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# QUARTERLY UPDATE ON CONFLICT AND DIPLOMACY

16 NOVEMBER 2008–15 FEBRUARY 2009

COMPILED BY MICHELE K. ESPOSITO

*The Quarterly Update is a summary of bilateral, multilateral, regional, and international events affecting the Palestinians and the future of the peace process. More than 100 print, wire, television, and online sources providing U.S., Israeli, Arab, and international independent and government coverage of unfolding events are surveyed to compile the Quarterly Update. The most relevant sources are cited in JPS's Chronology section, which tracks events day by day.*

## THE PALESTINIAN-ISRAELI CONFLICT

This quarter was dominated by Israel's launch of a massive air and ground assault on Gaza, **Operation Cast Lead**—Israel's largest sustained military operation against the Palestinians since 1948—which began barely 2 months after violence in the West Bank and Gaza had hit its lowest point since the start of the al-Aqsa intifada in 9/00 (see Quarterly Update in *JPS* 150). Operations, conducted while Israel and the U.S. were transitioning to new administrations, ended just as Barack Obama was sworn in as U.S. president on 1/20 and shortly before Israeli elections on 2/10 (the results of which were undecided at the close of the quarter).

As the quarter opened, a 6-mo. Gaza cease-fire begun on 6/19/08 (see Quarterly Update in *JPS* 149) was in free fall after a major Israeli truce violation on 11/4 (including a ground incursion, air strikes, and assassinations intended by Israel "to send a message to Hamas") precipitated a series of reprisals, including the resumption of Palestinian rocket and mortar fire into Israel and Israeli air strikes and bulldozing operations inside Gaza (see Quarterly Update in *JPS* 150). Israel—which, despite the dramatic reduction in violence, had never significantly eased the siege of Gaza (part of the 6/08 truce understandings)—tightened the seal on Gaza borders as of 11/4, allowing in only 5 truckloads of aid/day for a population of 1.5 million (500 truckloads/day are required to sustain Gazans' basic needs), leading to a precipitous deterioration in Gaza's already dire humanitarian conditions:

Gaza's power plant had ceased operation on 11/10; UNRWA had halted food distribution to Gaza's 750,000 dependent refugees because of Israeli restrictions on food imports on 11/13; and shortages of electricity, running water, meat, produce, bread, and other basic goods (including essential medical supplies for hospitals) had been widespread for weeks. During this period, Mahmud Abbas's Palestinian Authority (PA) continued to hold regular peace talks with Israel, though there was no expectation of reaching any deals before new U.S. and Israeli administrations were in place.

Meanwhile, Israeli-Palestinian violence in the West Bank was low, though the Israel Defense Forces (IDF) maintained tight restrictions on Palestinian movement, including approximately 630 manned checkpoints and unmanned roadblocks and 60–80 flying checkpoints. As of 11/15, at least 6,026 Palestinians (including 49 Israeli Arabs and 19 unidentified Arab cross-border infiltrators), 1,071 Israelis (including 334 IDF soldiers and security personnel, 213 settlers, 524 civilians), and 61 foreign nationals (including 2 British suicide bombers) had been killed since the start of the al-Aqsa intifada on 9/28/00.

### *War Planning as Cease-Fire Expires*

As the quarter began, the first public indications emerged that Israeli preparations for a major military offensive against Gaza were well underway. On 11/18, PM Ehud Olmert and DM Ehud Barak made a secret trip to Amman (acknowledged by the Israeli government on 11/20) at the request of Jordan's King Abdallah, who strongly

condemned Israel's actions in Gaza, urged an immediate lifting of the siege, and warned specifically against launching a major military campaign. Olmert and Barak reportedly pledged to take the strategic interests of Israel's neighbors into consideration, but stated that Israel must act to protect Israeli civilians from continuing Palestinian rocket fire. Abdallah held an emergency meeting with Abbas in 'Aqaba on 11/20, but no details were released. (At the regular Abbas-Olmert meeting held on 11/17, Abbas sought Israeli confidence-building gestures to bolster his popularity and Palestinian support for the peace process; no Gaza discussions were reported.) Meanwhile, DM Barak reportedly received (11/19) the final blueprint of an operation against Gaza for his approval.

Palestinian fire from Gaza at the time was tapering to a point at which the sides arguably might have repaired the truce, which was still technically in effect. As the quarter opened, Palestinian rocket and mortar fire from Gaza into Israel was occurring at a rate of approximately 10/day, causing no damage or injuries. Israel routinely responded with air strikes on rocket launching sites (leaving 4 Palestinian Resistance Comm. [PRC] members dead on 11/16), firing on Palestinians who approached the Gaza border (wounding 2 armed Palestinians near the northern border on 11/17), and continuing its bulldozing operations inside Gaza. When Palestinian rocket fire on 11/17 caused light damage inside Israel, Israel sealed (11/18) Gaza's borders completely, halting the trickle of food and fuel. Palestinian fire immediately fell to near zero, and Israel met calm with calm.

After a week of relative quiet in Gaza (during which UNRWA was forced to halt cash distributions to Gaza's 100,000 poorest refugees—no Israeli shekels were circulating in the Strip due to Israel's 8/08 ban on sending currency to Gaza's banks), Israel allowed (11/24) 32 truckloads of humanitarian aid, limited fuel, and some currency into Gaza. (Simultaneously, the PA allowed its first shipment of medicine from the PA's central store in Ramallah to the Health Min. in Gaza since taking over these transfers from the World Health Organization [WHO] on 9/1/08.) Gaza's power plant, however, whose turbine batteries had died from prolonged disuse, could be restarted (11/26) only after Gazan municipal workers jury-rigged car batteries to

replace them; the plant had to shut down again on 11/30, the fuel having been sufficient for only 4 days of operation at half capacity.

Even with slightly increased imports as of 11/24 (from 5 to around 11 truckloads per day), 75% of Gaza's bakeries were closed for lack of flour; Palestinians were receiving only a fraction of the fuel needed for basic daily functioning (20% of industrial fuel for Gaza's power plant, 5% of cooking gas, 4% of benzene, 3% of diesel); and unemployment rose to 80%. The UN Office for the Coordination of Humanitarian Affairs (OCHA) reported (11/25) that fuel, electricity, and maintenance equipment shortages had left 20% of Gaza's water wells inoperable and the remaining 80% only partially functioning. The lack of synchronization between water and electricity supplies resulted in zero water supply to many people living in multistory buildings, dependent on pumps to receive water. The UN appealed (12/4) to Israel to allow in vital spare parts to maintain Gaza's electricity, water, and sanitation utilities, as well as other basic infrastructure. (See, for example, Doc. A1 in this issue.) In response, Israel allowed (12/9–11) into Gaza 70 truckloads of food and medicine, a month's supply of chlorine to treat waste water, enough fuel for Gaza's power plant to restart on 12/11 for the first time since 11/30 (though it shut down once again on 12/15 for lack of fuel), and \$25 m. of shekels (not enough to pay Gaza civil servants' salaries or for banks to reopen).

By the end of 11/08, with Israel maintaining severe import restrictions on Gaza, Palestinian rocket and mortar fire resumed after a 10-day break, with 3 mortars fired by the PRCs on 11/28 hitting an IDF base at the Nahal Oz crossing, injuring 6 soldiers (1 critically). Between 12/1 and 12/15, Palestinians fired at least 50 rockets and mortars into Israel (an average of 3/day; mostly mortars), causing no reported damage or injuries. The IDF occasionally responded with air strikes on launch sites (killing 2 Palestinian bystanders and wounding 2 by 12/15) and conducted an incursion into Khan Yunis (12/11) to arrest wanted Palestinians. Although this cross-border violence was relatively low by pre-6/08 truce standards, by mid-12/08 there was open discussion in the Israeli media of a major strike on Gaza, with the IDF publicly estimating (12/17) that a major ground operation to halt Palestinian rocket fire would result in

some 800 Palestinian noncombatant deaths and Israeli military analysts noting that casualties would be higher if the goal were to include toppling Hamas.

On 12/14, Damascus-based Hamas leader Khalid Mishal declared that given Israel's ongoing siege and cross-border strikes, Hamas would not extend the 6-mo. truce when it officially expired on 12/19. Gaza-based Hamas officials contradicted him, however, stating (12/14) willingness to extend the truce, opening (12/14) talks with other Gaza factions to reimpose a total cease-fire, and arresting several members of smaller Palestinian factions for firing rockets. The next day (12/15), the IDF assassinated a senior Islamic Jihad (IJ) commander in Jenin, prompting IJ members in Gaza to fire (12/16-17) some 3 dozen rockets into Israel, injuring 2 Israelis and causing light damage. Israel responded with air strikes and surface-to-surface missiles on IJ targets in Bayt Hanun and Jabaliya r.c. (killing 1 bystander; injuring 3 IJ members, 1 bystander) and an air strike on a suspected weapons cache in Khan Yunis, damaging 7 homes but causing no reported injuries. Frustrated by Israel's refusal to scale back operations to help it broker a truce extension, Hamas officials in Gaza joined the Damascus leadership in declaring (12/18) non-renewal of the 6-mo. cease-fire. In response, Israel reduced (12/18) imports to Gaza once again, forcing UNRWA on 12/18 to suspend aid deliveries for lack of food imports for a 2d time. Over the next 3 days (12/18-21), Palestinian factions (mostly the al-Aqsa Martyrs Brigade [AMB] and IJ) fired around 40 rockets and 32 mortars into Israel, causing light damage and 1 light injury. The IDF responded with air strikes and cross-border fire on launch sites, killing 1 AMB member and wounding 5 Palestinians. Between 11/16 and 12/21, at least 4 Gazans were killed and 12 wounded by IDF fire, while 6 IDF soldiers and 1 Israeli civilian were injured by Palestinian rocket and mortar fire.

Meanwhile, in the West Bank, overall violence between 11/16 and 12/21 was very low. Once the Gaza cease-fire had taken hold in 7/08, calm had spread to the West Bank. By 12/21, West Bank economic indicators were showing marked improvement: unemployment had fallen to below 20%, wages were up more than 20%, and trade was up 35% compared to a few months earlier. Scores of new businesses had opened in Bethlehem, Nablus, and Tulkarm. As a

gesture to Abbas to mark 'Id al-Adha, Israel released (12/15) 224 Fatah-affiliated West Bank prisoners (some 9,000 Palestinian prisoners remained in Israeli custody). Though the IDF conducted relatively few arrest raids and house searches (previously near-daily occurrences), it maintained tight restrictions on Palestinian movement, and military operations continued. Notable IDF actions included demolishing 3 homes in East Jerusalem, assassinating (12/1) an AMB member in Nablus, and continuing to crack down on weekly Palestinian demonstrations against the separation wall (see Chronology for details). Meanwhile, Jewish settler violence against Palestinians was unusually high (see "Settlers and Settlements" below). At the close of 12/21, the comprehensive Palestinian death toll since the start of the al-Aqsa intifada had reached 6,035, while the Israeli toll stayed at 1,071.

#### *Green Light to Attack Hamas*

At its weekly session on 12/21, the Israeli cabinet announced that it had given the IDF a green light to attack unspecified Hamas targets in Gaza, in addition to continuing strikes on rocket-launching sites. Press reports suggested that the IDF chief of staff had been authorized to implement plans for a ground invasion of Gaza to oust Hamas. Hamas leaders immediately went underground, fearing assassination. The cabinet at the same time authorized the Israeli FMin. to launch an international public relations campaign (involving briefings to foreign diplomats, phone calls and meetings with foreign leaders) to enlist support for a military offensive against Gaza. Acting FM Tzipi Livni held (12/21) teleconferences with UN Secy.-Gen. Ban Ki-moon, U.S. Secy. of State Condoleezza Rice, and the FMs of Britain, France, Germany, and Russia; she also dispatched (12/22) diplomats to international capitals to lobby for support and sympathy for Israel in the face of rocket attacks with the message that Israel would no longer restrain its military response to attacks from Gaza now that the cease-fire was over.

On 12/22, Hamas's leadership called on all Gaza factions to halt their fire for 24 hrs. as a gesture to Israel to show seriousness about restoring a truce, and Hamas official Mahmud Zahhar appeared on Israeli TV to state that Hamas was interested in a new

cease-fire in exchange for regular food, electricity, and fuel for the Strip. Egyptian pres. Hosni Mubarak summoned (12/22) Israel's Livni to Cairo on 12/25 for talks on restoring the truce. Meanwhile, senior Israeli security officials, speaking anonymously, stated (*Yedi'ot Abaronot* 12/23) that IDF "preparations for a military operation are continuing as planned. As far as we are concerned, the clock is ticking down to a military operation." Israel's Homefront Command began (12/23) several days of exercises to test local responses to Palestinian rocket fire, with communities far north of Gaza (e.g., Ashdod, Ashqelon, Kiryat Gat) participating for the first time.

After IDF troops on the n. Gaza border fatally shot (12/23) 3 Hamas members laying a roadside bomb near the border fence, Hamas fired (12/24) 80 rockets and mortars toward Israel, striking as far as 12 mi. into Israel (farther than most rockets to date) and damaging a factory, a home, and several other structures but causing no injuries. Israel responded with air strikes on Rafah, killing 1 Hamas member and wounding 2.

On 12/24, Israeli DM Barak gave the Israeli cabinet a detailed 5-hr. briefing on IDF plans for a major offensive against Gaza and secured unanimous approval to launch the operation. Anonymous IDF officials told the Israeli press (12/25) that Israel had completed preparations for a major operation against Gaza that would probably begin with "surgical air strikes" followed by a ground offensive. Olmert made a rare appearance (12/25) on al-Arabiyya TV to warn Gazans of harsh retaliation should rocket fire continue. In Cairo, Livni rejected (12/25) Mubarak's call for a new cease-fire. Meanwhile, on 12/25 and 12/26, Palestinians continued their fire, lobbing 30 rockets and mortars into Israel, causing no damage or injuries.

On 12/26, Barak gave the IDF chief of staff, head of military intelligence, and director of Shin Bet the final go-ahead to launch the Gaza offensive. Off the record, IDF officials told the press that the operation would begin as soon as the weather cleared to allow precision air strike targeting. Olmert and his senior staff began quietly briefing opposition leaders and prominent political figures about the pending operation, while the IDF allowed a final 100 truckloads of humanitarian goods and fuel into Gaza.

### *Operation Cast Lead*

**Operation Cast Lead (OCL)** was planned as a 3-phase operation: (1) an air assault to destroy a list of targets assembled over the previous 6 mos.; (2) a ground incursion into open and suburban areas to secure control of areas from which Palestinian rockets were fired into Israel, and, more precisely, to pursue other Hamas-affiliated targets; and (3) deep incursions into Palestinian towns and camps to "deal a knock-out blow" to Hamas. Ultimately only phases 1 and 2 were carried out; Israel's leadership decided against opening the 3d phase based on military and intelligence assessments that the costs of shifting the goal from containing rocket fire and "reestablishing Israeli deterrence" to destroying Hamas would be too high in terms of casualties on both sides, extending the operation for weeks and eroding strong domestic support for the war. (Throughout OCL, Israeli polls showed support for the operation at 80-90%. Israel's Peace Now reported [1/13] that a significant number of its members had asked the organization not to protest the war. Only 36% of Israelis approved when Israel declared a cease-fire, with 50% believing the leadership should have opened phase 3.) It should be noted that during OCL, the IDF scaled back operations in the West Bank significantly. The IDF occasionally fired on anti-OCL demonstrators with live ammunition, rubber-coated steel bullets, tear gas, and percussion grenades, killing 4 Palestinians (3 on 12/28, 1 on 1/4) and injuring at least 64. Almost half of these injuries occurred on 12/28, just after OCL began.

#### *Phase 1*

At 11:25 A.M. local time (4:25 A.M. EST) on 12/27, Israel launched OCL with a massive "shock and awe" air campaign followed by periodic air strikes throughout the day, recording a total of 170 sorties against 150 targets, killing at least 228 Palestinians, wounding more than 700, marking the highest single-day death toll since 1967. (An IDF spokesman noted on 12/27 that Israel chose to launch OCL at midday, when schools were letting out and streets were likely to be crowded, because "we wanted to attack . . . while the terrorists were inside the facilities.")

After the massive opening barrage, the first phase of OCL (12/27/08-1/3/09) involved continuous heavy air and naval

bombardment of Hamas-controlled security posts, smuggling tunnels, and symbols of Hamas rule (e.g., PA ministries, jails, and presidential compounds, the Islamic University). Israeli military correspondent Herb Keinon noted (*Jerusalem Post* 1/1) that the targets Israel selected during phase 1—particularly the decision to focus attacks on civil police units and PA government installations rather than Hamas’s military wing, the Izzeddin al-Qassam Brigades (IQB)—indicated that Israel’s logic was to destroy the Hamas government’s ability to provide security and basic services for the Palestinian population on the assumption that “if anarchy reigns, then Hamas’s legitimacy is delivered a major blow,” causing the movement to crumble on its own. Palestinian factions in Gaza responded to the offensive by firing dozens of rockets and mortars per day into Israel, usually causing no damage or injuries. (For details on the day-to-day fighting see the Chronology and several of the charts in this issue’s Special Focus section.)

During phase 1 of OCL (7 days), the IDF reported destroying more than 660 individual targets across Gaza in more than 600 air strikes (some sites were hit by naval bombardment and artillery), killing around 430 Palestinians (including by assassination: Hamas’s chief military-political liaison Nizar Rayyan [1/1] and senior IQB commander Muhammad [Abu Zakariya] al-Jamal [1/2]), and wounding some 2,200, up to 86% of them civilians. Palestinians fired an estimated 317 rockets and 82 mortars, killing 4–5 Israelis and wounding at least 22. (See the Special Focus section of this issue for more details on these figures.) During the campaign, Israeli military and intelligence sent 10,000s of automated phone and text messages, dropped 100,000s of leaflets, and interrupted Palestinian radio stations to warn Gazans not to cooperate with Hamas, to move to city centers for safety, and/or to leave specific areas pending aerial bombardments; the warnings also prompted an estimated 15,000 to flee their homes and seek safety in UN schools converted into shelters or in homes of relatives in safer areas.

