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# UPDATE ON CONFLICT AND DIPLOMACY

16 AUGUST 2011–15 NOVEMBER 2011

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, and which, as of this issue, can be found on the IPS website (<http://www.palestine-studies.org>).*

**Highlights of the Quarter:** *Abbas petitions the UN Security Council to recognize Palestine as a full member state, Obama gives his strongest support yet to Israel at the UN General Assembly, the Quartet and France offer plans to restart peace talks, Israel reaches prisoner swap deals with Hamas and Egypt, an attack on Elat precipitates crises with Egypt and Gaza, the UN's Palmer Report on the Gaza Flotilla incident is released, rebels kill Qaddafi and declare Libya liberated, violence in Syria escalates.*

## THE PALESTINIAN-ISRAELI CONFLICT

This quarter, attention with regard to the Palestinian-Israeli track again focused mainly on the Palestinians' bid for statehood, the first half on whether they would go through with plans to request such recognition at the UN General Assembly (UNGA) session in 9/2011 (resolved on 9/23 when they filed the petition), much of the second half on the waiting period as the UN Security Council (UNSC) considered the application and ultimately concluded (11/8) that it could not reach a consensus opinion. Though the UN application was in effect blocked unless the Palestinians initiated further action, Palestinian pres. Mahmud Abbas's popularity spiked. At least in part to undercut Abbas, Israel and Hamas overcame their outstanding differences on a prisoner swap, which freed captured Israel Defense Forces (IDF) Cpl. Gilad Shalit (on 10/18) in exchange for more than 1,000 Palestinians jailed in Israel, the initial group being released this quarter. No significant progress was made on revising Israel-Palestinian peace talks or implementing the 5/2011 Fatah-Hamas reconciliation accord.

On the ground, Israel maintained its tight siege on Gaza, severely restricting its economy and undermining quality of life. The IDF enforced the 300-m no-go zone inside the full length of the Gaza border and limited Palestinian fishing in Gaza to 500–1,000 m off Bayt Lahiya and Rafah and 3 naut. mi. elsewhere—restrictions that placed 17% of Gaza's total landmass, including vast agricultural areas, off limits to Palestinians. In the West Bank, Israeli restrictions and IDF military operations remained relatively low. As of 8/15, at least 7,828 Palestinians (including 51 Israeli Arabs and 19 unidentified Arab cross-border infiltrators), 1,111 Israelis (including 354 IDF soldiers and security personnel, 226 settlers, and 531 civilians), and 66 foreign nationals (including 2 British suicide bombers) had been killed since the start of the al-Aqsa intifada on 9/28/00.

### **UN Statehood Bid**

As the quarter opened, the UNGA session was 5 weeks away, with formal events to begin on 9/21 and Abbas scheduled to speak on 9/23. Although the Palestinian leadership (PLO, Palestinian Authority [PA], and Fatah) was set on requesting UN validation of Palestinian statehood, how far to press

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the initiative remained undecided. Abbas favored (e.g., 8/18) seeking full, unqualified member-state status, which required UNSC approval, despite the U.S. vow to veto any UNSC measure. Consequently, a growing number of Palestinian officials preferred to seek an upgrade of Palestine's UN status from "permanent observer" to "observer state." This would put Palestine on the same footing as the Vatican, with all the rights of a state at the UN (including the right to petition the International Criminal Court [ICC]) but without the ability to vote. Such an upgrade would not require UNSC approval and could be achieved by tabling a resolution in the UNGA, where the Palestinians were expected easily to secure the simple majority needed to pass such a measure.

As the debate unfolded, Abbas coordinated closely with the Arab League to ensure broad Arab support for his UN plans. This included meeting with Arab League FMs and Arab League Secy.-Gen. Nabil Elaraby in Doha on 8/23. (On the sidelines of that meeting, Abbas met with U.S. Asst. Secy. of State Jeremy Feltman; no details were released.)

