announced through loudspeakers that he would be killed.
Use of children by armed groups

Several children were involved in attacks against Israelis; two of them carried out a suicide attack inside Israel. Others were arrested by the Israeli army for their alleged involvement in such attacks. Palestinian armed groups have no declared policy of recruiting children and claim to disavow the use of children; some blamed such abuses on local cells acting on their own initiative or “collaborators” seeking to discredit the armed groups.

In March Hussam ‘Abdu, a 16-year-old boy with mental disabilities, was arrested at Huwara checkpoint, near Nablus, while wearing a suicide belt. The Israeli army had advance information about the case and had closed the checkpoint. The boy remained detained in Israel awaiting trial at the end of the year.

Detention, torture and ill-treatment

Some 750 Palestinians were held in Palestinian prisons or detention centres. Most were detained without trial, apparently in relation to criminal offences. About 115 were detained on charges of “collaborating” with the Israeli intelligence services. Most had been arrested in previous years. There were reports of torture and ill-treatment, including beatings and sleep deprivation, by various Palestinian security forces, mainly the Police Criminal Investigation Department and the Preventive Security Forces.

Death penalty

No executions were carried out, but at least eight people were sentenced to death. Three had been convicted of “collaborating” with the Israeli security services; the others were found guilty of criminal charges. By the end of the year at least 21 Palestinians remained on death row.

On 13 April, Ilah Abu al-'Umrein, Rami Juha and ‘Abd al-Fattah Samur were sentenced to death in a Gaza court for the rape and murder of 16-year-old schoolgirl Mayada Khalil Abu Lamadi in 2003. A fourth defendant was sentenced to life imprisonment.

Violence against women

The UN Special Rapporteur on violence against women visited the Occupied Territories in June to gather information on the impact of the occupation and conflict on women. She concluded that the conflict has disproportionately affected Palestinian women in the Occupied Territories, in both the public and private spheres of life. In addition to the women killed or injured by Israeli forces, Palestinian women were particularly negatively affected by the demolition of their homes and restrictions on movement, which hampered their access to health services and education, and by the sharp increase in poverty. The dramatic increase in violence as a result of the occupation and conflict also led to an increase in domestic and societal violence, while at the same time there were increased demands on women as carers and providers.

AI visits

AI delegates visited areas under the jurisdiction of the PA in May, September and October.

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Agreed Principles for Rafah Crossing

To be supplemented prior to opening by agreements on security, customs and third-party implementation procedures

General

- Rafah will be operated by the Palestinian Authority on its side, and Egypt on its side, according to international standards, in accordance with Palestinian law and subject to the terms of this agreement.

- Rafah will be opened as soon as it is ready to operate at an international standard in accordance with the specifications of this agreement and as soon as the 3rd party is on site, with a target date of November 25.

- Use of the Rafah crossing will be restricted to Palestinian ID card holders and others by exception in agreed categories with prior notification to the GoI and approval of senior PA leadership.
  - The PA will notify the GoI 48 hours in advance of the crossing of a person in the excepted categories—diplomats, foreign investors, foreign representatives of recognized international organizations and humanitarian cases.
  - The GoI will respond within 24 hours with any objections and will include the reasons for the objections;
  - The PA will notify the GoI of their decision within 24 hours and will include the reasons for their decision;
  - The 3rd party will ensure the proper procedures are followed and will advise both sides of any information in its possession pertaining to the people applying to cross under these exceptions.
  - These procedures will remain in place for a period of 12 months, unless the 3rd party delivers a negative evaluation of the PA running the Rafah crossing. This evaluation will be done in close coordination with both sides and will give due consideration to the opinion of both sides.

- Rafah will also be used for export of goods to Egypt.

- Objective criteria for the inspection of cars will be established by consensus. The criteria are as follows:
  - Search equipment will be installed, including:
    - Black lights
    - Power tools and a compressor for the tools
    - Technology to be agreed, possibly including sonic imagery,
    - Gamma detection (full vehicle or hand held), and/or millimetre
    - Wave imagery
  - Mirrors and bore scope equipment to search hard to reach places
  - Personnel will be trained to search vehicles and on the use of this equipment by the 3rd party to international standards
  - Cameras will be installed to monitor the search process

- The 3rd party will evaluate the capacity of the PA to inspect cars according to these criteria and to international standards. Once the PA develops the capacity to inspect cars to the satisfaction of the 3rd party, cars will be allowed to pass through Rafah. Until that time, cars will pass through on an exceptional basis, subject to specifications agreed in the security protocol.

- Rafah will be the only crossing point between the Gaza Strip and Egypt (with the exception of Kerem Shalom for the agreed period).

- The PA will establish clear operating procedures.

- Until Rafah is operational, the PA will open Rafah crossing on an ad hoc basis for religious pilgrims, medical patients, and others, in coordination with General Gilad’s office on the Israeli side.

- Israel will provide the PA with all information needed to update the Palestinian population registry, including all information on Palestinian ID card holders who are currently outside the country.