Beginning on 12/28, Israel allowed 40–100 truckloads/day of humanitarian aid and medical supplies into the Strip, but UN agencies reported (e.g., 12/28) that hospitals nonetheless were overwhelmed by the influx of casualties and reliant on generators

for power; Palestinians across the Strip were experiencing extended power shortages of up to 16 hrs./day; and food supplies continued to be scarce for Palestinians who dared leave their homes. In a notable incident on 12/28, IDF air strikes on smuggling tunnels on the s. Gaza border breached the border fence, and 100s of Palestinians attempted to flee to safety in Egypt. Egyptian security forces fired on the crowds and pushed them back into Gaza, killing at least 1 Palestinian and wounding 4. UN special rapporteur on human right Richard Falk (1/17) and Human Rights Watch senior researcher Fred Abrahams (1/10) separately commented that Israel and Egypt had potentially committed a new kind of war crime by making it impossible for endangered civilians to flee a war zone.

### *Phase 2*

By 1/2, with the IDF having exhausted the preselected targets from the air, Israel’s security cabinet made the decision to proceed to phase 2 of OCL “to destroy the terrorist infrastructure of Hamas in the area of operation, while taking control of some of the rocket launching areas used by Hamas.” The same day (1/2), in a public indicator that a ground war was imminent, the IDF offered to escort all foreign passport holders out of Gaza, busing 226 to Jordan. (Another 223 left on 1/8 during a humanitarian lull.) Late the next evening (1/3), IDF ground forces (infantry, tanks, other armored vehicles, artillery, engineering and intelligence units) entered Gaza, cutting an east–west swath roughly from the Qarni and Nahal Oz crossings to the former Netzarim settlement on the coast; through Israel’s unilateral cease-fire on 18 January, ground forces operated mostly north of this line. As stage 2 progressed, the IDF took control of open areas to reduce rocket and mortar fire, and of suburban neighborhoods, encircling towns and refugee camps (where some very heavy close-quarter fighting took place) to corral armed groups and attack them from a distance. Meanwhile, Israeli air and naval bombardments continued across the Strip in coordination with ground operations. At the peak of the war, an estimated 10,000 Israeli troops and reservists took part in operations, carrying out up to 160 air strikes per day, not counting naval and artillery bombardment or ground engagements. Fighting was so intense, particularly around Gaza City, that rescuers often could not reach casualties for

days. As Israel pounded the Strip with precision weaponry (including bunker-busting bombs and white phosphorous munitions supplied by the U.S.; see special doc. on the Israeli arsenal in this issue), bulldozed wide swaths of residential and agricultural areas, and opened fire at virtually any sign of movement, all Palestinian factions took part in continued rocket and mortar fire into Israel, firing fewer but more powerful rockets (including Grads and larger, unidentified rockets) than during phase 1, striking up to 40 km north of Gaza, marking the farthest rocket strikes to date but causing relatively few casualties or incidents of damage. (See the Special Focus section in this issue for details on the Palestinian arsenal and the tallies of rocket and mortar fire per day.) On the ground, Palestinian forces pulled back into built-up areas, making forays out to engage IDF units, sniping at the IDF from inside urban areas, and attempting to lure IDF patrols deeper into towns and camps where they could be ambushed. Their strategy was to save their fire and manpower for the anticipated stage 3 of OCL that never came.

During phase 2 of OCL (late 1/3–18; 15 full days of fighting), the IDF reported destroying some 640 individual targets across Gaza, conducting around 900 air strikes (some sites were hit by naval bombardment, artillery, tank, and other ground fire), killing around 980 Palestinians and wounding 1,100–2,100 others (up to 83% civilians). Palestinians fired an estimated 232 rockets and 80 mortars into Israel, causing no fatalities and around 165 injuries (4 serious and 11 moderate). A total of 10 IDF soldiers were killed in ground exchanges in Gaza (6 by Palestinians and 4 by friendly fire) and around 330 wounded.

To “gain more international backing and a larger window of time to conduct the military operation” (in Livni’s words, 1/4), Israel opened (1/4) a special office to coordinate humanitarian aid flows into Gaza with aid groups and began (1/7) to observe daily 3-hr. lull in operations to allow the import of limited food and medical supplies to Gaza. Nonetheless, UN agencies and human rights groups operating in Gaza continued to report (e.g., 1/5, 1/6, 1/13, 1/14) severe shortages of food, fuel, and electricity across Gaza, calling (1/13) the lulls “woefully insufficient” and (1/14) a “blatant violation of the laws of warfare.” Hospitals in particular

were in jeopardy, often having only a 2-day supply of generator fuel on hand.

### *Managing the News*

An important nonmilitary aspect of Israel’s preparation for OCL was its “*hasbara* policy” to explain its military offensive to the world. (See Special Focus in this issue for more details on *hasbara* and spin.) Israel had quietly banned Israeli and international journalists from Gaza last quarter in preparation for the offensive, claiming their coverage “overplayed Palestinian suffering” (as stated by the Israeli DMin. in formally admitting the ban ca. 11/17; see Quarterly Update in *JPS* 150 for background); from the start of OCL, Israel conducted an aggressive international PR campaign that would continue beyond its official end. Learning from the 2006 Lebanon war, when soldiers blogged from the battlefield and numerous government and military officials gave sometimes contradicting reports on the war’s progress, Olmert’s government as early as late spring 2008 opened a special department within the prime minister’s office, called the National Information Directorate (NID), to coordinate media statements on the war across government offices. Journalists received government briefings at a single press center in Sederot so they “would spend as much time as possible in the main civilian area affected by Hamas rockets.” The NID also hired additional spokespersons to handle 100s of interviews a day in a range of foreign languages. Even then, *Ha’Aretz*’s Aluf Benn commented (1/7), “We get briefings, but they’re more like talking points,” without much detail on what was happening inside Gaza. The *New York Times*’ Ethan Bronner reported that foreign journalists were given “full access to Israeli political and military commentators eager to show them around southern Israel,” where most Palestinian rockets had landed, while “a slew of private groups financed mostly by Americans [helped] guide the press around Israel.” The IDF confiscated cell phones and PDAs from soldiers before they entered combat and began (12/30) regular briefings for Internet bloggers worldwide, offering Israel’s perspective on the war. The IDF also launched (12/30) its own YouTube channel to broadcast online declassified video of its operations in Gaza. Meanwhile, Israel’s air campaign targeted media outlets inside Gaza, destroying or damaging at least 5 press buildings (e.g., 12/27, 1/3, 1/5, 1/9, 1/15).

Israel's extensive electronic jamming after the ground offensive began prevented Palestinians from getting their news out of Gaza. Once OCL was over, Israel resumed regular issuing of press permits to Gaza as of 1/22.

Pleased with its perceived media success during OCL, the Israeli FMin. identified ways to use its new information network "not only during conflict, but also during regular times." By late 1/09, the FMin. had recruited around 1,000 volunteers (identified by Israel's Absorption Min.) to monitor the Internet for "anti-Israeli trends" on foreign language blogs, news sites, and other websites, tasking the volunteers immediately "to flood the sites with pro-Israel opinions." Around 60% of the volunteers were recent immigrants to Israel, while 40% lived abroad. While most spoke Russian and English, others had language abilities in Arabic, Bulgarian, Chinese, Danish, Dutch, Farsi, French, German, Greek, Hungarian, Italian, Polish, Portuguese, Romanian, Spanish, Swedish, and Turkish.

After OCL, the IDF hosted (1/28) a briefing on OCL at its Tze'elim military base for reps. of Jewish institutions worldwide (attended by the U.S.-based American Israel Public Affairs Comm. [AIPAC], B'nai B'rith, Stand With Us, and United Jewish Communities). The IDF gave them a tour of its urban warfare training center to simulate combat situations that soldiers faced during ground operations and presented panels highlighting the IDF's efforts to avoid civilian casualties, Hamas's booby-trapping of buildings, and Hamas's positioning of military facilities in Palestinian residential areas.

### ***Agreed Truce vs. Unilateral Cease-Fire***

Reactions to OCL during phase 1 were mixed. The Israeli Jewish public strongly supported the decision to go to war, though the operation's launch prompted small demonstrations (100s of people) by Israeli Jews in Tel Aviv (12/27); within Israel's Palestinian community, larger protests were held daily in numerous locations across the Galilee and Negev. (See report by Hisham Naffa' in this issue for more on Arab protests inside Israel.) Abbas made no comment on OCL until 12/31, when he threatened to suspend peace talks with Israel over its "aggression" even while blaming Hamas. PA security forces in the West Bank broke up protests

(e.g., 12/28, 1/2) seen as openly supportive of Hamas, but a demonstration of 1,000s took place in Ramallah on 1/2/09. (See report by Robert Blecher in this issue for more on West Bank protests against OCL.) The Bush admin. issued statements (e.g., 12/27, 12/29, 1/2) supporting Israel's right to self-defense and holding Hamas responsible for the violence; Pres.-elect Obama's team declined (e.g., 12/27, 12/29) to comment, stating that there could be only one president at a time. The UN (in press statements by Secy.-Gen. Ban and UN Security Council [UNSC] members), EU, Russia, Turkey, the Vatican, and individual EU states called (12/27, 12/28) for an immediate halt to military action. In the region, the Arab League initially called (12/27) for an emergency summit, but tabled the idea hours later under pressure from the PA, Egypt, and Jordan, which reportedly feared that a summit could enhance Hamas's legitimacy. Saudi Arabia's King Abdallah appealed (12/27) personally to Bush to intervene with Israel, while Syria formally suspended (12/28) peace talks with Israel. By 12/28, massive protests numbering in the 1,000s and 10,000s spread across the Middle East (e.g., Dubai, Egypt, Iran, Iraq, Jordan, Lebanon, Turkey, and Yemen), with particularly large demonstrations on 1/2, following the first Friday prayers since OCL began. Worldwide, smaller protests were reported daily in major cities across Europe, North America, and North Africa and as far afield as Afghanistan, Australia, India, Indonesia, Japan, New Zealand, Norway, the Philippines, and Venezuela.

International diplomacy to halt the fighting kicked into gear on 12/30, 4 days into OCL, when France proposed that Israel and Hamas observe a 48-hr. humanitarian truce to defuse the violence and restore the Gaza cease-fire. EU FMs and humanitarian groups endorsed (12/30) the call. The U.S. signed onto a Quartet statement (12/30) endorsing the plan, but separately Bush and Rice held (12/30) extensive phone conversations with Olmert, Abbas, and other unnamed Arab leaders (no details released except [12/30] that the U.S. and PA were in agreement that Hamas must be compelled to halt rocket attacks). On 12/31, Israel rejected the 48-hr. truce idea, stating that it was premature to halt operations and that a cease-fire would only "give [Hamas] time to rest, regroup, and rearm," complaining that the proposal lacked "a plan to enforce the cease-fire" and



guarantees “that Hamas won’t shoot rockets into Israel and [will] stop the smuggling of weapons.” On 1/2, as the Palestinian casualty toll passed 2,600 dead and wounded, Israeli FM Livni went to Paris to explain Israel’s position personally to Pres. Nicholas Sarkozy, telling him (repeated 1/5): “There is no humanitarian crisis in the Strip, therefore there is no need for a humanitarian truce,” and that Israel had no intention of halting operations before meeting its “long-range goals” of destabilizing Hamas. Meanwhile, from Damascus, Hamas leader Mishal informed (12/31) Russian FM Sergei Lavrov that Hamas would consider any cease-fire proposal that included lifting the siege of Gaza. Hamas official (and acting PM) Ismail Haniyeh, in hiding in Gaza, contradicted him, however, stating (12/31) that Hamas would not consider any proposals until Israel halted its attacks and opened Gaza’s crossings.

On 12/31, the UNSC opened an emergency session on the war in Gaza to debate a Libyan-drafted res. calling for an immediate cease-fire. Between 12/31 and 1/3, the U.S. repeatedly blocked a vote on the measure, implicitly threatening veto. The Libyan text deliberately stuck to the wording of a UN press statement issued the week before that called for immediate reimposition of the 6-mo. cease-fire, but the U.S. said it saw no point in issuing a resolution that it assumed would not be adhered to by Hamas and reiterated Israel’s right to self-defense.

Israel’s launch of phase 2 on 1/3 marked an immediate change in the regional and international reaction, with a new urgency in the calls for active diplomacy to halt the violence and in criticism of Israel. The PA (1/3) and Egypt (1/4) for the first time condemned the Israeli offensive as “disproportionate.” Mauritania, the only Arab country besides Egypt and Jordan to have diplomatic relations with Israel, recalled (1/5) its ambassador. (Venezuela expelled Israel’s ambassador on 1/6; later, on 1/14, Venezuela and Bolivia suspended diplomatic relations with Israel, both calling Israeli actions in Gaza “genocide.”) The Organization of the Islamic Conference (OIC) convened (1/3) an emergency session that condemned Israel’s “barbaric assault.” The EU and Russia dispatched (1/4) separate high-level delegations to Israel to appeal for a cease-fire, while individual EU states expressed (1/4) concern over Israel’s “dangerous escalation” (Germany, France) and “bewildering

strategy” of aggression (Britain). The UNSC reconvened (1/3) its emergency session, but the U.S. again blocked the Libyan measure, prompting UN General Assembly (UNGA) pres. Miguel d’Escoto Brockmann to make (1/3) a rare appearance at the UNSC, where he denounced the U.S. for protecting Israel and called Israel’s military operations a “monstrosity.” Inside Israel, 10,000s of Israeli Palestinians demonstrated (1/3) in Sakhnin, and 1,000s of Israeli peace activists rallied (1/3) in Tel Aviv (see Naffa’ article in this issue for details). Across the Middle East and in major cities worldwide, protests numbering in the 1,000s and 10,000s were held, with demonstrations in Greece (1/4) (and later Switzerland, 1/13) turning violent.

From 1/5, once the initial outrage over Israel’s ground incursion was aired, diplomatic efforts coalesced around 2 main initiatives to halt the violence: (1) Sarkozy’s humanitarian truce proposal and (2) a binding UNSC resolution. As discussion of both became more serious, Israel, and arguably the U.S., tried to play the two initiatives against each other to give Israel more time to carry out its military campaign. (On 1/5, Bush publicly reiterated Israel’s “obvious” need “to protect itself” and supported Israel’s demand that any truce agreement include enforceable guarantees that Hamas would stop all rocket and mortar fire from Gaza.)

Sarkozy traveled to the region on 1/5 to press his initiative for a 48-hr. humanitarian truce, holding meetings with Abbas, Olmert, and Mubarak that day. As a result of reciprocal understandings reached in these talks and endorsed by the U.S., Mubarak and Sarkozy jointly called (1/6) for an immediate cease-fire, to be followed by talks on halting Israel’s siege and Palestinian smuggling. Olmert, having privately secured (via Sarkozy on 1/5) Egypt’s pledge that smuggling talks would include serious discussions of Rafah border security (Israel’s wish being that Egypt guarantee and enforce a complete halt to arms smuggling into Gaza), agreed in principle to the plan on 1/7, saying he would send an envoy to Cairo on 1/8 to discuss details with Egyptian officials. According to an anonymous French official (Reuters 1/6), Sarkozy had pledged in 1/5 talks that in return for Olmert’s willingness to consider the plan, he would appeal to the UNSC to suspend discussions of a resolution until efforts to secure an agreed truce ran their course. While there was no indication that Sarkozy

had made such an appeal, U.S. Secy. of State Rice stated on 1/6, in blocking a UNSC res. once again, that the U.S. would withhold support for any UN statement while diplomatic efforts to achieve a cease-fire were underway. Behind the scenes, Rice reportedly was in constant contact with Livni to coordinate details of a cease-fire deal.

Meanwhile, after meeting with Sarkozy in Ramallah, Abbas headed (1/5) to New York with 8 Arab League FMs to lobby for a UNSC resolution on Gaza. The UNSC was still in emergency session discussing the Libyan draft, which the U.S. continued to block even in the form of a nonbinding UNSC presidential statement because it did not explicitly mention Palestinian rocket fire. After the Libyan draft failed again on 1/7, Britain submitted a draft res. that specifically called for a halt to Palestinian arms smuggling in addition to an "immediate, durable, and fully respected cease-fire, leading to the full withdrawal of Israeli forces from Gaza" and the "sustained reopening" of Gaza crossings. On 1/8, UNSC res. 1860 passed 14-0, with the U.S. abstaining (see Doc. A8). Though the measure passed quickly, it did not outline a mechanism for implementation and enforcement, a critical flaw that essentially allowed Israel to ignore it. Livni explicitly stated on 1/11 that Israel interpreted UN res. 1860 as saying that "the IDF can, if it wants to, remain in the field until a true and sustainable cease-fire is achieved. . . . [T]he resolution does not restrict Israel."