Israeli PM Benjamin Netanyahu and his government, strongly opposed to the statehood bid, continued actively to lobby countries to oppose any UN initiative (see Quarterly Update in *JPS* 161 for background); according to Israeli Dep. FM Danny Ayalon (8/17): "We are trying to recruit the most important countries so that they do not vote according to their conscience, but for the security and stability in the Middle East." The Israeli FMin. instructed (8/20) Israeli ambassadors and representatives abroad to warn their hosts that the Palestinians would attempt to leverage member-state or observer-state status to censure Israel in various international forums (such as the ICC) and to expand Palestinian sovereignty in the West Bank—what it termed unilateral acts of "diplomatic warfare" that would "lead to confrontation and put [Israel's] economic, security and humanitarian cooperation at risk." Netanyahu and his security cabinet (e.g., 8/17) also played up and prepared for the possibility of a major security deterioration in the territories surrounding the UNGA session. At the same time, the IDF worked with Jewish settlement

security teams to defend the settlements against an onslaught of Palestinian protesters (see "Settlers and Settlements" below), assuming that Palestinians would be rallied by their leaders to march on the settlements timed with the UNGA session.

Some Israeli officials encouraged Netanyahu to take an even more aggressive stand against the statehood bid. For example, MK Danny Danon (Likud) submitted (8/17) a bill in the Knesset that would start the process of annexing the West Bank and launched a companion Internet campaign on Facebook and Israeli social media sites urging Netanyahu to annex the territory. Another anonymous Israeli official said (9/15) that the government was debating a "basket of tools" to respond to the statehood bid, including new restrictions on Palestinian travel, suspension of the transfer of VAT taxes collected by Israel on the PA's behalf, and other "far-reaching" steps.

These moves came despite Abbas's repeated (see Quarterly Update in *JPS* 161) pledges that Palestinians would hold only nonviolent demonstrations in support of the UN bid, as well as increased coordination between the IDF and PA security forces to maintain the West Bank calm. Indeed, high-ranking Israeli defense officials (including DM Ehud Barak) recommended (ca. 8/22) that Netanyahu make a series of major goodwill gestures to the PA to bolster Abbas and convince him to postpone the UN bid. These included: removing more roadblocks in the West Bank, releasing Fatah prisoners, increasing the number of Palestinian workers allowed into Israel, and allowing some Israelis to enter Palestinian-controlled area A for shopping and tourism. The rationale was that such gestures would immediately improve the West Bank economy, while also giving Palestinians a sense of what they could lose if the initiative went forward. Netanyahu ignored the suggestions.

*The U.S. Presses for a Quartet Deal in Lieu of a UN Bid*

Meanwhile, the U.S. actively continued to discourage the statehood bid. According to 2 anonymous Obama administration sources (*New York Times* [NYT] 9/4), the White House in late

8/2011 “launched a last-ditch diplomatic campaign” to convince the Palestinians to drop the plan. The campaign involved 3 simultaneous efforts: (1) making clear to the Palestinians that the U.S. would veto a UNSC initiative; (2) sending formal diplomatic messages to about 100 countries (as of 9/8) urging them to oppose Palestinian statehood, hoping to sway any countries on the fence so as to at least “narrow the majority the Palestinians are expected to have in the General Assembly”; and (3) drafting a Quartet proposal for renewing talks. This last was not so much because the U.S. believed that serious talks were currently possible, but because it would give the U.S. leverage to argue that an alternative to the statehood bid still existed through negotiations, and that until all negotiating prospects were exhausted unilateral Palestinian steps should be opposed. The Quartet statement envisioned by the U.S. would outline a series of meetings and other steps leading merely to a resumption of talks, with no suggestions for how to proceed to final status. Gaining EU support for such a Quartet proposal was deemed especially important since the individual EU states were divided on how to respond to the statehood bid. (To this end, 58 House Democrats later sent, on 9/15, a letter to 40 European heads of state urging them to oppose the UN bid.)