- A liaison office, led by the 3rd party, will receive real-time video and data feed of the activities at Rafah and will meet regularly to review implementation of this agreement, resolve any disputes arising from this agreement, and perform other tasks specified in this agreement.
Security

- The PA will act to prevent the movement of weapons and explosives at the Rafah crossing.
- The PA will establish baggage limits for each passenger as part of the procedures. Limits will be the same as currently applied by the GoI; very frequent travellers (suitcase policy) to be agreed.
  - Travellers, including returning residents, may use the crossing point to bring in personal effects as defined in Rule 1(e) to Heading 7 of the Annex to the prevailing Customs Tariff. Any other personal belongings or other goods shall be cleared at the Kerem Shalom crossing point.
- The PA will provide the 3rd party a list of names of the workers at Rafah crossing which will be shared with the Israelis. The PA will take the Israelis concerns into account.
- Security services from Israel, PA, the US, and Egypt will continue to coordinate on security issues and will participate in the security working group.
- On a case by case basis, the PA will consider information on persons of concern provided by the GoI. The PA will consult with the GoI and the 3rd party prior to the PA making a decision to prohibit travel or not. During this consultation, which will not take more than six hours, the person in question will not be permitted to cross.

Customs

- GoI and PA will continue to apply the Paris Protocol of 29 April 1994.
- Rafah will be operated according to international standards and rules and the Paris Protocol.
- GoI and PA agree on widest possible co-operation and information sharing.
- GoI and PA will co-operate on training issues.
- GoI and PA customs will hold regular meetings to which the GoE will be invited as appropriate.

Kerem Shalom

- PA customs officials will clear incoming cargo at Kerem Shalom under the supervision of Israeli customs agents.
- Both sides will discuss operating procedures at a later stage.
- Operations at Kerem Shalom will provide training and capacity building to PA customs staff.
- The 3rd party will review the PA's customs capacity in 12 months and make a recommendation to both sides for a joint decision regarding future arrangements. In the event of a disagreement, the US, in consultation with the GoI, the PA, and the 3rd party, will resolve the issue expeditiously.

Third Party

- The 3rd party will have the authority to ensure that the PA complies with all applicable rules and regulations concerning the Rafah crossing point and the terms of this agreement. In case of non-compliance the 3rd party has the authority to order the re-examination and reassessment of any passenger, luggage, vehicle or goods. While the request is being processed, the person, luggage, vehicle or cargo in question will not be allowed to leave the premises of the Rafah crossing point.
- The 3rd party will assist the PA to build capacity -- training, equipment and technical assistance -- on border management and customs.
- Details of the 3rd party's role are specified in the attached memorandum of understanding.
- The 3rd party will be the European Union.
Agreement on Movement and Access

To promote peaceful economic development and improve the humanitarian situation on the ground, the following agreement has been reached. It represents the commitments of the Government of Israel (GoI) and the Palestinian Authority (PA). Its implementation and further elaboration will be assisted by the Quartet Special Envoy for Disengagement and his staff and/or the United States Security Coordinator (USSC) and his staff.

1. Rafah

The parties have agreed to the attached statement of principles. Rafah will be opened as soon as it is ready to operate at an international standard in accordance with the specifications of this agreement and as soon as the 3rd party is on site, with a target date of November 25.

2. Crossing Points

The parties have agreed that:

- The passages will operate continuously. On an urgent basis, Israel will permit the export of all agricultural products from Gaza during this 2005 harvest season.
- The new and additional scanner will be installed and fully operational by December 31. At that time, the number of export trucks per day to be processed through Karni will reach 150, and 400 by end-2006. A common management system will be adopted by both parties.
- In addition to the number of trucks above, Israel will permit export of agricultural produce from Gaza and will facilitate its speedy exit and onward movement so that quality and freshness can be maintained. Israel will ensure the continued opportunity to export.
- To enhance operation, the parties agree that:
  - When a new generation of x-ray equipment able to scan trailers as well as containers becomes available it will be used. Once it arrives in the country, testing will also be carried out with the assistance of the Quartet Special Envoy.
  - The USSC will ensure continuing consultation, with unresolved implementation issues to be discussed as needed with the parties.
  - The PA will ensure that the passages will be protected on the Palestinian side of the border and will train and upgrade the management of all crossings to ensure efficiency and effectiveness. The PA will establish, without delay, a unified system of border management.
  - The management system that has been developed for Karni should, with suitable local variations, be adapted to the passages at Erez and Kerem Shalom. Israel also undertakes to put in place similar arrangements as appropriate that will make West Bank passages fully operational as soon as possible. A bilateral committee, with participation as needed of the Quartet Special Envoy and/or the USSC, will develop operational procedures for those passages.

3. Link between Gaza and the West Bank

- Israel will allow the passage of convoys to facilitate the movements of goods and persons. Specifically:
  - Establish bus convoys by December 15.
  - Establish truck convoys by January 15.
  - Work out detailed implementation arrangements in a bilateral committee of the GoI and PA with participation as needed from the Quartet team and the USSC.

It is understood that security is a prime and continuing concern for Israel and that appropriate arrangements to ensure security will be adopted.
4. Movement within the West Bank

Consistent with Israel’s security needs, to facilitate movement of people and goods within the West Bank and to minimize disruption to Palestinian lives, the ongoing work between Israel and the US to establish an agreed list of obstacles to movement and develop a plan to reduce them to the maximum extent possible will be accelerated so that the work can be completed by December 31.

5. Gaza Seaport

Construction of a seaport can commence. The GoI will undertake to assure donors that it will not interfere with operation of the port. The parties will establish a US-led tripartite committee to develop security and other relevant arrangements for the port prior to its opening. The 3rd party model to be used at Rafah will provide the basis for this work.

6. Airport

The parties agree on the importance of the airport. Discussions will continue on the issues of security arrangements, construction, and operation.