With the UNSC res. not likely to be observed, attention shifted to the Egyptian-French proposal and intensive negotiations on the precise details of a cease-fire deal as mediated by Egyptian intelligence chief Omar Sulayman in daily bilateral contact with Israeli, Hamas, and PA officials, who would not meet together. (Sulayman's talks with Gaza- and Damascus-based Hamas officials had begun as soon as France and Egypt offered the plan on 1/5; talks with Israeli envoys began on 1/8 as planned; the PA was drawn into discussions on 1/10.) Meanwhile, the EU, Germany, Russia, Saudi Arabia, Spain, Turkey, the U.S., Quartet envoy Tony Blair, and UN Secy.-Gen. Ban stepped up their bilateral contacts with the parties as well to facilitate the Egyptian-French deal. The main issue blocking agreement was control of smuggling across the Rafah border. Egypt was cool to the idea of foreign military presence on its soil (though Denmark, the Netherlands, and Turkey offered

forces), preferring to receive the technology and training to monitor the border itself, but Israel did not trust Egypt to do the job. Hamas, meanwhile, was reportedly (e.g., *Jerusalem Post* 1/11, *New York Times* 1/14) internally divided over what it would demand from Israel in exchange for guarantees to halt rocket fire; this time, Haniyeh was eager for any deal that would reopen Gaza borders, but Mishal was holding out for a complete Israeli withdrawal from Gaza before agreeing to a cease-fire (cf. phase 1 above).

Israel, meanwhile, was internally focused on the progress of OCL and its strategic objectives. As early as 1/9, the Israeli security cabinet began to debate whether to open phase 3, moving beyond destabilizing and deterring Hamas to actively attempting to collapse the movement. According to various reports (e.g., *New York Times* 1/12, *Washington Post* 1/13), Olmert preferred to expand operations, while Livni and Barak leaned toward a quick wrap-up. Livni also reportedly preferred a unilateral Israeli declaration of victory, while Barak argued the benefits of an agreed cease-fire with Hamas. Publicly, Israel warned (1/10) of an expanded ground war, and steadily intensified (1/11-15) attacks on Gaza City (making deeper daylong forays into outlying neighborhoods) and areas of s. Gaza (see Chronology for details). Ground engagements and air strikes became fiercer, and 10,000s of Palestinians fled their homes for safer areas. (By 1/12 the number of internally displaced Gazans had increased to an estimated 30,000 in UN shelters and 60,000 in the homes of relatives.) On 1/12, the security cabinet agreed to give the IDF 2-3 more days to carry out phase 2 operations, by which time the IDF believed it would have done all it could to halt rocket fire from the open and suburban areas it currently held and reduce the Palestinian factions' motivation to attack. The extra time would allow the government to make a political decision regarding whether to initiate phase 3 or wind down operations, and for the IDF to adjust operations accordingly.

As Israel's internal deadline to a decision neared, Egypt announced (1/14) that Gaza- and Damascus-based Hamas officials had agreed on an offer to present to Israel: a 1-year renewable cease-fire with a timetable for Israeli force withdrawal from Gaza and for reopening Gaza crossings to travel and trade; the deal would take the form of 2 written, signed agreements, one between Egypt

and Hamas and the other between Egypt and Israel. In parallel, in order to secure Israel's acceptance, the U.S. offered a memorandum of understanding (MOU) outlining efforts the U.S. would undertake with the international community to guarantee a halt to smuggling into Gaza, including securing training and equipment to guard the Rafah border and improving international military and intelligence coordination to interdict smugglers. Meanwhile, on the ground, the IDF assassinated (1/15) Gaza's acting Interior Minister M Said Siyam (one of Hamas's top 5 leaders in Gaza, appointed to his position because he commanded enough respect among the various Palestinian factions to be able to pressure the groups to act in accordance with Hamas's recommendations, such as cease-fires) and Hamas internal security head for Gaza Salah Abu Sharah—"a morale blow" to Hamas that, according to veteran Israeli military analyst Ron Ben Yishai (*Yedi'ot Abaronot* 1/15), had been "an important ingredient in the 'victory picture' that the [IDF] coveted."

On the diplomatic front, Israel dispatched senior DMin. official Amos Gilad to Cairo on 1/15 to be briefed on the Egyptian-Hamas offer and report back to the security cabinet, pledging to give Egypt a response soon. At the same time, Olmert dispatched Livni to Washington, where she finalized and signed the MOU with Secy. Rice on 1/16, Bush's last working day in office. (The State Dept. confirmed on 1/16 that the Bush admin. had shared the MOU with Obama, who had endorsed it.) On 1/17, the heads of state of Britain, France, Germany, and Italy followed up with a letter to Olmert, pledging to support U.S.-led efforts to halt smuggling as outlined in the MOU so as to give Israel added encouragement to sign onto a truce deal; and Mubarak phoned Olmert with a message (not released) to convey to the Israeli cabinet, appealing to Israel to accept the cease-fire. With the world powers, and seemingly Egypt, pledging to take maximum steps to guarantee Israeli security from attacks from Gaza, Israel would be able to argue it had *carte blanche* to take whatever action it wanted against Gaza if rocket fire resumed.

With these deposits in hand, Olmert convened (1/17) the security cabinet and, with their approval, formally declared a unilateral cease-fire in Gaza effective 2:00 A.M. local time on 1/18 (7:00 P.M., 1/17 EST), rendering the Egyptian-Hamas cease-fire offer meaningless. Hamas was outraged.

Stressing that Hamas was not party to any of the valuable pledges secured by Israel, Olmert stated: "If [the Palestinians] stop firing, we will consider leaving Gaza at a time that is suitable to us," but if they continue rocket fire, "the Israeli army will regard itself as free to respond with force."

Israel's unilateral cease-fire went into effect as stated on 1/18. By mid-morning, IDF troops had begun their withdrawal from Gaza. Later that day, Hamas and the Palestinian factions declared a parallel unilateral cease-fire. Fighting tapered quickly, with the IDF generally adhering to a policy of firing on Palestinians who approached withdrawing troops or strayed near the border fence (see Chronology). As of 1/18, OCL was officially over. In total, an estimated 1,417 Palestinians, 13-14 Israelis, and 3 foreign nationals had been killed and 4,336-5,300 Palestinians and 518 Israelis wounded. (Many of the Palestinian wounded suffered multiple shrapnel wounds and internal bleeding from the impact of high-intensity blasts, whereas most Israeli injuries were light; as of 1/20, only 40 soldiers and 13 civilians remained hospitalized.) Palestinians had fired an estimated 640 rockets and 162 mortars, while the IDF had carried out around 1,500 air strikes, hitting approximately 1,300 individual targets. Some 6,400 Palestinian homes had been destroyed and 46,000 heavily damaged; 100,000 Palestinians were left homeless (over 18,000 still in UNRWA shelters as of 2/15); government installations, educational and religious institutions, industrial facilities, and public infrastructure had been devastated, with total property damage estimated to be \$1.6 b.-\$1.9 b. (See the Special Focus section for more details.) Visiting Gaza on 1/22, UN undersecy. for humanitarian affairs John Holmes stated: "What I saw was more shocking than I expected both in its extent and its nature," noting that the destruction of industry, in particular, was done "in a very systemic way which has huge implications for the future of economic development in Gaza." The last IDF troops left Gaza on 1/21—Barack Obama's first full day in office—but Israel's economic blockade of Gaza remained in place.

Ironically, Israeli leaders (including Shin Bet head Yuval Diskin) were quick to admit (1/18) that Hamas still posed a threat to Israel and could quickly rebuild politically and militarily, with IDF officials conceding (1/18, 1/23) that Hamas remained fully in

charge in Gaza (having “mostly lost a lot of their simple fighters, but not their top men”) and that Hamas’s Fatah-led opposition had only been driven further underground. Indeed, some Israeli analysts (e.g., *Ha’Aretz*, *Yedi’ot Abaronot* 1/22) argued that OCL’s biggest losers were Abbas and the PA, which had proven ineffectual and largely irrelevant. Journalists interviewing Gazans reported (e.g., *Washington Post* 1/24) that “Palestinians generally expressed either unbridled support for Hamas or resignation to the idea that the group’s reign in Gaza will continue for the foreseeable future. No one suggested that the group is vulnerable.”

### ***The Immediate Post-War Period***

The first two weeks following OCL were dominated by truce talks, rebuilding initiatives, and the transition to the new U.S. administration. With a Gaza cease-fire generally holding, Egypt shifted its mediation with Hamas and Israel toward securing a long-term, agreed truce and the opening of Gaza’s borders. Hamas reiterated (1/24) its offer of a 1-year renewable truce in exchange for reopening the borders. It stated (1/25) that it had received 2 counteroffers from Israel, neither of which it found acceptable: (1) an 18-mo. truce in exchange for partial reopening of Gaza’s crossings under full Israeli control; and (2) immediate release of captured IDF Cpl. Gilad Shalit in return for a 10-yr. truce, full opening of the Gaza crossings, and the release of 1,000 Palestinian prisoners exclusively of Israel’s choosing. (Israel did not confirm or deny the offers.)

Israel’s primary concern remained smuggling across the Rafah border. Livni warned (1/20) that Israel reserved the right to operate in the Philadelphi corridor inside the Rafah border if Egyptian and international pledges to halt smuggling did not succeed, also claiming that the Bush admin. had agreed during talks on 1/16 that Israel would be within its rights of self-defense to strike at Hamas again at the first indication it was rearming, even if rocket fire did not resume. Israel also stated (1/22) that it would not agree to any deal that allowed Hamas to have a role in operating Gaza crossings once reopened.

At the same time, Israel (1/21) and Egypt (1/27) opened talks with the EU regarding steps member states could take to prevent cross-border smuggling in keeping with

the 1/16 Israeli-U.S. MOU. Israel raised the possibility of a European presence along the Gaza-Egypt border and warships off the coast, but Egypt rejected both, warning that deployment of warships would greatly strain EU-Arab relations. No agreements on EU assistance were announced this quarter. Egypt reported on 2/1, however, that a U.S. Army Corps of Engineers team had arrived in Egyptian Rafah to set up ground-penetrating radar for locating tunnels.

Attention also turned to rebuilding Gaza. Even before emerging from hiding, Haniyeh issued (1/18) a statement pledging that Hamas would provide reconstruction aid to Gazans. On 1/25, Hamas began disbursing a “first installment” of \$35 m.–\$40 m. of compensation: each family whose home was destroyed was slated to receive \$5,200, while families with damaged homes would receive about half that amount; families of the dead would receive about \$1,300, while families of the wounded would receive about \$650. (On 2/15, the PA announced that it had begun making its own payments to Gazans who lost their homes, but as a consequence did not have enough money to pay civil servants salaries.)

Mubarak and Sarkozy quickly convened (1/18) a meeting of regional and European leaders (including officials from the EU, PA, Jordan, Turkey, Britain, Germany, Italy, and Spain) in Sharm al-Shaykh to discuss financing and organizing Gaza reconstruction, stressing the need to channel funds through an “interim international mechanism” to ensure that Hamas would not benefit. PA PM Salam Fayyad complained that such a mechanism would also bypass PA structures, undermining the PA’s ability to reap political benefits from reconstruction. Separately, Arab states announced (1/16) an Arab fund for the reconstruction of Gaza, with Saudi Arabia pledging \$1 b. and Qatar \$250 m. (see “Regional Affairs” below).

OCHA opened talks with Israel (1/24) regarding facilitating the import of construction materials to Gaza for infrastructure repair, but Israel said (1/24) it would have to approve construction projects on a case-by-case basis to make sure that Hamas would not benefit. In an effort to speed assistance, Hamas said (1/27) it would not insist on handling any donor aid for reconstruction, though it would like “to supervise and to make sure that the money will end the misery of the homeless,” implying

concerns that aid could be manipulated to build up Fatah. The UN issued (1/29) a \$613 m. emergency appeal to cover the cost of the next 6–9 mos. of basic UN services (food, water, sanitation, health care, shelter, and education) and to help clear debris (including unexploded IDF ordnance [UXO]), finance emergency repairs for basic infrastructure, and provide psychological help for Gazans.

Israel also pointed up its own reconstruction efforts: After an emergency conference on 1/18, the Knesset allocated (1/20) \$74 m. to repair physical damage and “provide quick loans to businesses [in s. Israel] facing financial ruin” because of slow business during OCL. Israel also estimated (2/15) that it would cost \$590 m. to restore the IDF to “pre-campaign readiness,” including replacing supplies used, repairing damaged equipment, paying reservists, and providing care for injured soldiers.

On the ground, Israeli-Palestinian violence in Gaza and the West Bank remained low. Unidentified Palestinians fired 8 mortars into Israel on 1/20 and the IDF responded with an air strike on the launch site, but no injuries were reported on either side. Thereafter, the IDF occasionally fired across the Gaza border on Palestinians who approached the border (a handful of injuries) and on Palestinian fishing boats to keep them close to shore (see Chronology for details). As soon as the IDF completed its withdrawal on 1/21, Hamas security officers deployed to the posts they had guarded before OCL, even if the buildings were no longer standing, to demonstrate their presence. By 1/22, smugglers were digging out tunnels on the Rafah border, stating they expected their operations to be up and running at pre-OCL capacity within a month. (Israel expressed confidence on 1/22 that Egyptian and international interdiction efforts would render the tunnels useless.) Israeli restrictions on imports remained extremely tight, allowing about 60–100 truckloads per day of humanitarian and some commercial goods—far below the 500 truckloads per day needed to meet Gazans’ basic needs. Aid workers and Egyptian haulers complained (1/27) that tons of food, clothing, essential supplies (including generators and equipment to repair water systems) donated by the international community were sitting in Egypt awaiting Israel’s permission to cross into Gaza, with food shipments frequently spoiling because of the delays. Israel blamed (1/27) Egypt for not doing enough to coordinate aid ship-

ments and not adhering to strict packaging requirements to facilitate Israeli security checks at Gaza crossings.

Meanwhile, as already noted, new U.S. president Obama took office just after OCL ended (indeed, some analysts have suggested that his imminent arrival played a role in Israel’s decision to end operations). In keeping with his campaign pledge to take an active, early role in the Israel-Arab peace process (see United States section below), Obama quickly named as special envoy to the Middle East George Mitchell, a former Senate majority leader appointed by Pres. Bill Clinton in 2000 to head an international commission to investigate the causes of the second intifada, which had recently broken out. (The Mitchell report, released in 5/01 was a balanced and fair-minded document calling on Israel to “freeze all settlement activity, including the ‘natural growth’ of existing settlements,” and on the PA to “make a 100% effort to prevent terrorist operations and to punish perpetrators”; see Doc. A2 in *JPS* 120). At Mitchell’s swearing in on 1/22, Obama made his first public comments on OCL, which did not indicate any change in U.S. policy: while expressing “deep concern” over Israeli and Palestinian losses during OCL, he called on Hamas to adhere to the 1/06 Quartet demands to halt violence, recognize Israel, and adhere to former peace agreements; urged Israel to open Gaza’s borders; and called on the Arab states to take quick action on the 2002 Arab League peace initiative by supporting Abbas’s PA, normalizing relations with Israel and “standing up to extremism that threatens us all.” (See Doc. D2 in this issue.)

Obama quickly dispatched Mitchell to the region (1/26–2/2) on an 8-day “listening tour” to touch base with the key peace process players. Mitchell’s stops included Israel, Ramallah, Jordan, Egypt, Saudi Arabia, France, and Britain; during his Cairo stop, he consulted with EU officials and European FMs. He did not meet with anyone from Hamas. Olmert, in his talks with Mitchell on 1/28, outlined what Israel had offered Abbas in negotiations to date, reportedly (*New York Times* 1/30) including the following: evacuation of 60,000 Jewish settlers from outlying settlements; land exchanges to compensate Palestinians for settlement blocs it would retain; transfer of Arab neighborhoods in East Jerusalem to Palestinian control; and international supervision of Jerusalem’s holy sites. Mitchell stated that the U.S. was “vigorously”

committed to “pursuing lasting peace and stability in the region” and called for formal extension of the Gaza cease-fire, a halt to weapons smuggling, and reopening of Gaza’s borders.

### *Toward a Truce or Deterioration?*

The first serious breach of the Gaza cease-fire took place on 1/27, when unidentified Palestinians remotely detonated a roadside bomb near an IDF border patrol inside Israel near the Kissufim crossing east of al-Qarara, killing 1 soldier and wounding 3. Israel blamed a previously unknown group called Global Jihad, and it sent soldiers into Gaza briefly under cover of helicopters to bulldoze land along the border fence, directing heavy helicopter and machine-gun fire on nearby residential areas of Dayr al-Balah, wounding 1 Palestinian. Later, an IDF drone fired a missile at a Hamas-affiliated police officer riding a motor cycle in Khan Yunis (Israel claimed the officer was behind the attack), wounding him and 2 nearby Palestinian children aged 5 and 13, and briefly sent troops into Khan Yunis, withdrawing after several hours. Separately, IDF troops on the s. Gaza border fired on Palestinian farmers working land near the border fence, killing 1—the first Gazan fatality since OCL. Israel sealed Gaza’s borders for the day and, late in the evening and overnight, made 4 air strikes on smuggling tunnels on the Rafah border. Unidentified Palestinians responded on 1/28 by firing a rocket into Israel, the first since 1/18, causing no damage or injuries.

Over the next several days, violence crept up, with Israel staging an assassination attempt in Khan Yunis (1/29), and the AMB and other small factions firing 5 rockets and mortars into Israel (1 on 1/29 and 4 on 2/1, causing 3 injuries). The Israeli cabinet discussed the escalation at its regular weekly session on 2/1, stating afterward that while Israel did not believe Hamas had carried out the attacks, it would hold Hamas responsible and respond “disproportionately” to future attacks. After the cabinet session, Israeli warplanes overflew Gaza, setting off sonic booms as a warning, and then carried out massive air strikes (apparently using GBU-39 bunker-busting munitions) on 6 smuggling tunnels on the Rafah border. Warplanes made a smaller symbolic air strike on a Hamas-affiliated police station in c. Gaza that had already been bombed repeatedly; no injuries were reported.