By early 9/2011, Obama was preparing to send his chief Middle East adviser Dennis Ross and acting U.S. special envoy to the Middle East peace process David Hale to the region to press the sides to accept a Quartet statement in lieu of a Palestinian statehood bid. Quartet special envoy Tony Blair headed to the region at the same time to buttress their effort. In advance of their arrival, Abbas held (9/5) a high-profile meeting with a group of 20 left-leaning Israeli intellectuals to stress that the Palestinians definitely wanted first and foremost to resume negotiations (“no matter what happens at the [UN], we have to return to negotiations”) but that even in the event of a last-minute deal to resume talks, the UN bid would proceed. He also confirmed rumors (see Quarterly Update in *JPS* 161) that he had met secretly with Israeli pres.

Shimon Peres on 3 separate occasions in recent months (in Amman, London, and Rome) to discuss reviving talks. He also revealed that he met secretly on 8/27 with Israeli DM Ehud Barak, who asked him to drop the statehood bid (almost certainly emphasizing the package of Israeli goodwill gestures proposed by the defense establishment noted above). Finally, Abbas reiterated that as long as he was president, the PA would maintain close security cooperation with Israel.

Ross and Hale arrived in the region on 9/6. (Blair arrived around the same time, but details of his meeting schedule were not publicized.) While they were meeting with Israeli officials (no details released), U.S. Secy. of State Hillary Clinton phoned (9/6) Abbas to urge him to “work hard with us to avoid a negative scenario in New York.” When Ross and Hale met with Palestinian officials on 9/7, they likewise pressed them (according to Palestinian officials on 9/8) to accept a Quartet statement and threatened to suspend all U.S. aid if the UN bid proceeded. No progress was reported; Ross and Hale returned to the U.S. on 9/8 with anonymous U.S. officials saying (*Washington Post* [WP] 9/9) that the administration was “at a loss” as to how a U.S. veto could be avoided. Abbas stated (9/8) that “to be frank . . . , they came too late,” noting that after “wasting time” since the beginning of 2011, at the last minute they had no concrete proposal to offer. Palestinian officials added (9/8) that it would be political suicide for Abbas to back down at this stage.

On 9/12, Abbas met with Arab League FMs in Cairo to brief them on the Ross-Hale visit. The FMs told Abbas that they now strongly preferred that the Palestinians ask for observer-state status via the UNGA to avoid a serious confrontation with the U.S., but that they would support whatever tack he took at the UN, including going for full member-state status. Palestinian chief negotiator Saeb Erakat said (9/13) that the Palestinians were waiting to hear the new proposals being drafted by EU foreign policy chief Catherine Ashton (who had just arrived in Cairo) together with Quartet special envoy Blair (still in the region) before deciding. Meanwhile,

U.S. Amb. to the UN Susan Rice warned (9/12) that any country supporting the Palestinians at the UN should have the “responsibility to own the consequences of their vote,” reinforcing Arab FMs’ fears that they could pay a price in U.S. aid if they supported the UN bid.

Ross and Hale returned to the region 9/14–15 to meet again with Netanyahu and Abbas. This time, they proposed that the Palestinians drop their UN bid in exchange for being granted “some attributes of a state” (e.g., allowing them get funding directly from the World Bank, which aids only states) or re-starting talks based on 1967 lines but without a settlement freeze (already repeatedly rejected by the Palestinians as insufficient). Separately, Ashton and Blair suggested that the Palestinians drop their bid for statehood in exchange for a Quartet statement outlining steps toward resuming talks and a UNGA endorsing the *idea of* Palestinian statehood without granting them the status of a state. Abbas rejected these as too little too late. Reportedly deeply insulted by the proposals, he made his final decision (announced 9/16) to seek full member-state status at the UN.

In meetings with Israeli officials during this time, Ross, Hale, Ashton, Blair, and other U.S. and European officials strongly urged Netanyahu not to take any steps to punish Abbas that would destabilize the PA, such as cutting off security cooperation. Israeli DM Barak and Intelligence M Dan Meridor also urged against imposing economic sanctions that could undermine the PA. Meanwhile, an Israeli diplomatic source noted (*Ha’Aretz* 9/19) that Netanyahu was under heavy pressure from hard-line members of his coalition (particularly FM Avigdor Lieberman, Finance M Yuval Steinitz, and Dep. PM Moshe Ya’alon) to respond forcefully to the PA, but that he had agreed to wait “until the significance of the Palestinian move becomes clearer to commit to any course of action.”

After Abbas’s 9/16 announcement, Israeli and U.S. officials began for the first time to suggest quietly (see NYT 9/18) that a Palestinian bid for full member-state status via the UNSC might actually be easier to contain and less politically damaging than a bid for observer status

via the UNGA. This was because consideration of an application to the UNSC could be drawn out: various letters would have to be submitted, a committee would have to be formed to study the request, and the U.S. could demand repeated extensions to “study the situation further.” Meanwhile, the EU and U.S. continued efforts to draft a Quartet statement that could preempt the statehood bid and bring the parties back to negotiations.

#### *New Offers as the UNGA Session Convenes*

New last-minute initiatives to avert a Palestinian appeal to the UN were made as diplomats gathered in New York. On 9/19, Obama launched a 3-day diplomatic push at the UN intended to “express our support for a negotiated, 2-state solution,” according to his spokesperson. That same day, Netanyahu publicly announced (9/19) his last-minute decision to lead the Israeli delegation to the UNGA session himself. He had originally planned to send Israeli pres. Shimon Peres in his place, stating that he did not want to give the Palestinian statehood issue more attention than it deserved. His final decision (on 9/15) was to ensure, he said, that “Israel receives a fair hearing.”

At the same time, Netanyahu called (9/19) on Abbas to restart direct negotiations with him in New York that would be continued in Jerusalem and Ramallah upon their return, just as they had done a year before (see Quarterly Update in *JPS* 158). He gave no details on the basis for relaunching talks. Senior Palestinian official Hussam Zumlut reiterated (9/19) that the Palestinian leadership was ready to consider any “serious and credible” proposal to resume talks, meaning it must include a settlement freeze and acceptance of the 1967 lines as the terms of reference. Netanyahu did not clarify his position or respond.

Obama turned up the pressure on the Palestinians in his address to the UNGA opening plenary on 9/21 (see Doc. D2), denouncing the Palestinian statehood bid in what some analysts (e.g., WP 9/22) termed “his clearest statement of support and sympathy for Israel” ever and “a retreat from his early ambitions to help broker an enduring

peace.” In it, he adopted Israel’s narrative of an embattled nation in a hostile region, praised the Jewish people for having “forged a successful state in their historic homeland,” and went so far as stating that it was Israel that deserved recognition and normalization from its neighbors, without mentioning settlements or occupation. Later that day, Obama met separately with Netanyahu (a preplanned meeting) and Abbas (agreed by the U.S. at the last minute); no details were released. In a joint press conference afterward intended to emphasize the special U.S.-Israeli alliance, Netanyahu praised Obama’s stand as a “badge of honor.” (Obama did not hold a press conference with Abbas.) That same evening, Secy. of State Clinton held separate meetings with Abbas and Netanyahu. Abbas repeated that the statehood bid was not meant to preclude negotiations and that the Palestinians hoped to resume negotiations as soon as possible, with a settlement freeze and agreement on 1967 lines as the basis of talks. Details of the meeting with Netanyahu were not released.

Meanwhile, French pres. Nicolas Sarkozy publicly offered (9/21) a bridging proposal to avert a statehood bid: immediate resumption of Israeli-Palestinian talks, to be shepherded jointly by the 5 permanent UNSC members, the EU, Egypt, and Jordan (as opposed to the U.S.-dominated Quartet) aimed at concluding a comprehensive final status deal within a year. In exchange for accepting the format and timeline, the Palestinians would drop their bid for full membership and settle for observer-state status and pledge not to “undertake actions incompatible with the continuation of negotiations” (i.e., using the new status to seek action against Israel in the ICC). Sarkozy met privately with Abbas on 9/20, before announcing his proposal, but none of the parties publicly responded.