Moderate cross-border violence continued through the end of the quarter, raising concerns that the cease-fire could crumble. Palestinians fired at least 13 rockets (including 2 Grads on 2/3 and 2/8) and several mortars into Israel, causing light damage and 3 injuries. The IDF carried out more than a dozen air strikes, a brief ground incursion into s. Gaza and 2 assassinations (2/5 and 2/12; both PRC members), and occasionally fired on Palestinian fishing boats and individuals who approached the border fence (killing 2 Palestinians on 2/5 and 2/14, at least 1 a civilian). By 2/15, except for the extensive physical devastation, the situation on the ground seemed little different from what it had been during the cease-fire period that led up to OCL.

Adding to concerns about Gaza’s stability, Hamas-affiliated police raided a UN storehouse in Shati’ r.c. on 2/3, seizing 400 food parcels and 3,500 blankets. (UNRWA had refused Hamas demands to turn over the aid to the Hamas-run Social Affairs Min. the previous day.) Hamas members then commandeered (2/6) 10 UNRWA trucks carrying rice and flour, prompting UN Secy.-Gen. Ban to suspend aid distributions in Gaza pending the return of the stolen goods and assurances that the thefts would not be repeated. Fatah-affiliated charities in Gaza also alleged (2/6) that Hamas members confiscated their supplies. On 2/9, UNRWA reported that Hamas authorities had returned all the seized UNRWA goods, allowing the agency to resume operations. By 1/30, reports circulated in Gaza (see *Yedi’ot Abaronot* 1/30) that Palestinian factions were scavenging UXO to build their own munitions.

Meanwhile, Egypt continue intensive mediation efforts to secure an agreed, extended cease-fire, making significant progress but failing to achieve results by the end of the quarter. As of 2/13, Hamas officials expressed optimism that the sides would soon announce an 18-mo. Gaza cease-fire to include a “substantial opening” of Gaza’s border (including the import of cement and steel for reconstruction, but not pipes, cables, or chemicals that Israel feared could be used to make weapons), but Israel was pessimistic, especially since clinching a deal hinged on agreement on a prisoner exchange that would include the release of Shalit. By 2/15, Israel had agreed to release 250 Palestinian in exchange for Shalit; 230 names had been agreed and 20 were still being discussed, including 4 that were

serious sticking points. Hamas would not agree to free Shalit unless Israel freed the 4, and Olmert would not agree to a cease-fire deal without Shalit.

### *Israeli Elections*

Israeli campaigning for the long-planned 2/10/09 elections did not get underway in earnest until late 1/09. FM Livni had been chosen as Kadima's candidate for PM in 9/08, DM Barak as Labor's on 12/4, and Benjamin Netanyahu as Likud's on 12/9, but in the intense run-up and execution of OCL, the candidates had neither debated each other nor held more than a handful of rallies before the cease-fire. Israeli commentators noted (e.g., *Ma'ariv* 2/6) that Israelis simply were not focused on the elections, concluding that this "election will be the most boring one we've ever had . . . despite the fact that it will be one of the most important elections ever held."

The Israeli public's strong support for the operation and general anger and distrust of Palestinians was evident during election proceedings. Israel's Central Elections Committee attempted (1/12) to bar the participation of Israel's 2 Arab political parties, Balad and the United Arab List, accusing them (because of their criticism of OCL) of incitement, supporting terrorism, and refusing to recognize Israel's right to exist; the High Court overturned the decision on 1/21. Netanyahu's hard-line positions reflected the prevailing mood and gave him front-runner status early on: He vowed (e.g., 1/26, 2/7) not to evacuate a single Jewish settlement and to expand existing settlements if elected; pledged (e.g., 2/8) never to negotiate over the Golan Heights; opposed (e.g., 2/7) the creation of a Palestinian state; criticized Olmert (e.g., 2/2) for not assassinating Hamas leaders or reoccupying the Philadelphi corridor during OCL; and supported (e.g., 2/7) the Yisrael Beitainu party's call for Palestinians of Israel to undergo a loyalty test to maintain Israeli citizenship. He also argued that Israel had ended OCL too soon and should have kept going until it destroyed Hamas, stating (2/2) that "the next government will have no choice but to finish the job." Some of his colleagues on the Likud slate went even further: for example, This Is Our Land founder and current MK Moshe Feiglin supported banning Palestinian citizens of Israel from the Knesset and encouraging non-Jews to emigrate.

The results were too close to call on election night, with late returns showing Kadima with a thin lead over Likud (28 seats to 27), and both Kadima's Livni and Likud's Netanyahu declaring victory. Voter turnout was 65%, the second-lowest rate in Israel's history. Overall, the Knesset elections showed a dramatic shift to the Right, with rightist parties securing about 65 of the Knesset's 120 seats, up from 50 in the 2006 election coalition (see report by Oren Yiftachel in this issue). Notably, the ultranationalist Yisrael Beitainu made the strongest showing after Likud and Kadima, making it a key player in post-election coalition-building. Once the final ballots were tallied (including those of soldiers and state employees abroad), results were posted on 2/12 showing Kadima as having kept its 1-seat lead over Likud, meaning Livni and Netanyahu would have to compete to build a governing coalition, a process that stretched beyond this quarter.

### *Intifada Data and Trends*

During the quarter, at least 1,449 Palestinians, 15 Israelis, and 3 foreigners were killed in Israeli-Palestinian violence (compared to 32 Palestinians and 1 Israeli last quarter), bringing the toll at 2/15 to at least 7,475 Palestinians (including 49 Israeli Arabs and 19 unidentified Arab cross-border infiltrators), 1,086 Israelis (including 345 IDF soldiers and security personnel, 213 settlers, 528 civilians), and 64 foreign nationals (including 2 British suicide bombers) since the 9/00 outbreak of the al-Aqsa intifada.

### *Assassinations and Suicide Attacks*

This quarter, the IDF assassinated at least 10 Palestinians: 2 before OCL, at least 5 during OCL, and 3 afterward. (Last quarter, for the first time since Israel initiated a policy of targeted assassinations in 11/00, there were no reported assassinations or assassination attempts.) Given the intensity of fighting during OCL, however, many more Gazans were likely targeted for assassination than were explicitly reported as such. Israel also claimed to have assassinated at least 4 Palestinians whose deaths could not be confirmed by the end of the quarter. The 11 definite assassinations were **AMB's** Muhammad Abu Thira' (12/1); **IJ's** Jihad Nawahda (12/15) and Ala' Abu al-Rub (2/5); **Hamas's** Nizar Rayyan (1/1), Muhammad al-Jamal (1/2), Muhammad Ma'ruf (1/3), Said Siyam (1/15), and Salah Abu Sarah (1/15); and the **PRC's**

Ayman Shihada (2/2) and Ali Qidra (2/12). At least 21 bystanders were killed and 3 wounded in these attacks. A clear assassination attempt was made against Muhammad al-Sumayri (1/29), whose affiliation was not given.

There were no suicide attacks reported before or after OCL. The IDF reported 1 IDF soldier killed on 1/6 or 1/8 by a suicide bomber inside Gaza and reported a number of attempted suicide attacks targeting troops inside Gaza during the operation, but numbers could not be corroborated. (Last quarter, there was 1 attack that may have been a suicide attack.)

#### *House Demolition, Land-Leveling, and Judaization of Jerusalem*

As noted above, an estimated 6,400 Palestinian homes were destroyed in Gaza during OCL and another 46,000 heavily damaged. The 10 other Palestinian homes reported demolished this quarter were all in East Jerusalem. (Last quarter, a total of 7 houses were demolished.) The IDF also demolished all structures in the Bedouin community of Abdallah al-Atrash in the Negev on 12/16, displacing 20 families.

#### *Settlers and Settlements*

Much of the Jewish settler violence this quarter surrounded Israeli High Court orders (ca. 11/16) to evacuate 2 unauthorized settlement outposts in Hebron—Beit Shalom (a handful of families living in the seized al-Rajabi building) and Migron (among the largest unauthorized settlement outposts in the West Bank, established in 2001 and now housing 45 families). In response to the rulings, settlers in Hebron and elsewhere took part in isolated attacks on Palestinians as part of the right-wing settler movement's "price-tag doctrine" to punish Palestinians for any attempt to usurp settler freedom of action (see Quarterly Update in *JPS* 149). On 11/24, the Israeli government reached a deal with Migron settlers to evacuate that site voluntarily and move closer to the existing authorized settlement of Adam, stating that the families could stay in Migron until the new housing near Adam was constructed, a process expected to take several years. On 11/26, the High Court denounced the deal and reaffirmed its orders to evacuate Migron and Beit Shalom.

With rumors circulating that the forced eviction of Beit Shalom was pending, scores of settlers began (11/27) rampaging through

Palestinian areas of Hebron, vandalizing homes and beating Palestinians. Over the next few days, 100s of extremist settlers from around the West Bank converged on Hebron (many bused in under IDF guard) to defend Beit Shalom and Migron by attacking local Palestinians. (The settlers said they had broken with the YESHA council, created to represent all settlers, because YESHA had lost the right to speak on their behalf when it consented to the 2005 disengagement from Gaza.) In the rare instances that the IDF intervened to quell the rioting, it did so usually to prevent Palestinians from fighting back against the settlers (in one case shooting and wounding a Palestinian teenager; see Chronology for details).

On 12/4, as riots in Hebron continued, Israel deployed 600 police and soldiers armed with rubber batons, percussion grenades, and tear gas to evict 200 Jewish settlers from the al-Rajabi building. Settlers and soldiers fought but did not exchange fire, leaving 30 settlers and 3 soldiers injured. Settler violence against Palestinians spread across the West Bank, where the IDF observed but did not intervene. In Hebron, settlers stormed and burned 5 homes, set fires to olive groves, wrote racist graffiti, and seriously damaged other homes, cars, and cemeteries. At least 16 Palestinians were injured, including 2 who were shot and seriously wounded by a settler. Elsewhere, settlers from Eli and Shilo settlements nr. Ramallah blocked the main Ramallah-Nablus road to Palestinian traffic and stoned Palestinian cars. Other Jewish settlers broke car windows and wrote anti-Muslim graffiti on Palestinian homes in several villages east of Qalqilya. Settler rioting continued across the West Bank until 12/6, when Olmert, calling the attacks a "pogrom" against Palestinians, ordered police and IDF intervention. Between 11/27 and 12/6 nearly 40 Palestinians were injured (at least 8 of them seriously, including 3 shot by settlers).

The number of individual incidents of settler violence was down sharply (from 65 to 36), but many incidents involved serious rioting in Palestinian areas for extended periods of time, leaving an overall perception that settler violence remained high and was possibly becoming more serious. Incidents included settler rampaging (daily from 11/27 to 12/6); vandalizing Palestinian property (11/19, 11/23, 11/24, 2 on 11/26, 2 on 12/2, 12/4, 3 on 12/5, 12/6, 12/12, 2/6); barring Palestinian access to



roads and land (11/18, 11/19, 12/4, 2 on 12/5, 1/15), uprooting trees (12/3, 12/5); occupying or attempting to occupy homes (11/22, 12/1, 12/12); setting fire to homes (12/5, 12/6); leveling land (50 dunams on 2/3, and 250 on 2/6; 4 dunams = 1 acre); and beating Palestinians (11/26, 1/9). Settlers also opened fire on Palestinians in 3 instances (12/10, 1/9, 1/13), killing 1 Palestinian and injuring 3. Intervening IDF soldiers shot and wounded a Palestinian on 12/14. As in previous quarters, most incidents of settler violence occurred in Hebron (18). The remaining incidents took place in Ramallah (6), Nablus (4), Qalqilya (2), Salfit (2), East Jerusalem (1), and Tulkarm (1); the location of 2 incidents was not reported.

Also of note: Israel stated (2/1) that it has completed work on the infrastructure for the E1 settlement area in East Jerusalem and would soon start building residential neighborhoods (3,500 housing units for approx. 14,500 settlers) to link E1 to Ma'ale Adumim settlement on Palestinian land in the East Jerusalem suburbs of Issawiyya, al-Za'im, Shaykh Jarrah, and Abu al-Tur. Israeli authorities demolished 5 Palestinian homes in the area on 2/2 and 2/4 to make way for the project.

Peace Now reported (ca. 1/28) that settlement growth in 2008 was 69% higher than in 2007. Some 1,500 new structures were built, of which nearly 600 were east of Israel's separation wall and more than 250 in unauthorized settlement outposts. The report also stated that the settler population in the West Bank (excluding 190,000 settlers in East Jerusalem) had grown by 35,000—to 285,000—during Olmert's government. The report also charged that settlers took advantage of the attention focused on OCL to expand holdings in the West Bank, particularly by opening new roads.

The Israeli advocacy group Yesh Din launched (1/30) a campaign to help Palestinians sue the State of Israel for its use of privately owned lands for Jewish settlement in the West Bank. Yesh Din estimated the suits could cost the government tens of millions of dollars, and warned that if the government ignored the cases and refused to pay claims, the cases could be taken to foreign courts. The announcement came the same day that the Israeli daily *Ha'Aretz* published leaked classified government data (known as the "Spiegel database") regarding the extent of construc-

tion in officially authorized settlements that is considered illegal under Israeli law. The government began collecting data on construction on official and unauthorized outposts in 2004, when international pressure to impose a settlement freeze was growing, in order to compile a database that would give the government an accurate picture of all settlement construction. Data collection reportedly revealed a pattern of building violations, including within authorized settlements (esp. building without approved plans or permits and building on privately owned Palestinian land). Israel had rejected numerous requests by Peace Now and other groups to release the information, arguing that it could harm Israeli security and foreign relations.

#### *Palestinians of Israel*

The Goldberg Commission, established by the Israeli government in late 2007 to recommend resolutions to land disputes between the state and the Bedouin in the Negev, issued (11/20) its report, recommending that most Bedouin villages (46 located e. of Route 40 that do not interfere with Israel's development plans; home to 62,000 Bedouin) be recognized, that most of the estimated 50,000 "illegally built" structures in those villages be legalized, and that a committee be established to hear and settle Bedouins' traditional land claims. While the Knesset must vote (no date set) on whether to accept all or part of the findings, advocates for the Bedouin expressed cautious optimism, stating that the decision "signals a change in the political tide."

#### INTRA-PALESTINIAN DYNAMICS

Tensions between Hamas and Fatah/PA continued to be high this quarter but were largely overshadowed by OCL. Indeed, the official expiration of Abbas's term as PA pres. on 1/9, which many had feared would precipitate serious political and perhaps military infighting, went largely unremarked. (Abbas unilaterally extended his term until 1/9/10, but the move was legally disputed by Hamas among others; see Quarterly Update in *JPS* 150.) No Palestinians were killed in incidents directly related to interfactional fighting before OCL, and interfactional fighting during and immediately after the operation was difficult to confirm (see below).

### *Power Struggles before OCL*

As the quarter opened, Hamas had canceled (11/8) plans to attend a major national unity meeting with Fatah in Cairo, complaining that Egypt and the PA had refused to include items of importance to Hamas on the agenda and insisted that a final statement endorse the extension of Abbas's presidential term (set to expire in 1/09) to 1/10. In the West Bank, PA security forces (PASF) continued Operation Dawn of the Nation, an arrest campaign targeting Hamas members and supporters launched last quarter in the aim of weakening Hamas prior to the official end of Abbas's term in 1/09. As of 12/2, anonymous PA officials estimated that the PASF had detained around 500 Hamas suspects. A new PA security contingent, trained under the PA security reform program overseen by U.S. security coordinator Lt. Gen. Keith Dayton, deployed in Bethlehem before Christmas. The IDF officer in charge of the Hebron area praised (11/25) the new PA security contingent in Hebron, noting that he and the head of the Palestinian detail routinely sit with maps to coordinate their activities, paying particular attention to keeping PA units away from settlers.

On 11/25, Abbas aide Yasir 'Abid Rabbuh stated that Abbas intended to call PA presidential and parliamentary elections for 4/09, with or without Hamas's agreement, in a bid to head off a challenge from the Islamist movement. Abbas also announced (12/2) his intention to replace Hamas-controlled municipal and village councils in the West Bank (including, in particular, Bethlehem, al-Birah, Nablus, Qalqilya, and Ramallah), when their 4-yr. terms expired beginning in mid-12/08 (local elections were held in stages in 2004-5). No further mention of these plans was made before the end of the quarter.

Power struggles between Hamas and Abbas's PA also played out over the annual hajj pilgrimage, resulting in no Gazans being able to perform the hajj for the first time since 1973. Normally, some 2,000 Palestinians from the West Bank and Gaza perform the hajj each year, with the Palestinian government sending Saudi Arabia a single list of pilgrims to facilitate the entry permit process. This year, when Egypt opened (11/29) its side of the Rafah border to allow pilgrims to exit Gaza for Saudi Arabia, Hamas authorities barred their exit on the grounds that they had been handpicked by the PA in the West Bank without consultation with Hamas

authorities in Gaza. Hamas, meanwhile, provided Saudi Arabia with its own list of Gazan pilgrims, but the kingdom, in solidarity with Abbas, refused to issue them visas; Egypt therefore barred their travel.

### *PLO Ideas for a West Bank Statelet*

Also notable before OCL: Abbas's senior PLO negotiators met with Obama reps. in Washington on 12/1 to sound out the incoming administration, informing them that they were prepared to create a Palestinian state in the West Bank and to allow Gaza to join later if Hamas ceded power there. (Abbas is both PA pres. and chairman of the PLO; Palestinian peace negotiations are overseen by the PLO as sole legitimate representative of the Palestinian people both within the territories governed by the PA and in the diaspora.) They also told Obama's team that post-Annapolis negotiations with Israel had gone significantly beyond what was agreed at Taba in 1/01 (see the EU report on the Taba talks in *JPS* 123), giving no details but suggesting that they had raised the West Bank statelet idea with the Olmert administration and that it had not been rejected out of hand. The statements put in context action taken by the PLO the previous week: In a largely symbolic show of support, the PLO Central Council (PLOCC), meeting in Ramallah on 11/23, elected Abbas as the pres. of a future Palestinian state—a symbolic title that had been held by Yasir Arafat after the PLO's unilateral declaration of a Palestinian state in 1989 and not reattributed since Arafat's death in 2004—by an overwhelming vote of its approximately 75 mbrs. Hamas officials in Gaza denounced the move, saying selection of the pres. of a future state should be made by the people through a popular referendum, further arguing that the PLOCC could no longer be considered representative of the Palestinian people because it had not held internal elections for some 20 years.