On 9/22, with Abbas prepared to submit the Palestinian petition to the UN on 9/23 and both he and Netanyahu set to address the session that same day, the U.S. convened its Quartet partners for intensive meetings to finalize a statement on resumption of negotiations. While at this stage there was little if any hope of preventing Abbas from making

the bid, observers said (NYT, WP 9/24) the move was “designed to delay a contentious vote on the Palestinian request as long as possible” on the grounds that as long as peace talks were “underway and making progress,” the UNSC would likely put off a vote on the Palestinian application to give the sides a chance to reach a negotiated agreement. Quartet reps. worked late into the evening but failed to agree on a text, reconvening in the morning on 9/23 to try again. The EU and U.S. reportedly (NYT 9/23) threatened at one point to give up on a Quartet statement and issue their own joint statement—which some diplomats feared would effectively mark the end of the Quartet.

Later on 9/23, Abbas, after officially submitting the papers formally requesting full UN membership (see Doc. B1), gave a long speech to the UNGA contrasting the PLO’s historic steps for peace with Israel’s settlement policy (see Doc. B2). Abbas’s letter of application emphasized that it was being made “consistent with the rights of Palestinian refugees” and “with the status of the Palestinian Liberation Organization (PLO) as the sole legitimate representative of the Palestinian people.” The emphasis was in response to grave concerns among Palestinian refugees and activists in the diaspora alarmed by an independently commissioned legal opinion issued (ca. 8/24) by Oxford University international law professor Guy Goodwin-Gill that warned that UN endorsement of Palestinian statehood could compromise the PLO’s status as sole legitimate representative of the Palestinian people (recognized by the UN in 1975) to the PA, meaning that Palestinians in the diaspora might be left behind and refugee rights compromised. The sentence concerning the refugees’ rights and the PLO’s status as sole representatives was added even though other legal experts (notably renowned Ohio State law professor John Quigley ca. 8/30) clarified (1) that the form of government (i.e., the role of the PLO and its subordinate entity, the PA) is an internal constitutional issue that does not affect status as a state; and (2) that refugee rights are inalienable and cannot be ceded accidentally or otherwise.

Many representatives left the hall immediately after Abbas's speech, declining to stay to hear Netanyahu, who spoke next, in a silent show of solidarity with the Palestinians. The bulk of Netanyahu's speech (see Doc. C) focused on the threat from Iran, upbraiding the UN and its various agencies for having repeatedly legitimized "terrorists and their Iranian patrons" and "condemned their victims" (i.e., Israel). He did, however, reiterate his call for Abbas to resume negotiation immediately in New York, again without giving details on the basis or goal of talks.

Within 3 hours after Abbas's speech, the Quartet issued (9/23) a vague statement calling on Israel and the Palestinians to return to talks within a month, with the objective of reaching a final agreement within a year (see Doc. A2). While the statement expressed "strong support for the vision of Israeli-Palestinian peace outlined by . . . Obama" and called on both sides to "refrain from provocative actions," the U.S. refused to include explicit mention of 1967 borders or halting settlement construction. And although an anonymous senior U.S. official said the Quartet's idea was that after an initial preparatory meeting the sides would be able "to come forward with comprehensive proposals within a 3-month period on territory and security," no further benchmarks on the path to final status were set out. Quartet special envoy Tony Blair heralded (9/23) the statement as a "breakthrough," though he acknowledged that neither Israel nor the Palestinians had accepted it.

#### *The Fate of the Palestinian Statehood Request*

On 9/24, the parties left New York and settled in to an uncertain waiting period. UN Secy.-Gen. Ban Ki-Moon immediately sent (9/23) the Palestinian application to the UNSC's rotating head, Lebanese amb. Nawaf Salam, who distributed it to UNSC members on 9/26, which in turn sent (9/28) it to the UNSC's standing Committee on the Admission of New Members (1 rep. from each UNSC member state) for review. The review process (which began on 9/30) was expected to take weeks or months.