### *Palestinian Relations during OCL and After*

During OCL there were many reports, some corroborated, that Hamas members executed suspected collaborators with Israel, most of them Fatah members. Scores may have been killed, including at least 5 confirmed to have been shot dead in a hospital emergency room on 12/29 while receiving treatment for injuries. (Israel's initial bombing campaign targeted Gaza

jails, where some 115 accused collaborators were held, many of whom reportedly escaped.)

Soon after OCL, Abbas adviser 'Abid Rabbuh alleged (1/22) that Hamas members in Gaza were seeking reprisals against Fatah members—placing some under house arrests, shooting others in the legs—with as many as 200 having been harmed. Hamas spokesman Tahir Nunu denied (1/22) that Hamas had authorized retaliation but said that a handful of reports of “score-settling” among local clans involving “low-level” Hamas members were under investigation. A Palestinian human rights worker speaking on condition of anonymity said (1/22) that his organization had received reports (as yet unverified) of about 30 cases of abuse, including as many as 5 killings, since OCL, but believed 'Abid Rabbuh's figure to be inflated. Many Gazans, including the human rights worker, reported (*New York Times* 1/23) that Hamas was sending a strong message to Fatah members to stay off the streets and not to use OCL as an opportunity to attempt to seize control of Gaza.

By late 1/09, splits within Fatah over Abbas's handling of OCL had begun to emerge. On 1/26, Fatah Central Comm. (FCC) mbr. Hani al-Hassan denounced Abbas's failure to take a strong stand against OCL and in defense of Gazans (particularly criticizing the PA's support for Israel's blockade), and praised Hamas's “victory” and resistance against Israel. Hassan's statement reportedly (*Mideast Mirror* 1/26) was supported by FCC Secy. Gen. and PLO Political Dept. head Faruq al-Qaddumi, PA chief negotiator Ahmad Qurai', and other key members of the FCC, who demanded that Hamas be treated with respect.

Despite extremely high tensions, Egypt convinced Fatah and Hamas officials to meet in Cairo on 1/27 for their first direct talks on national reconciliation in 10 mos. No details were released. The renewed effort was almost scuttled when Mishal, speaking at a conference in Doha on 1/29, declared that Hamas was holding talks with other Palestinian factions (unnamed, but possibly including the Qaddumi faction of Fatah) regarding establishing an alternative body to the PLO that would represent Palestinians in the territories and diaspora. He argued that the efforts were not intended to challenge Fatah, but that they simply reflected the urgent need for a representative organization with the legitimacy to speak on behalf

of Palestinians as a group in light of the PLO immobility due to power disputes. Unnamed PLO members reportedly (*al-Dustur* 2/2) met in Amman to “respond to Mishal,” but no details were released. On 2/1, Abbas replied that the PA would not engage in dialogue with anyone who did not recognize the PLO as the sole legitimate representative of the Palestinian people.

Nonetheless, Egypt succeeded in getting Hamas and Fatah back at the table in February. After another meeting in Cairo on 2/10, Egypt issued (2/10) a formal invitation to various Palestinian factions to attend an intra-Palestinian dialogue in Cairo on 2/22. In the interim, Hamas and Fatah agreed to suspend media attacks against each other as a confidence-building measure. In keeping with Hamas demands during the failed national unity dialogue in Cairo in 11/08 (see Quarterly Update in *JPS* 150), the first item on the proposed agenda was the formation of 5 committees to discuss the main outstanding issues among the parties: (1) reformulation of the PLO to make it once again truly representative of the Palestinian political spectrum; (2) formation of a national unity government; (3) holding new presidential and legislative elections; (4) restructuring Palestinian security agencies on professional and national principles; and (5) forming domestic reconciliation committees. If agreed, the committee talks would be held from 2/28 to 3/2, ideally producing a national unity accord that would be signed by the factions.

PALESTINIAN OPINION

*The following data are excerpted from a poll conducted by the Palestinian Center for Public Opinion (PCPO) between 25 and 31 January 2009. Results are based on a survey of 673 men and women from the West Bank (including East Jerusalem) and Gaza. The poll, the 167th in a series, was taken from PCPO's Web site at [www.pcpo.org](http://www.pcpo.org).*

**1. Who, in your opinion, won the war recently waged in the Gaza Strip?**  
Percentage

a.	Israel	10.5%
b.	Hamas	34.1%
c.	Fatah	1.3%
d.	Nobody	54.1%

**2. Do you think, after the war in Gaza . . . [read list] has gained or lost power? How would you assess their power at present?**

	Tremendously increased	Somewhat increased	Remained unchanged	Somewhat languished	Tremendously languished
1. Israel	11.4	26.3	27.0	19.8	15.5
2. Hamas	22.4	21.1	29.7	22.7	4.1
3. Fatah	4.3	21.2	52.2	12.3	10.0
4. The PA	2.7	20.2	50.8	16.2	10.1
5. Abbas	4.3	17.0	40.6	20.7	17.4
6. Mishal	23.8	17.8	28.1	21.4	8.9

**3. Please mention the name of the Palestinian organization, party, movement, or faction that you are in favor of or consider yourself one of its supporters [open question].**

	Percentage
1. Fatah	40.6
2. Hamas	31.3
3. Popular Front for the Liberation of Palestine	5.4
4. Islamic Jihad	2.7
5. Palestinian National Initiative	1.8
6. Democratic Front for the Liberation of Palestine	1.3
7. People's party	0.9
8. FIDA (Palestinian Democratic Union)	0.7
9. Independents	5.8
10. Refused to answer	5.0
11. Don't know/No answer	8.8

## FRONTLINE STATES

### JORDAN

Jordan actively opposed Israel's offensive against Gaza but took pains not to appear to be siding with Hamas, operating mostly through quiet diplomacy. On 11/18, King Abdallah, either with direct intelligence from Israel or strong intuition about where the deterioration of the Gaza cease-fire might lead, summoned Israel's acting PM Olmert and DM Barak to Amman to urge against a major Gaza offensive (see above). From the start of OCL, the king condemned (e.g., 12/27, 1/5) the operation, with his government urging (e.g., 12/28) an immediate cease-fire, immediate lifting of restrictions on humanitarian aid to Gazans (especially children), and permanent easing (if not lifting) of the siege. To allow the public to vent its outrage over OCL, the government eased tight restrictions on holding public demonstrations (large ones were held daily from the start of OCL) and did nothing to mute calls (intensified after ground operations began on 1/3) for Jordan to sever ties with Israel and abrogate the 1994 peace treaty.

When significant demonstrations did not let up, Abdallah quietly recalled (1/9) Jordanian Amb. to Israel Ali Ayad, saying he would return to his post after a cease-fire was reimposed. (Ayad returned to Tel Aviv on 1/25.) Nonetheless, Jordan did not put great diplomatic pressure on Israel to halt operations, instead focusing efforts on helping the EU lobby Israel to allow greater humanitarian imports to Gaza.

In an incident possibly related to OCL, a Jordanian soldier fired (1/13) on an Israeli border patrol unit operating along the border n. of Elat. The border police returned fire. No injuries were reported.

### LEBANON

Events in Lebanon were overshadowed by OCL, during which Lebanon kept a low profile. In the days before the 6-mo. Gaza cease-fire expired on 12/19, Hizballah Secy. Gen. Hasan Nasrallah called for global protests against the Israeli siege to follow Friday prayers on 12/19. Heeding his call, demonstrations were held in Bahrain, Egypt, Jordan, Lebanon, and Syria. On 12/25, days after the Gaza cease-fire expired, the

Lebanese army found, and with UNIFIL help dismantled, 8 Katyusha rockets in s. Lebanon that were aimed at Israel and rigged to fire when timers went off. The army did not say whether it believed the rockets belonged to Hizballah or to Palestinian factions, stating only that they were of varying calibers.

Once OCL began, Nasrallah made near-daily public speeches denouncing Israel, accusing Egypt and other Arab states of shameful passivity, and openly calling (e.g. 12/28; see Doc. B1 in this issue) for a revolution in Egypt, which he considered an "accomplice in the killing" for not opening the Rafah border. He was, however, careful not to raise expectations of Hizballah opening a second front against Israel.

After Israel launched its ground offensive in Gaza, the Popular Front for the Liberation of Palestine-General Command fired (1/8) 4 rockets from s. Lebanon into Israel, 3 of which exploded near Nahariya, lightly wounding 4 Israelis (5 others were treated for shock); the 4th landed in an open area causing no damage or injuries. The IDF fired 5 shells at the border as a "measured response" and intensified surveillance flyovers of s. Lebanon. Hizballah, the Lebanese government, and Fatah and Hamas reps. in Lebanon condemned (1/8) the fire, while the Lebanese army and UNIFIL pledged (1/8) to step up surveillance. On 1/14, another 3 rockets fired from s. Lebanon landed in Israel (no group claimed responsibility), and the IDF returned fire, with no damage or injuries reported in either case.

Lebanon set (1/5) parliamentary elections for 6/7/09. In what was expected to be a very tight race, Christian swing voters were expected to be influential in determining whether the current government headed by the Sunni-led, U.S.- and Saudi-allied March 14 coalition would retain its majority, or whether the opposition, the Hizballah-led, pro-Syrian March 8 coalition, which included the Christian party of General Michel Aoun, would prevail.

UNRWA issued (12/11) a flash appeal to donors to cover the costs of rebuilding Nahr al-Barid r.c. (largely destroyed in the summer 2007 battle between the Lebanese army and elements of Fatah al-Islam holed up in the camp; see Quarterly Updates in *JPS* 145-46), reporting that of the \$282 m. needed for the reconstruction of the camp and the rehabilitation of neighboring Biddawi camp (which hosted refugees from Nahr al-Barid during the conflict), only \$32.1 m. had been pledged to date, of which \$27.1 m. had been

received. This initial sum allowed UNRWA last quarter to begin the rubble removal and demining operations in the camp and to complete the design of the first of 8 reconstruction projects, and was expected to cover costs for all of the 1st construction project and part of the 2d, but nothing beyond.

Meanwhile, a statement posted (12/10) online and signed by Fatah al-Islam claimed that the group's leader, Shakir al-'Absi, and 2 other senior members had been killed by Syrian forces in an ambush in Jermama, s. of Damascus, and that Abu Muhammad Awad had been named as 'Absi's successor. In addition to the 3-month battle in Nahr al-Barid r.c., Fatah al-Islam has been blamed for several fatal bombings in Lebanon. 'Absi reportedly escaped Nahr al-Barid during the 2007 siege and fled Lebanon.

Hizballah stated (1/29) that DNA tests to identify 2 sets of remains returned by Israel in 7/08 as part of a major prisoner exchange deal (see Quarterly Update in *JPS* 149) were inconclusive and that therefore it considered its demands for the remains of all missing prisoners to be unresolved.

The UN team investigating the 2/05 assassination of former Lebanese PM Rafiq Hariri requested (12/1) and received an extension of its mandate through 2/09, stating that it had new evidence that could link new individuals to the alleged network responsible for the killings. No details were released.

#### SYRIA

Syria and Israel, which had suspended indirect peace talks via Turkey indefinitely last quarter when Olmert resigned and called new elections, went ahead with a 5th round of talks in Ankara on 12/23, lasting 5-6 hours. No details were released and no mention was made of when a 6th round might be held. While talks were taking place, Turkish PM Recep Tayyip Erdogan received (12/23) Olmert for talks regarding the negotiations with Syria and held phone conversations with Syrian pres. Bashar al-Asad and FM Walid Moutaleb. Speculation was that Olmert wanted to secure Syria's agreement to begin direct talks as soon as possible. After the Israeli PM's Ankara visit, Olmert and Asad both issued (12/23) statements that peace was possible and would eventually happen. Asked publicly about direct talks with Israel, Asad stated (12/23) that direct negotiations were preferable but could only take place if "first we set the firm foundations," including "Israel's full

commitment to UNSC resolutions and to restoring rights to their lawful owners." When OCL was launched days later, Syria was outraged and formally suspended (12/28) peace talks, later (1/6) calling OCL a "war crime." During OCL, Syria led calls for an emergency Arab League summit, ultimately securing one on 1/16 (see "Regional Affairs" below).

Once the new U.S. administration was sworn in on 1/20, Asad sent (1/21) a letter to Obama stating that Syria looked forward to a "fruitful dialogue" with the U.S., based on "mutual interests and mutual respect," which would lead to a just and comprehensive Middle East peace. On 1/26, before the Israeli elections, he stated publicly that Damascus was interested in restarting indirect peace talks with any Israeli government, despite OCL and no matter who was elected on 2/10, provided that negotiations would be based on the full return of the Golan to the 1967 lines and that there were no preconditions.

Receiving a U.S. congressional delegation (including senior members of the House Armed Services and International Relations committees and Subcommittee on Terrorism) in Damascus on 1/30, Asad reiterated Syria's desire to maintain a positive, open dialogue with the U.S. based on mutual interest and respect. Sources indicated that Congress and the Obama admin. were currently considering doing away with the 2003 Syria Accountability Act, which, among other things, calls for sanctions on Syria unless it halts support for Palestinian militant groups (see Quarterly Update in *JPS* 130). Syrian amb. to the U.S. Imad Mustafa reportedly (*Washington Jewish Week* 2/12) was engaged in "intensive contacts" with key members of Congress to urge support for the measure's abrogation.

## REGIONAL AFFAIRS

Longstanding differences among the Arab states with regard to Israel, the PA, and Hamas stymied efforts to present a united Arab stand even in the face of Israel's assault on Gaza. Once again this quarter (see Quarterly Update in *JPS* 150), Syria led the camp more critical of Abbas's PA and Israel and more accepting of Hamas's political participation, while Egypt and Saudi Arabia spearheaded the camp (generally aligned with and strongly supported by the U.S.) strongly supportive of Abbas and wary of

Hamas. Before OCL, Arab League FMs held a meeting in Cairo on 11/27 to discuss the internal Palestinian crisis, issuing a call for Abbas, whose term was set to expire on 1/9/09, to "continue assuming his responsibilities as head of the Palestinian Authority" until a national unity agreement between Fatah and Hamas could be reached and new elections held in the West Bank and Gaza. At the meeting, Syrian FM Moualem angered the PA delegation by criticizing Abbas's governance of the West Bank and recommending that Hamas participate in future Arab League sessions.

When OCL began, Arab League member states split on how to respond to Israel's offensive action (see section on OCL phase 1 above), with Syria leading a bloc calling for strong, united Arab denunciation of the operation, and Egypt and Saudi Arabia leading a bloc seeking to stifle any Arab League action that would legitimize Hamas. Arab League FMs went ahead with an emergency session on 12/31 but closed with a weak statement recommending that member states defer to the UNSC and urging the UNSC to issue a resolution on the Gaza war. Under Egyptian and Saudi pressure, discussion of a Qatari-Syrian-Yemeni proposal to convene a high-level emergency Arab summit was shelved. Egypt and Saudi Arabia reportedly (*Financial Times* 12/31) feared that a summit would provide Syria with a venue to pressure them to take steps that would satisfy Arab public opinion but put them at odds with the U.S. (On 12/31, the White House issued a statement praising diplomatic efforts by Egypt, Jordan, and Saudi Arabia, without specifically mentioning the Arab League session.) At the FMs' session, Saudi Arabia's FM Prince Saud al-Faisal blamed Hamas for OCL, stating that "this terrible massacre would not have happened if the Palestinian people were united behind one leadership" (i.e., Abbas).

Once Israel opened phase 2 of OCL, Syrian pres. Asad revived (by 1/7) efforts to convene an Arab League summit to address the Gaza issue. After days of arguing that Arab leaders needed to take a strong joint position on OCL even if only a minority of states participated—and warning that continued violence would sow "seeds of extremism and terror around the region"—the Arab League called (1/14) for a summit on Gaza to be held in Doha on 1/16. Qatar followed with an appeal (1/15) for the creation of an Arab fund for Gaza reconstruction, pledging \$250 m.

Egypt and Saudi Arabia led the push to boycott the Arab League summit, countering with a call (1/14) to convene a heads-of-state emergency summit on Gaza not under Arab League auspices but rather on the sidelines of a regional economic conference in Kuwait scheduled for 1/19-20. Kuwait simultaneously announced plans to host an emergency meeting of Arab FMs on Gaza on 1/16 to overlap (and hopefully overshadow) the Qatari gathering.

The official Arab League summit convened on 1/16, with 16 members attending (Algeria, Comoros, Djibouti, Iraq, Lebanon, Libya, Mauritania, Morocco, Oman, the PA, Qatar, Syria, Somalia, Sudan, the UAE, and Yemen), just making quorum. Abbas, who objected to the summit but did not feel the PA could boycott, delegated the PA's amb. to Qatar to attend. Hamas leader Mishal, Iranian pres. Mahmoud Ahmadinejad, and an aide to Turkish PM Erdogan attended as observers. Bahrain, Egypt, Jordan, Kuwait, Saudi Arabia, and Tunisia boycotted, hoping to prevent a quorum. The summit's final statement urged all Arab states to stop all forms of "normalization" with Israel and to reconsider their diplomatic and economic ties. Qatar immediately suspended its relations with Israel (primarily economic, no official diplomatic relations), and Assad reaffirmed Syria's suspension of indirect peace talks.

Meanwhile, most Arab states attended Kuwait's FMs meeting, held the same day (1/16), which urged pressure on the UNSC for another res. to force Israel to comply with UNSC res. 1860. Participants also announced the establishment of an Arab fund for rebuilding Gaza in an effort to trump Qatar, which had only suggested the idea (see above). Syrian FM Moualem notably did not attend.

The 1/19-20 heads-of-state session in Kuwait was attended by the 17 states attending the economic conference, including Egypt, Jordan, Kuwait, Qatar, Saudi Arabia, and Syria. With OCL suddenly ended, the focus of the meeting was to raise funds for Gaza reconstruction, but Saudi Arabia was the sole country to pledge, promising \$1 b. A weak statement called on Israel to complete its withdrawal from Gaza quickly.

On 2/3, 9 states (Bahrain, Egypt, Jordan, Kuwait, Morocco, Saudi Arabia, Tunisia, the UAE, and Yemen) and the PA held a follow-up meeting to the 1/16 Kuwait FMs summit to endorse a "road map for Arab reconciliation" based on the 2002

Arab League initiative, support for Abbas, and reaffirmation of the PLO as the sole legitimate representative of the Palestinian people. Syria, Qatar, and other states that took part in the 1/16 Qatar summit (with the exception of Morocco) were not invited to the meeting.

The deteriorating situation in Gaza prior to OCL had particularly serious ramifications for Egypt, which had for several years played a major mediating role among Israel, Hamas, and the PA, in large part too for domestic reasons (i.e., Hamas's popularity in Egypt, where the Muslim Brotherhood, from which Hamas emerged, is Mubarak's main opposition). As the quarter opened, Egyptian efforts to broker Palestinian national unity talks and Israeli-Palestinian cease-fires in Gaza were on hold. (Egypt's last attempt to bring Hamas and Fatah together for reconciliation talks collapsed last quarter when Hamas refused to attend a major meeting with Fatah in Cairo on 11/8, alleging that Egypt and Abbas were teaming up to impose an unacceptable national unity deal; see Quarterly Update in *JPS* 150). With the Gaza crisis heating up in 12/08, analysts debated (see *Mideast Mirror* 12/22, 12/23) whether the suspension of the Egyptian channel was because Hamas no longer trusted Cairo or because Cairo was no longer interested. Either way, many Arabs saw Egypt's official silence as giving (in the words of *al-Quds al-Arabi* 12/23) "the impression of collusion with any expected Israeli step to invade the Strip . . . [which] further strengthens the prospects of a military confrontation." Only after Israel sent ground troops into Gaza in OCL's phase 2 did Egypt revive mediation efforts, holding talks with Gaza- and Damascus-based Hamas leaders in Cairo on 1/5. Even so, critics derided the initiative, saying Egypt was only trying to appease domestic opinion, preclude the need for an Arab summit, and give the U.S. a reason to block initiatives at the UN (see section on phase 2 of OCL above). On 12/10 Iranian students in Tehran (allegedly organized by the government) firebombed the Egyptian diplomatic mission and the Saudi Arabian Airlines offices, calling for Egyptian pres. Mubarak's execution as a traitor and denouncing Saudi Arabia for its peace efforts and failure to pressure Israel to lift its blockade of Gaza. Egypt withdrew (12/10) its senior diplomat in Iran in protest. The week before OCL began, there were angry protests in Damascus criticizing the Egyptian government for failing to break the blockade by

unilaterally opening the Gaza crossing, prompting Egypt to lodge a formal complaint with Syria on 12/23.

The launch of OCL within 24 hours of Israeli FM Livni's meeting with Mubarak in Cairo late on 12/25 precipitated accusations across the Middle East that Mubarak had given a green light to the operation, sparking region-wide anti-Egypt/anti-Mubarak demonstrations for the duration of the operation. Incidents during OCL—such as Egyptian forces firing on Gazans attempting to flee the Strip on 12/28, a personal call from Bush to Mubarak on 12/30 to “thank him for his diplomatic pressure on Hamas,” and Egypt's ongoing refusal to open the Rafah border unilaterally for aid transfers—fueled popular outrage. Yemeni protesters, for example, stormed the Egyptian consulate in Aden on 12/30, burning the Egyptian flag and calling for Mubarak to be ousted.

Protest within Egypt included serious antigovernment protests that were violently dispersed by riot police (e.g., 1/9). The public mood in the lead-up to OCL had unsettled the regime to the point that security forces reportedly (*New York Times* 2/10, 2/12, 2/18) began citing emergency laws imposed following the 1981 assassination of Anwar Sadat, suspending the right to due process in order to round up critics of Egypt's Gaza policy. The most highly publicized incidents came after OCL ended, on 2/6, when authorities seized and rendered to undisclosed locations 2 men: Egyptian blogger and activist Diaa Eddin Gad in Tanta; and dual Egyptian-German citizen Philip Rizk, who organized a 15-person march in Cairo to raise support for Gazans. Rizk's detention sparked student protests at the American University in Cairo on 2/8, followed by a raid by Egyptian security forces on the Cairo home of Rizk's parents. Under tremendous diplomatic pressure from Germany, Egypt on 2/11 released Rizk, who described being interrogated around the clock for 4 days. Gad's fate was unknown at the close of the quarter.

Also of note: Just prior to OCL, an Egyptian court ordered (11/18) the government to suspend natural gas transfers to Israel, ruling that the sale was improperly concluded because it was not approved by parliament, as required, and was not in Egypt's national interest. Egypt agreed in 2005 to supply Israel with 1.7 b. cubic meters of natural gas over 15 years for an undisclosed price that some critics claim was below market value; reports (*Washington Times* 2/5) in-

dicated that Egypt was losing more than \$9 m./day because of the concessionary prices granted to Israel. The gas started flowing in 5/08, prompting the legal battle. Egypt said (11/17) the transfers would continue until the ruling was reviewed. On 2/2, Egypt's Higher Administrative Court reversed the lower court's ruling, allowing the gas deal to stand.

An Iraqi court reversed (11/24) a 9/08 decision by Iraq's parliament to strip legislator Mithal al-Alusi of his legal immunity, with plans to try him for committing a crime by having visited Israel earlier in 9/08 to attend a conference on terrorism and security. The court ruled that “there is no law preventing any Iraqi from traveling to any country.” Fellow parliamentarians had voted (ca. 9/23/08) to strip Alusi of his immunity by arguing that laws from Saddam Hussein's era against travel to Israel as an enemy state were still in effect. Alusi claimed that he was being persecuted for his anti-Iranian views.

## INTERNATIONAL

### UNITED STATES

The U.S. government was in transition for most of the quarter, between Obama's election on 11/4 and his swearing in on 1/20. In the interim—which spanned the duration of OCL—both the outgoing pres. and pres.-elect largely declined to weigh in on the Arab-Israeli front: Bush had declared last quarter that he intended to leave further peacemaking to the new administration, while Obama stated repeatedly that there could be only one president at a time.

During Bush's final days in office, he issued (12/23) a rare posthumous pardon (only the second ever granted) to Charles Winters, an American businessman who arranged the sale and transfer of 2 decommissioned B-17 bombers to Haganah forces fighting for the State of Israel in 1948. The B-17s were the only heavy bombers in Jewish arsenal during the 1948 war. Winters was convicted of violating the U.S. Neutrality Act and served 18 mos. in prison. Among those to appeal for the pardon was filmmaker Steven Spielberg, who argued that it would be a “fitting tribute” to one of the “unsung heroes of America and Israel.” In Bush's final presidential press conference on 1/12, he reiterated his support for Israel and Israel's right to defend itself, stating that any cease-fire should be based on Hamas halting rocket fire.



Also of note: After a yearlong policy review to address the rise of global terrorism and insurgency by nonstate actors, the Pentagon issued (12/3) a major policy directive that elevated "irregular warfare" to the level of traditional combat. The decision means that programs that rely on using methods such as clandestine operations and building up foreign security forces to shore up fragile states and act as U.S. proxies to extend the U.S.'s global reach would receive significant additional funding. The ongoing Dayton plan to augment the PA security forces (dominated by a faction of Fatah loyal to Abbas) fit within the Pentagon's overall goal "for U.S. troops to do less of the fighting themselves and instead build the capabilities of [friendly] foreign militaries and security forces."

### ***The Incoming Obama Administration***

Even before Obama's inauguration, regional players in the Middle East peace process made contact with his transition team, including Abbas's chief negotiators (see the intra-Palestinian dynamics section, above). Outgoing Israeli PM Olmert came (11/23-26) to Washington for final talks (11/24) with Bush and to meet (11/25) president-elect Obama. Both sets of talks reportedly focused on Iran (see Iran section below for details). Ca. 12/8, Saudi Arabia's national security chief Prince Bandar Bin Sultan briefed Obama advisers in Washington on issues of high importance to the Gulf States, Egypt, Jordan, the PA, and Lebanon's March 14 coalition. Claiming to represent this broad group, Bandar stressed that the next U.S. admin. should (1) prioritize eliminating Iran's nuclear ambitions; (2) intensify efforts to isolate Syria, including blocking French efforts to bring Syria back into the international fold and encouraging regime change; and (3) revive Israeli-Palestinian negotiations, specifically by backing a UN res. supporting negotiations, backing the 2002 Arab League peace initiative, reiterating the goals of the 11/07 Annapolis summit, and "supporting Pres. Mahmud Abbas's authority."

As president, Obama's first diplomatic act was to telephone (1/21) regional leaders to reaffirm his promises to make the Middle East a priority. His first call was to Abbas as a demonstration of support for his PA leadership, followed by calls to Olmert, Mubarak, and Jordan's King Abdallah. His first formal interview as president (1/26) was to Dubai's al-Arabiyya TV, in which he expressed optimism that a comprehensive

Israeli-Palestinian peace agreement could be reached but would take time and would require "new thinking" about the region. He also reiterated U.S. commitment to Israel, stating that "Israel's security is paramount," but at the same time said that the U.S. was "ready to initiate a new partnership [with the Muslim world] based on mutual respect and mutual interest." Obama's choice of Sen. Hillary Clinton as his secy. of state was welcomed by pro-Israel groups, who noted (12/1) that "she may have the closest relationship with the pro-Israel lobby among Democratic leaders." Others reputed for strongly pro-Israel views being considered for key posts in the Obama administration were Dennis Ross, current Washington Institute for Near East Policy (WINEP) fellow and Pres. Bill Clinton's senior Middle East envoy; Daniel Kurtzer, a key member of Ross's peace team under Clinton and Bush's amb. to Israel; Jeremy Bash, former AIPAC staffer and senior foreign policy adviser to Al Gore's 2000 campaign; and Daniel Shapiro, the Obama campaign's Jewish outreach director, who, as a Senate staffer, helped draft the 2003 Syria Accountability Act. On the other hand, Obama tapped (late 1/09) Gen. James Jones, one of Rice's special envoys to the peace process for security issues who was especially critical of Israel (see Quarterly Update in *JPS* 149), as his designated national security adviser. Jones's special envoy post was to be eliminated.

### ***U.S.-Israeli Bilateral Issues***

The U.S. Military Sealift Command began (12/4) the roughly 6-wk. process of moving 5.8 million lbs. (around 2600 metric tons) net explosive weight (a measure of the explosive content of the cargo) of ammunition and "associated supplies" to Israel. The shipment reached Gibraltar on 12/28, but Greece, the next stop, did not allow the ship to enter its ports as planned because of protests over OCL. The boat disappeared off radar on 1/12, and no one could confirm its whereabouts. The German shipper said only that the ship did unload arms in Israel. On 12/31, the Sealift Command began moving 2 more weapons shipments to Israel for arrival in late 1/09. Requisition forms indicated these 2 shipments had a net explosive weight of nearly 1 million lbs. each and included white phosphorous munitions. The U.S. cancelled the transport tenders on 1/9, apparently in light of threats by Greek peace activists to block the ships. Washington said it was seeking alternate

ways to deliver the shipments. At the end of the quarter, it was unclear whether or how any of the deliveries had arrived in Israel. The U.S. stated (12/31, 1/9) that the 3 shipments were not in support of OCL but part of routine pre-positioning of U.S. arms in Israel. However, Amnesty International noted (2/23) that the Defense Dept. had previously informed Congress that, while U.S. pre-positioned stocks in Israel are considered to be U.S.-owned and are intended for U.S. use, they "may be transferred to the Government of Israel in an emergency, subject to reimbursement." By the close of the quarter, the State Department had pledged to review whether Israel's use of U.S. weapons during OCL complied with U.S. law.

Amir Mann-Shinhar, lead architect for the construction of an "American Consulate annex" underway at a 10-acre site in the Arnona section of West Jerusalem, reported (1/20) that the first building on the site would be completed in 2/09. Jerusalem municipality spokesman Yossi Gutman stated (1/20) that 5 acres of the site would house schools, internal roads, and parks, with the remaining 5 acres available for expansion of an eventual embassy. The scope of the project raised concerns that the U.S. government had already quietly authorized construction of a Jerusalem emb. in keeping with the 1995 Jerusalem Embassy Act, which states that "Jerusalem should be recognized as the capital of the State of Israel and that the U.S. embassy in Israel should be established in Jerusalem no later than May 31st, 1999." Presidents Clinton and Bush argued that the act impinged on the president's constitutional authority to form foreign policy and opted to exercise 6-mo. waivers postponing the move on the grounds that implementation could disrupt the peace process. The site was further discovered to be privately owned. U.S. and Israeli officials refused to comment on the construction.

### **Congress**

Congress was strongly supportive of OCL. During phase 1 of the operation, House Majority Leader Steny Hoyer (D-MD) and Senate Majority Leader Harry Reid (D-NV) issued (12/29) strong statements that the Democratic party, in Hoyer's words, believes that "Israel has an unequivocal right to take action to ensure the security and safety of her citizens." After phase 2 was launched on 1/3, ranking Democratic sens. Harry Reid (NV) and Richard Durbin (IL) along with

Senate Republican leader Mitch McConnell (KY) hit the Sunday talk show circuit on 1/4 to give strong support to Israel's ground operations, with Reid stating, "I think what the Israelis are doing is very important. I think the terrorist organization Hamas has got to be put away." Rep. Gary Ackerman (D-NY), with New York City mayor Michael Bloomberg, made (1/4) a solidarity visit to Sederot to show support for Israelis facing Palestinian rocket attacks. On 1/8, the Senate unanimously passed by voice vote a nonbinding res. (S. Res. 10) promoted by AIPAC, "expressing solidarity with Israel in Israel's defense against terrorism in the Gaza Strip," recognizing "the right of Israel to defend itself against attacks from Gaza," and reaffirming "the United States' strong support for Israel in its battle with Hamas." The House overwhelmingly endorsed (390-5, with 22 members voting "present") a similar version (H. Res. 34) on 1/9.

Before OCL, 76 mbrs. of the House (55 Republicans, 21 Democrats) signed (11/17) onto a nonbinding measure calling on the PA to amend 10 articles of Fatah's 1966 charter that call for Israel's destruction and support armed resistance. The measure, drafted by the Zionist Organization of America and cosponsored by reps. Roy Blunt (R-MO) and Shelley Berkley (D-NV), failed to recognize that the PA had no authority to amend Fatah bylaws, which in any case were declared null and void (using the French word "*caduc*") by Fatah leader Yasir Arafat in 5/89 in a confidence-building gesture to Israel in the run-up to the Madrid peace process.

### **Legal Actions**

A federal jury in Dallas convicted 5 leaders of the former Holy Land Foundation (HLF), once the largest Muslim charity in the U.S., on all 108 charges of supporting terrorism, money laundering, and tax evasion for funneling more than \$12 m. to Hamas after the U.S. declared it a terrorist organization, accepting the government's argument that the charities HLF supported were fronts for Hamas "recruitment centers." The government hailed the verdict as a demonstration of U.S. "resolve to ensure that humanitarian relief efforts are not used as a mechanism to disguise and enable support for terrorist groups" and as "validation" of the government's methods, which included controversial use of warrantless electronic surveillance of U.S. citizens and the 1st ever admission of anonymous expert witness testimony. The first case against

the HLF resulted (10/07) in a mistrial (see Quarterly Update in *JPS* 146).

A U.S. appeals court in Illinois upheld (12/3) the judgment against 3 U.S. Islamic charities (American Muslim Society, Islamic Association for Palestine, Qur'an Literacy Institute) for liability in the 1996 shooting death by Hamas of dual U.S.-Israeli citizen David Boim, shot outside a West Bank settlement, reaffirming \$156 m. in damages to the family. The decision was important because it affirmed that the charities must be held liable if they gave money to groups engaged in terrorism, even if they intended their funds to be used for purely humanitarian purposes. The court also reversed (12/3) a lower court ruling against the HLF for liability in the Boim case, sending the case to a lower court for trial. The defense had objected to the trial judge ruling against the charity by summary judgment, without a jury trial.

Concluding an 18-mo. investigation, the Dept. of Justice confirmed (12/9) that former Florida prof. Sami Al-Arian was physically and verbally abused by Federal Bureau of Prisons employees on at least 2 occasions during his 57-month jail sentence, served as part of a plea bargain he accepted in 2005 to avoid trial on terrorism charges for allegedly aiding Islamic Jihad. Al-Arian completed his sentence in 4/08, and has been released to home detention pending trial on separate contempt charges (see Quarterly Update in *JPS* 150 for background).