Nine UNSC votes were needed to approve the application. Six UNSC

members (Brazil, China, India, Lebanon, Russia, and South Africa) had said they would vote in favor; the U.S. would vote against; and Britain, France, Germany, Portugal, and Columbia intended to abstain. That left Bosnia, Gabon, and Nigeria on the fence and the Palestinians required to secure the votes of all 3 to move the application forward. Though chances were good that the initiative would die without need of a veto, anonymous U.S. officials expressed concern that the EU states might opt to "use a U.S. veto as cover," voting for the measure to boost their interests in the Arab/Muslim world while relying on the U.S. to "do the responsible thing" by blocking the initiative. Indeed, on 9/27 Palestinian envoy to the U.S. Maen Areikat said the Palestinians' focus was on convincing the 4 EU states to support the bid to give it some mainstream Western backing.

After several rounds of debate, rotating UNSC member Bosnia announced (10/31) its decision to abstain, making it impossible for the Palestinians to secure the necessary 9 votes. On 11/8, the UNSC comm. finalized its report, a 4-page document (see Doc. A4) stating that members were unable to reach consensus and therefore unable to make a unanimous recommendation. By that time, the Palestinian application had 8 possible votes: Brazil, China, India, Lebanon, Russia, and South Africa definitely; Nigeria and Gabon probably. The U.S. definitely and Germany probably would vote against; Bosnia, Britain, Columbia, France, and Portugal would abstain. Many of the states that would not vote in favor questioned whether the Palestinians currently met the requirements for statehood, especially given Hamas's control of Gaza and the uncertainty as to whether it would accept the terms of membership (including peaceful settlement of disputes). For an actual vote to be taken, at least 1 UNSC member would be required to formally ask for a vote, and none did, leaving the application effectively dead. The outcome also meant that the Palestinians could not bypass the UNSC and request the UNGA to consider the application under Uniting for Peace (UNGA Res. 377; see Quarterly Update in *JPS* 161 for background).

The UNSC formally accepted the report on 11/11. The same day, France urged the Palestinians to submit a new request to the UNGA to upgrade its status to the lesser observer-state status, but by the end of the quarter the Palestinians had not decided whether to do so.

*The 9/23 Quartet Initiative Goes Nowhere*

Meanwhile, as the UNSC committee considering Palestine's bid debated, there was no serious movement to pursue the 9/23 Quartet initiative to revive talks. Returning to the region from the UNGA session, Palestinian (9/24, 9/25) and Israeli officials (9/25) stated only that they were studying the Quartet offer. After meeting with the PLO Exec. Comm. in Ramallah, Abbas said (9/29) that Palestinian leadership felt the proposal had "encouraging elements," but could be viable only if Israel "clearly committed" to the principle of a 2-state solution based on 1967 lines with agreed swaps as the basis of talks and imposed a settlement freeze (which Netanyahu had repeatedly rejected). Israel promptly issued (10/1) a statement welcoming the proposal to restart talks "without preconditions," but noting that Palestinian demands for clear, agreed baselines in advance were proof that Palestinians were not serious about peace. Adding that "Israel has some concerns," it said it would "raise them at the appropriate time."

Quartet reps. met (10/6) in Brussels to discuss how to encourage Israel and the Palestinians to sign on to the plan and pledged to invite the sides to a preliminary meeting by 10/23 (in keeping with 9/23 Quartet statement) to discuss resuming direct talks. Ultimately, it was the Quartet reps. who traveled to the region to hold (10/26) separate talks with Palestinian and Israeli officials in Ramallah and Israel to urge them to adopt the plan. Neither Abbas nor Netanyahu agreed to meet with them personally, but instead were represented by their chief negotiators; no progress was reported.