In an unusual incident in 2/09, U.S. lawyers representing several Israeli families of terror victims successfully froze \$11 m. of Hamas funds held in an Egyptian bank, seeking the money in fulfillment of an unsatisfied U.S. federal court judgment of \$116 m. against Hamas. On 2/5, Egyptian officials, apparently frustrated with Hamas's unwillingness to make concessions in a 4-day round of talks on an Israeli cease-fire proposal, had taken the rare step of having Egyptian border police halt and search (2/5) the Hamas delegation at the Rafah border, uncovering more than \$11 m. in U.S. dollars and Euros. Egypt had barred the delegation from returning to Gaza until the cash was deposited into a state-owned bank in al-Arish, placing it in the account of an Egyptian government body. (Egyptian law does not criminalize moving cash across the border, so the move was clearly political.) In a seemingly unintended consequence, the U.S. lawyers filed suit (2/10) in a New York federal court against the Egyptian bank, plac-

ing a restraint on the \$11 m., arguing that Egypt could not claim sovereign immunity even though the money was deposited in a government account because the bank has a branch in the U.S. which was under the jurisdiction of the Terror Risk Insurance Act of 2002, which states that such immunity cannot be claimed against the enforcement of terror judgments in the United States. The issue had not been resolved by the close of the quarter.

New Jersey resident Ben-Ami Kadish, an 85-yr.-old retired mechanical engineer for the U.S. Army research arsenal, arrested in 4/08 on charges of spying for Israel in the 1980s, agreed (12/30) to a plea bargain. Under the deal, he admitted to leaking classified documents in return for a reduced sentence that may carry no jail time. Sentencing was set for 2/13. Immediately after his 4/08 arrest, Kadish admitted to passing 50-100 documents to Israel between 8/79 and 7/85 regarding the U.S. nuclear program and sensitive weapons programs (see Quarterly Update in *JPS* 148).

### **Lobbies**

The new "pro-Israel, pro-peace" lobbying group J Street, launched in 4/08 (see Quarterly Update in *JPS* 148), reported (11/20) that it had raised nearly \$570,000 for 41 House and Senate candidates in the 11/08 elections, surpassing most other pro-Israel political action committees; 32 of those candidates won.

In late 11/08 and early 12/08, right-wing pro-Israel AIPAC pressed mbrs. of Congress to sign letters urging Pres.-elect Barack Obama to support a large foreign affairs budget for FY 2010, despite the global economic downturn. Though the letters did not specifically mention aid to Israel, the U.S. and Israel agreed in 2007 that the U.S. would give Israel a hefty \$3 b./year in aid for 10 years (see Quarterly Update in *JPS* 145). The House letter, sent to Obama on 11/19, was cosponsored by reps. Howard Berman (D-CA) and Mark Kirk (R-IL), and signed by 166 representatives. The identical Senate version, sent to Obama on 12/16, was cosponsored by sens. Dianne Feinstein (D-CA) and Richard Lugar (R-IN), and signed by 51 senators. AIPAC also supported House and Senate resolutions in solidarity with Israel during OCL (see Congress above).

In late 12/08, WINEP issued a strategic report called "Security First," authored by fm. deputy NSA for George W. Bush J.D. Crouch, fm. NATO cmdr. in Bosnia Gen.

Montgomery Meigs (ret.), and fm. undersecy. of defense for Clinton Walter Slocombe. The report urged the incoming Obama admin. to step up financing and direct training of PA security forces to encourage them to take on greater counterterrorism measures against Hamas as the best way to foster security conditions that could lead to peace. To this end, they recommended that Dayton's mission be greatly expanded and moved from the State Dept. to the Dept. of Defense, so that the team could use Defense Dept. equipment, funds, and intelligence assets to aid and train the PASF.

In response to OCL, the United Jewish Communities, representing Jewish federations in North America, launched (1/5) a North American fundraising campaign to raise \$10 m. for Israeli communities within Palestinian rocket range. Money raised was to be used to "bolster emergency preparedness, expand trauma relief counseling to children, reinforce networks of emergency volunteers, fortify security structures for the elderly, and boost small businesses that have suffered due to the ongoing attacks." Funds also were to go to support a Jewish Agency initiative to provide 23,500 Israeli children with "respite trips" to ease their stress from the war.

The Conference of Presidents of Major American Jewish Organizations (CPMAJO) made (1/2-4) a 3-day solidarity visit to Israel during OCL, touring areas hit by Palestinian rocket and mortar fire.

#### RUSSIA

Throughout OCL, Russian FM Lavrov kept in phone contact with Israeli and Hamas officials, as well as others in the region, in efforts to secure a truce. After Israel launched phase 2 of OCL, Russia dispatched special envoy for the Middle East Alexander Saltanov to the region (1/4-8) to urge the parties toward a cease-fire. Meeting with Livni on 1/4, Saltanov thanked Israel for facilitating the evacuation of Russian nationals from Gaza on 1/2, but also expressed concerns regarding Israel's expanded operations. In Damascus on 1/6, Saltanov met with Hamas's Mishal, urging Hamas "to live up to its responsibility for the Gaza population's fate and to take constructive decisions." He also asked Syrian FM and Dep. PM Walid Moualem to press Hamas to agree to a cease-fire. Saltanov also met with Abbas (1/5) and Jordanian officials (1/8). Before returning to Russia, he held a 2d meeting (1/8) with

Livni to brief her on his regional tour and urge a quick halt to OCL, warning that the operation could destabilize the region.

#### EUROPEAN UNION

At the opening of the quarter, there was a great deal of internal EU debate and international diplomacy regarding a proposed upgrade of EU-Israel relations and a possible EU intervention in the peace process aimed at keeping momentum going despite the failure of the Annapolis process to secure a final status deal by the end of 2008.

In advance of a 12/4 EU meeting intended to sign an agreement to upgrade EU ties with Israel endorsed by the EU parliament in 6/08 (see Quarterly Update in *JPS* 149), PA PM Fayyad met (12/1) with several EU FMs in Ramallah to urge them not to ratify the upgrade, stressing Israel's continuing settlement expansion and stating that "Israel is not meeting its commitments. Why are you rewarding them?" Swayed by Fayyad's arguments, Belgium, Britain, Cyprus, Ireland, and Malta indicated that they would vote against the upgrade unless it was linked to progress on the peace process.

Meanwhile, in Brussels, the EU circulated internally a confidential French-drafted "EU Action Strategy for Peace in the Middle East" (leaked to *Ha'Aretz*, which published details but not the full document on 12/1) proposing EU steps to advance the Israeli-Palestinian final status talks. The draft, which was also to be discussed at the 12/4 meeting, reportedly called for the EU to lobby for tough international monitoring of road map implementation, including a complete halt to Israeli settlement construction; permission for the PLO to resume political activities in East Jerusalem, including reopening Orient House (the PLO's de facto foreign ministry, closed by Israel in 8/01); expanding the boundaries of PA security control in the West Bank; and increasing coordination between the U.S. and EU on peace mediation.

In response to these moves by Fayyad and the EU, Israeli FM Livni was dispatched to Brussels on 12/2 to lobby in support of the upgrade measure and against the action plan for peace. During the talks, EU lawmakers expressed serious concerns regarding Israel's settlement policies as a threat to peace. During the meeting, Livni reportedly (*Ha'Aretz* 12/9) asked everyone to leave the room so that she might speak privately with rotating EU head Bernard Kouchner (FM of France). Though no details were released,

Kouchner emerged from the meeting advocating delinking Israeli-EU relations from the peace process, halting any talk of pressuring Israel on the peace process by threatening to block advancement of bilateral ties, and shelving formal EU endorsement of the action plan for the peace process (though stating that the plan should stay on the table as a proposal).

The next day (12/3), the EU parliament postponed the 12/4 vote on the upgrade indefinitely amid heated debate among parliamentarians. European Parliament VP Luisa Morgantini, a longstanding critic of Israeli actions in the occupied territories, portrayed the decision as sending a strong message that Israel must "stop considering itself above the law and start respecting it, beginning by freezing all settlement-building activities and ending its siege on the Gaza Strip. Until the Israeli government signals its willingness to abide by international law, and especially human rights and humanitarian law, the European Parliament is not disposed to vote." She called the decision to postpone "positive for us Europeans, who are showing to ourselves and to the entire world that respect for human rights and the achievement of justice are not an abstract declaration of principles."

Ultimately, however, the EU opted to delink bilateral relations and the peace process. On 12/9 the 27 EU FMs voted unanimously to ratify the upgrade agreement, which calls for Israel's FM to meet thrice yearly with all 27 EU FMs; other Israeli ministers to meet annually with their EU counterparts; and Israel and the EU to begin a strategic dialogue on issues such as the peace process, Iran, and counterterrorism. As part of the deal, the EU pledged "to help Israel integrate into UN agencies and to include Israeli experts in EU peacekeeping forces." Separately the EU FMs agreed (12/9) to shelve their proposed action plan for the peace process. Meanwhile, the EU completed (12/15) a confidential report (leaked to the press on 3/7/09) that concluded that Israel was manipulating settlement expansion, house demolitions, discriminatory housing policies, and construction of the separation wall as a way of "actively pursuing the illegal annexation" of East Jerusalem. The report also concluded that Israel's accelerated plans for Jerusalem undermined the PA's authority and the peace process.

The same day as the EU vote (12/9), British PM Gordon Brown sent a letter to PA PM Fayyad reiterating Britain's "clear

position" that Jewish settlements in East Jerusalem and the West Bank are illegal under international law, and supporting Fayyad's call in an earlier letter to Brown to tighten tariff provisions and restrictions discouraging British trade with or support of settlements (see Doc. A2 in this issue). He vowed to look anew "at what effective action we can take to discourage settlement expansion." During a meeting on 12/16, Olmert criticized Brown, stating "There is no justification for what you are now doing. During my time as prime minister no new settlements have been built and you know it."

The EU was critical of Israel's Gaza offensive from the start, convening an emergency session that issued a call (12/30) for an immediate unconditional cease-fire. Rather than launching its own initiative, however, the EU conducted diplomacy in support of the French-Egyptian cease-fire and efforts to increase humanitarian aid to Gaza.

Czech PM Mirek Topolánek assumed the rotating presidency of the EU on 1/1. (His dep. PM had stated back in 6/08 that the republic intended to use its term as rotating head to improve EU relations with Israel.) Topolánek had planned to depart on 1/3 to lead a high-level EU delegation to the Middle East to press for an immediate Gaza cease-fire. In a major diplomatic incident just hours before his departure, his spokesman, Jiri Potuznik, responded to a reporter's query regarding the EU's take on Israel's launch of the ground incursion into Gaza that day by stating that Israel's operation was "more defensive rather than offensive." The statement sparked instant outrage across the Arab world and threatened to torpedo the mission before it even departed. Topolánek quickly issued (1/3) a correction, stating that Potuznik's statement was "wrong" and at odds with the Czech Republic's and the EU presidency's stance, calling instead for an immediate cease-fire and facilitation of humanitarian aid. Potuznik issued (1/3) a contrite public statement apologizing for "my shame" of making the statement based on information that he had received about the conflict but failed to fact-check. A proffered resignation was rejected.

The EU delegation (comprising Topolánek, Czech FM Karel Schwarzenberg, French FM Kouchner, Swedish FM Carl Bildt, EU Commissioner for External Relations Benita Ferrero-Waldner, and EU foreign policy chief Javier Solana) held talks with Israeli, PA, and Egyptian officials on 1/4

and 1/5. They cautioned Israel that its indisputable right to self-defense did not "allow [punitive] actions that largely affect civilians"; announced a pledge of \$4.2 m. for emergency food, shelter, and medical supplies for Gaza, urging Israel to open Gaza's borders immediately for the import of humanitarian aid; and offered EU troops to enforce Gaza's borders to prevent smuggling. After OCL ended, the EU quickly pledged (1/18) to help fund Gaza reconstruction costs.

Of note: Soon after OCL ended, an ad hoc comm. of 11 aid agencies (including the Red Cross, Oxfam, Save the Children, Christian Aid, and World Vision) launched an appeal seeking donations for food, medicine, tents, and blankets for Gazan victims of OCL. The mass-marketed appeal included a televised ad instructing viewers on how to make donations. The BBC, which had previously run similar humanitarian appeals for other conflicts and disasters, refused to air the package. On 1/24, 1,000s of demonstrators marched in protest in London, denouncing the BBC for bias. By 1/30, the BBC had received more than 22,000 complaints (with some of the strongest criticism coming from BBC's union of newscasters and from retired editors and reporters); 100s of viewers had canceled their television licenses; 162 MPs had signed a letter of protest; and International Atomic Energy Agency (IAEA) Dir. Gen. Mohamed ElBaradei had canceled an interview, accusing the BBC of violating the "rules of basic human decency." The appeal raised more than \$3.5 m.

Also of note: After 6 months of debate, Spain decided (1/29) to prosecute in absentia Israel's former DM Binyamin Ben Eliezer, former internal security minister Avi Dichter, maj. gen. Doron Almog and Giora Eiland, and former IDF chiefs of staff Dan Halutz and Moshe Ya'alon for perpetuating crimes against humanity in military attacks on Palestinians in the territories prior to OCL.

#### UNITED NATIONS

In the weeks before OCL, the UN steadily increased its criticism of Israel's siege of Gaza and focused on getting aid into the Strip. UN High Commissioner for Human Rights Navi Pillay called (11/18) for an immediate end to Israel's siege of Gaza, declaring that "By function of this blockade, 1.5 million Palestinian men, women, and children have been forcibly deprived of their most basic human rights for months.

This is in direct contravention of international human rights and humanitarian law." Israel dismissed (11/18) the call. The next day (11/19), UN agencies operating in Gaza issued a consolidated emergency appeal seeking \$462 m. to fund humanitarian programs in the Strip for 2009, noting the steadily deteriorating economic and humanitarian conditions resulting from Israel's heavy restrictions. The amount of the appeal was more than twice that requested by the agencies in 2006, and represented the third largest UN aid request after the Congo and Sudan. When the situation did not improve, new UN special rapporteur on human rights Richard Falk issued (12/9) a statement condemning Israel's ongoing siege of Gaza, telling the international community that "However difficult politically, it is time to act" to protect "a civilian population being collectively punished by policies that amount to a crime against humanity." He also called on the International Criminal Court (ICC) to "investigate the situation and determine whether the Israeli civilian leaders and military commanders responsible for the Gaza siege should be indicted and prosecuted for violations of international criminal law." When Falk later attempted (12/14) to make his first official trip to the occupied territories as special rapporteur, he was detained by Israeli authorities at Ben-Gurion airport, held for 20 hours, and deported. The UN Human Rights Council (UNHRC) expressed (12/15) regret, noting that it had informed Israel in advance of the visit; Israel said (12/15) it had repeatedly warned the UNHRC that Falk would not be welcomed.

Falk's 12/9 statements came as the UNHRC held a 2-day (12/8-9) review of Israel's human rights record, adopting by consensus a list of 99 recommendations for Israel to take to improve its human rights toward the Palestinians in the West Bank and Gaza, including lifting the siege of Gaza and releasing Arab detainees. Scrutiny of Israel came under a new mechanism known as the Universal Periodic Review (UPR), which the UNHRC had instituted to review the records of all UN member states automatically every 4 years. Israel's amb. to the UN in Geneva, Aharon Leshno Yaar, called (12/9) the 2-day dialogue "positive and productive," pledging that Israel would take action. Israel was requested to report back formally to the UNHRC in 3/09 on how it planned to follow-up on the recommendations.

The UNGA marked the UN's annual day of solidarity with the Palestinians on 11/24

by holding a regular plenary session on the question of Palestine. UNGA pres. d'Escoto Brockmann made 2 statements, the first calling the lack of a Palestinian state the "single greatest failure" of the UN and the second denouncing the "unprecedented blockade of the Gaza Strip" and calling for an immediate end "to this massive abuse of human rights." He stressed that the UN should make a point of referring to Israel's policies as apartheid, suggesting that, in keeping with the UN's positions on South African apartheid, "perhaps we in the United Nations should consider . . . calling for a similar nonviolent campaign of boycott, divestment, and sanctions to pressure Israel to end its violations." UN Secy.-Gen. Ban criticized the "protective shield" that the U.S. provided Israel in the UN and warned that "no amount of arm twisting and intimidation" would change the UN's support for a 2-state solution as laid out in UNSC res. 181.

The UNGA held another plenary session on 12/10 to mark the 60th anniversary of the Universal Declaration of Human Rights. Initially, in keeping with past anniversaries, only 1 rep. from each of the 5 UN regional groupings was slated to speak, with Israel slated to represent the Western European and Other Group. After several unnamed countries strongly complained that it would be inappropriate for Israeli amb. Gabriela Shalev to speak given Israel's deplorable human rights record vis-à-vis the Palestinians and its ongoing siege of Gaza, UNGA pres. d'Escoto Brockmann allowed 2 additional speakers representing the Arab League and Non-Aligned Movement. Shalev accused d'Escoto Brockmann of trying to block her participation in the event. In the days following, the UNGA pres. received anonymous death threats.

Also to mark the anniversary of the Universal Declaration of Human Rights, the Beirut-based International Coalition against Impunity filed (12/10) a criminal complaint with the ICC charging the State of Israel and 5 senior Israeli officials (PM Olmert, DM Ehud Barak, Dep. DM Matan Vilnai, Internal Security M Avraham Dichter, and IDF chief of staff Gabi Ashkenazi) with war crimes, crimes against humanity, and elements of genocide for Israel's siege of Gaza. There was no reported movement on the complaint before the end of the quarter.

Meanwhile, on 12/16, the UNSC passed res. 1850 (14-0, with Libya abstaining), its first resolution on the peace process in almost 5 years (see Doc. A4 in this issue),

intending to give fresh momentum to the peace process. The res., drafted by Russia and the U.S., called the U.S.-brokered Annapolis process "irreversible," called for quick "intensification of diplomatic efforts," and urged Israel and the Palestinians to "refrain from any steps that could undermine confidence or prejudice the outcome of negotiations." Israel praised the res., stressing that it marked the first time that the UN had formally endorsed the Quartet's 1/06 demands (recognition of Israel's right to exist, adherence to all previous agreements, halting violence) as the basis of support for any Palestinian government and fulfillment of the road map (which Israel interprets as requiring a complete halt to a Palestinian violence and dismantling of "terrorist groups" as a precondition for any Israeli steps) as the basis of any final status agreement.

Once OCL began, UN officials made near-daily denunciations of Israeli restrictions on the import of humanitarian aid to Gaza and repeatedly called for an immediate cease-fire. In addition to the extreme logistical difficulties of providing assistance to a population during heavy combat (especially providing food and shelter to 10,000s of displaced persons), UN installations and convoys frequently came under IDF fire, the reason usually given being that UN agencies inside Gaza were permitting militant activity on their premises (see Chronology for details). Major incidents included an air strike damaging the UN Special Coordinator's Office (UNSCO) headquarters in Gaza City (12/29); a direct air strike using white phosphorus destroying UNRWA's main food depot, incinerating tons of food and medicine brought in during the humanitarian lulls (1/15); air strikes damaging UNRWA schools being used as shelters (Shati' r.c. on 1/5, 3 killed; Jabaliya r.c. on 1/6, 43 killed, 54 wounded; Bayt Lahiya on 1/7, 2 killed, 36 wounded); and air strikes on 2 UN convoys that had coordinated with the IDF in advance (both on 1/8, 1 killed). Secy.-Gen. Ban stated (1/6) that the UN had given Israel repeated warnings that its operations were endangering UN compounds, and had given the IDF the precise GPS coordinates of the 23 clearly marked UNRWA schools serving as shelters. UNGA pres. d'Escoto Brockmann issued (1/15) a presidential statement following the attack on the UNRWA depot, accusing Israel of violating international law and using "disproportionate military force." UN undersecy. for humanitarian affairs Holmes also

condemned Israel on 1/8 for barring UN and Red Cross medical workers from evacuating nearly 200 dead and injured Palestinians from Gaza City's al-Zaytun neighborhood since 1/5, stating that IDF refusal to allow entry when soldiers clearly knew injured Palestinians were trapped was "particularly outrageous."

Once OCL began, UN special rapporteur Falk again called (12/29) on the ICC to investigate Israel for war crimes. In mid-1/09, PA Justice M Ali Kashan met with the ICC's chief prosecutor, Luis Moreno-Ocampo, in the Hague to discuss whether the court would follow up on recommendations by Falk or the 12/10 Beirut petition (see above) to investigate Israel's conduct during the war. Moreno-Ocampo replied that the ICC may launch an investigation only if it is requested by the UNSC or "an involved state that has recognized the court," suggesting he could not proceed based on the requests to date and that he was uncertain, given the latter stipulation, whether he would have the jurisdiction to act on a PA request. To put the legal ball in motion, the PA sent (1/22) a letter to the ICC notifying the court that the PA recognizes its jurisdiction. Israel, which has not recognized the ICC, called (1/22) the PA move invalid, since the occupied territories do not constitute a sovereign nation state. Israel nonetheless took immediate defensive action: On 1/23, the IDF censor imposed a ban on publishing the names of officers who participated in OCL out of concern that they could be arrested on war crimes charges while traveling abroad; on 1/26, the Israeli cabinet appointed a team of international law experts headed by the minister of justice to prepare strategies to defend military officials from war crimes charges. By 2/10, the ICC had received more than 200 requests from individuals and organizations to try Israel for war crimes, and reportedly was debating whether to try IDF officers on the specific charge of misusing white phosphorous during OCL.

On 1/12, the UNHRC issued a nonbinding resolution denouncing Israel's "massive violations" of Palestinian human rights in Gaza and expressing extreme concern about Israel's ongoing military operations. The motion also called for dispatching an "urgent" independent international fact-finding mission to investigate Israel's alleged human rights violations. The mission's findings were due to be presented to the council's session in 3/09, but by the end of the quar-

ter a team had not yet been assembled. Israel dismissed (1/12) the res. as "irrelevant and one-sided."

The IAEA stated (1/20) that it would investigate "to the extent of our ability" (acknowledging that Israel would likely deny them entry to Gaza) charges that Israel used depleted uranium (DU) weapons during OCL. (See the Israeli arsenal special doc. in this issue for background on DU.)

UN Secy.-Gen. Ban personally toured (ca. 1/13-20) the region to press for a permanent cease-fire. He stopped in Egypt, Israel, Jordan, Lebanon, Kuwait, Ramallah, Syria, and Turkey, but did not meet with Hamas officials. Ban briefly toured Gaza on 1/20, afterward stating, "I have only seen a fraction of the destruction. This is shocking and alarming"; he further condemned Israel's "excessive use of force."

#### IRAN

There was little international action on Iran this quarter, partly because of the transition of the U.S. government. Incoming U.S. pres. Obama, meeting with Israel's Olmert on 11/25, indicated that he would follow through with campaign pledges to open dialogue with Iran aimed at influencing Tehran to suspend its nuclear ambitions. Olmert stated (11/25) afterward that he believed Obama had about a year to prove that his approach to curbing Tehran would work, indicating that if talks failed, Israel would strengthen calls for sanctions. Some Israeli policymakers (e.g., Pres. Shimon Peres, military intelligence head Maj. Gen. Amos Yadlin, national security specialist Yossi Alpher, and former FMin. official Alon Liel) who had previously denounced dialogue with Iran as "appeasement" began (ca. 11/25) making statements to the effect that diplomacy might be a way to halt Iran's nuclear program.

Obama's first comments on Iran as president came in his major al-Arabiyya TV interview on 1/26 (see "Incoming Obama Administration" above), in which he stated that his administration would explore ways to engage Iran diplomatically. Secy. of State Clinton reiterated this on 1/27, stating that Iran had "a clear opportunity . . . to engage meaningfully with the international community." Clinton received (2/3) the FMs of Britain and Germany to discuss the Obama admin.'s positions and strategy on Iran. She assured allies that the U.S. would coordinate closely with them regarding Iran, stating that Obama would support "tough, direct



diplomacy with Iran, but if Tehran does not comply with [UNSC] and IAEA mandates, there must be consequences." British FM David Miliband said he was reassured that "the new administration's approach fits directly with the dual-track [diplomacy/sanctions] strategy" currently being followed to encourage Iran to halt its nuclear program.

Meanwhile, nuclear experts stated (11/20) that the latest IAEA reports indicated that Iran probably had enough low-enriched uranium for 1 atomic bomb, but that to produce a workable device required further processing and design of a bomb and delivery system—time-consuming technical steps possibly beyond Iran's means.

Of note: The *New York Times* broke (1/10) the story that during summer 2008, the U.S., in order to dissuade Israel from staging a unilateral attack on Iran's nuclear facilities, informed Israel that it had authorized new covert operations to sabotage Iran's uranium enrichment program as an expansion of previously undisclosed covert operations against Iran begun in early 2008. The CIA and Bush White House declined to comment. (For background on the 6/08 and 7/08 U.S.-Israel talks see Quarterly Update in *JPS* 149.)

On 1/29, U.S. naval personnel halted and boarded a Russian ship (under Cypriot flag) en route from Iran to Syria believed to be transporting weapons in violation of UN res. 1747 prohibiting arms trade with Iran. At U.S. request, Cyprus ordered the ship to Limassol, where Cypriot authorities confiscated (2/13) the cargo, which they confirmed comprised conventional weapons; a formal notification was then sent to the UNSC Sanctions Comm. Israel alleged that the arms were bound for Gaza or Lebanon, a charge Iran denied.

Regarding Israel's Gaza offensive: When OCL began, Iran's supreme leader Ayatollah Ali Khamenei issued (12/28) a religious decree declaring that anyone killed while defending Palestine was a martyr. The next day (12/29), a prominent Iranian political party allied with Pres. Ahmadinejad, the Combatant Clergy Society, began signing up volunteers to fight Israel by helping in 3 areas: military, financial, and propaganda. Within a week, 70,000 Iranians reportedly had volunteered to go to Gaza to take up arms. However, when 30–40 students broke into the British embassy's residential compound in Tehran on 12/30, vandalizing buildings and hoisting a Palestinian flag in protest,

Khamenei moved to rein in Ahmadinejad and his supporters, who had been fueling anger against Egypt and Saudi Arabia. By 1/5, Khamenei banned volunteers' travel abroad, and on 1/8 issued a statement thanking "the pious and devoted youth who have asked to go to Gaza . . . but it must be noted that our hands are tied in this arena."

Two spy cases involving Israel made news this quarter: On 11/17, Iran hanged Ali Ashtari, convicted in 6/08 of selling communications and intelligence equipment to Mossad. An anonymous senior Iranian intelligence official claimed that Ashtari had been drawn into an "intensifying intelligence war" with Israel in which Mossad recruited Iranians in Internet chat rooms and via satellite TV advertising for a hotline offering a \$10 m. reward for information regarding missing Israeli airman Ron Arad, convincing Iranians to spy on Iran and aid Israeli- and U.S.-backed Kurdish separatists in the Iran-Iraq-Turkey border region in exchange for money. On 2/11, Iran charged 7 Iranian Baha'is with spying for Israel. In 5/08, Iran arrested 6 Baha'is on suspicion of spying for Israel, but it is unclear whether those 6 are among the 7 charged in this incident.

#### TURKEY

With the Arab states in disarray over how to respond to OCL, Turkish PM Recep Tayyip Erdogan stepped in to lead regional diplomacy as soon as Israel launched the war, creating somewhat of a popular sensation across the Middle East and beyond. Turkey was already well suited to assume a mediator role, having longstanding military and economic ties to Israel, respected status among the Arab states, and an important strategic relationship with the U.S. (Erdogan's steps took on added weight after Turkey assumed a 2-year rotating seat on the UNSC as of 1/1/09.) Even before OCL began, Erdogan made efforts to press Israel to lift the blockade of Gaza, including raising the issue directly with Olmert when the two met in Turkey to discuss the Syrian track on 12/23 (see Syria above).

When the Arab League shelved (12/27) plans to hold an emergency session to address the outbreak of the Gaza war (see "Regional Affairs" above), Erdogan offered his own 2-stage proposal to restore calm: (1) an immediate cease-fire supervised by international peacekeepers, including Turkish forces, followed by (2) revived Palestinian national unity talks. He personally toured

(12/31-1/3) Egypt, Syria (where he met with Hamas's Mishal), Jordan, and Saudi Arabia to lobby for his plan but refused to stop in Israel on the trip, stating that he would not meet personally with Israeli officials until a cease-fire was in place. (He also discussed his proposal with Iranian officials by phone.) After Israel opened phase 2 of OCL, Erdogan secured the emergency meeting (1/3) of the OIC that condemned the operation (see "Phase 2" above), and dispatched his chief adviser Ahmet Davutoglu to the region (ca. 1/12-13) to work with Egypt and Hamas on the French-Egyptian proposal for an agreed cease-fire. Erdogan's openly sympathetic stance toward Gazans' plight was popular on the Arab street and among many Turks, but it put him somewhat at odds with the more pro-Israel Turkish General Staff. Turkish analysts generally viewed (e.g., *Washington Times* 1/5, *Hurriyet* 1/7, BBC 1/16) his initiatives as primarily "directed . . . for internal consumption with his domestic constituency," particularly in light of upcoming local elections in 3/09.

Erdogan struck a careful balance between trying not to compromise Turkish ties with Israel and trying to leverage them to pressure Israel to take positive steps. Insulted that Olmert had given no hint of the planned attack during their 12/23 meeting to discuss the Syrian-Israeli negotiations (see Syria above), Erdogan suspended (12/27) bilateral talks on the Syrian track, calling Israel's launch of OCL "an act of disrespect toward Turkey" that shut the door on diplomacy, and warned (1/7) that Turkey might reconsider its economic and security relations if Israel continued OCL. He strongly rejected (ca. 1/6), however, calls by protesters and some opposition MPs to cut diplomatic relations altogether.

Israel walked a similarly careful line, criticizing Erdogan's use of such terms as "savagery" and "black stain on humanity" in his frequent condemnations of Israel's offensive (e.g., 12/27, 12/28, 1/6) even while acknowledging the importance of the bilateral relationship. After one of Erdogan's sorties, Israeli amb. to Turkey Gabby Levy stated (1/8) that Israel "cannot support the position Turkey has taken throughout [the Gaza] crisis" but expressed optimism that Turkish-Israeli relations would remain strong. In the U.S., Jewish groups such as the Anti-Defamation League (ADL), which had been helping Turkey lobby Congress to block a measure characterizing the late 19th-century Ottoman campaign against the

Armenians as "genocide," similarly said that "there is too much at stake in the relationship" for Erdogan's remarks to change policy.

Tensions between Israel and Turkey came to a head at the World Economic Forum summit in Davos, Switzerland, on 1/29. At the close of an hour-long debate on OCL, Erdogan had a heated exchange with Israeli pres. Shimon Peres, also accusing the moderator (*Washington Post* columnist David Ignatius) of attempting to cut off his comments because they were critical of Israel's ongoing blockade of Gaza while allowing Peres to defend OCL at length. (Peres, virtually the sole defender of Israel's position, had been given 25 minutes to speak while the others, all critical of Israel, had collectively been given 35 mins.; Erdogan spoke for 12 mins.) After an emotional outburst in response to heated words from Peres, Erdogan stormed off stage. (See Doc. A11 in this issue for an interview with Erdogan on these matters.) Peres apologized (1/30) to Erdogan by phone the following day (1/30) and publicly declared (1/30) that the incident would not cause strains between Israel and Turkey. Israeli FM Livni also appealed (2/1) to Turkey, stating that despite the rift, "these relations are very important for both countries. . . . It is possible to fix everything [so long as we] keep our common interests in mind." Erdogan, who came home to a hero's welcome by throngs of Turks at the airport waving Turkish and Palestinian flags, also played down the clash, stating (1/30) that he had stormed out in anger over the disparity in speaking times, not over Peres's words.

Tensions remained at the close of the quarter, with a Turkish state prosecutor opening (2/6) an investigation into whether Israel's offensive in Gaza constituted genocide and crimes against humanity.

#### VATICAN

Tensions were also high between Israel and the Vatican this quarter. On 1/7, during OCL, Pope Benedict XVI had piqued Israel's ire by stating that Israel's attacks and siege had turned Gaza into a "big concentration camp," demanding an immediate cease-fire and lifting of restrictions on humanitarian aid. Israel expressed "dismay" on 1/8.

On 1/24, Pope Benedict reversed the 1988 excommunication of 4 ultratraditionalist bishops who had been ordained by conservative Archbishop Marcel Lefebvre over the Vatican's objections. The 4 included

Bishop Richard Williamson, who had repeatedly denied the Holocaust. The decision outraged Jews worldwide and jeopardized a planned trip to the Holy Land by the pope later in 2009 to promote interfaith dialogue. Expressing "sorrow and pain" over the decision, Israel's chief rabbinate asked (1/27) the Vatican's Commission for Religious Relations with Jews to postpone an annual bilateral meeting set for 3/09 in Rome. During his weekly public audience (1/28), the pope indirectly responded to the chief rabbinate's letter, stating that he had "renewed with love" his "full and indisputable solidarity" with the Jews, calling them "our brothers of the first covenant." He acknowledged the Holocaust as the "brutal massacre of millions of Jews, innocent victims of blind racial hatred," stating that the Holocaust "should be a warning for everyone against forgetting, denying, or diminishing its significance." The chief rabbinate called (1/28) the statement "a giant step forward" and "an extremely important statement, not only for the Jewish people, but also for all the world." But on 2/3, German chancellor Angela Merkel stoked the controversy by calling the pope's statement insufficient, demanding that he make a "very clear" rejection of Holocaust denial. The pope consequently informed (2/3) Williamson that he would have to recant his denials of the Holocaust before his excommunication would be reversed. Williamson had not recanted before the end of the quarter.

On 2/12, Pope Benedict received a 60-mbr. delegation from the CPMAJO in an effort to mend fences over the Williamson episode. He stated that the Church was "profoundly and irrevocably committed" to rejecting anti-Semitism and condemned Holocaust denial as "intolerable and altogether unacceptable" and as "a crime against God and humanity." While most CPMAJO delegates welcomed the pope's statements, ADL head Abe Foxman said they "did not bring closure."

#### OTHER

On the sidelines of meetings with EU officials in Brussels on 12/2, Israeli FM Livni met with NATO FMs, who agreed to increase military and intelligence coordination with Israel against terrorism. In 11/08, Israel and NATO signed an accord "guaranteeing the confidentiality of information" exchanged between Israel and the alliance. NATO also pledged to play a role with the U.S. in halting arms smuggling to Gaza in keeping with the 1/16 U.S.-Israeli MOU (see "Agreed Truce vs. Unilateral Cease-Fire" above).

#### DONORS

No major donor meetings were held this quarter. The donors' Local Development Forum held regular monthly meetings on 12/18 and 1/22 to discuss the PA's reform and development priorities and budget issues. Of the 4 main donor "strategy groups" (SGs), the economic policy SG met on 11/26, the social development and humanitarian assistance SG met on 11/20, the infrastructure SG met on 11/25 and 2/12, and the governance and reform SG met on 12/4. Various SG subcommittees also held regular follow-up meetings. These included the economic SG's fiscal sector working group (SWG; 11/27), private sector development and trade SWG (11/24), and agriculture SWG (12/1); the governance SG's election reform SWG (11/18), judicial reform SWG (12/1), and security SWG (12/3); the infrastructure SG's water and sanitation SWG (2/9), municipal development and local governance SWG (12/3, 1/21), and solid waste thematic subgroup (12/4, 1/12); and the social and humanitarian assistance SG's health SWG (1/15), education SWG (1/26), and "social protection" SWG (which addresses the Social Safety Net Reform Project funded through PEGASE [see Quarterly Update in *JPS* 147 for more information]; 2/4). Details of the meetings were not released.