*Violent Palestinian Demonstrations Fail to Materialize*

The violent Palestinian demonstrations feared by Israel at the time of the

UNGA session did not materialize. Indeed, the IDF praised (9/28) the PA security forces for their close coordination to prevent violence. In total, only 3 large rallies organized by Fatah and the PA in support of the UN initiative were held in Ramallah (9/21, 9/23, 9/25). Small rallies took place in population centers around the West Bank from 9/8 to 9/25, with virtually no violence reported. No rallies were held in Gaza or Jerusalem. (See also "Nonviolent Protests in the Territories" below.)

In consequence, Israeli officials did not immediately implement threats made in the run-up to the UNGA session to cut off funds to the PA or annex West Bank territory as they had threatened, opting for a wait-and-see approach. The leaders of Israel's 4 ruling coalition parties (Likud's Ze'evi Elkin, Shas's Avraham Michaela, Habayt HaYehudi's Uri Orbach, and National Union's Yaakov Katz) did send (9/27) a letter to Netanyahu urging him to annex "Jewish-settled areas of the West Bank," but the government did not respond. Instead, Netanyahu focused on finalizing prisoners swap deals with Hamas (10/11) and Egypt (ca. 10/20) that boosted his image at home and Israel's image abroad (see "A Prisoner Swap to Free Shalit Is Agreed" and "Israeli-Egyptian Prisoner Swap" below for details).

With the UNGA session behind, Israel resumed provocative actions regarding Jewish settlements that the U.S. termed "deeply disappointing," "counterproductive," and "unhelpful to our peace efforts." These included advancing (9/27) plans to expand an existing settlement and approving (10/14) plans to build a new settlement, Givat Hamatos, in southern East Jerusalem that would cut Bethlehem off from Jerusalem, and moves (early 10/2011) seen as seeking ways to legalize unauthorized settlement outposts built on private Palestinian land (see "Settlers and Settlements" below for details).

The Palestinians, meanwhile, began to explore the possibility of seeking full membership in other international organizations, starting with the UN Educational, Scientific and Cultural Organization (UNESCO). When UNESCO voted to approve membership on 10/31 (see the "United Nations" section

below), Israel promptly (11/1) cut off the transfer of VAT taxes to the PA and ordered accelerated construction of 2,000 housing units in East Jerusalem's Har Homa settlement and the nearby West Bank settlements Efrat and Ma'ale Adumim, calling it Israel's "right and obligation" to build in Jerusalem. The PA stated (11/1) that it was "completely unacceptable for Israel to respond to a peaceful and legal move with a completely illegal response." The U.S. said it was "deeply disappointed" with Israel. The Israeli cabinet affirmed the decision to suspend VAT transfers on 11/14 over the objections of Israeli DMin. officials worried that the move could destabilize the PA and undermine West Bank security. Meanwhile, Palestinian Internet addresses and phone networks in the West Bank and Gaza came under "multiple attacks" by computer hackers originating from many countries. The PA said (11/1) that the attacks appeared linked to the UNESCO vote and that it believed they were "organized by a state" (i.e., Israel).

#### ***A Prisoner Swap to Free Shalit Is Agreed***

Even as attention was focused on the Palestinian statehood bid at the UN, Netanyahu and Hamas worked quietly to bridge their final differences on a prisoner exchange deal to free captured IDF Cpl. Gilad Shalit (held in Gaza since 6/2006). A serious round of negotiations had begun in early 8/2011 (see Quarterly Update in *JPS* 161). On 8/17, Hamas leader Khalid Mishal arrived in Cairo to meet with Egyptian intelligence officials to discuss details that might possibly seal a deal, but at the last moment Egypt postponed the meeting indefinitely without giving a reason and talks appeared to stall. At the time, the PA Prisoner Affairs Min. reported (8/17) that Israel currently held some 6,000 Palestinian prisoners, including 219 without charge, 44 who had been jailed for more than 25 years, and 299 who had been jailed since before the 1994 Oslo accords.

Secret talks revived sometime later in 8/2011 or 9/2011, apparently motivated by the need of both Hamas and Netanyahu to boost their domestic popularity (see WP 10/12 for analysis). Hamas had

seen Abbas's popularity spike because of the UN statehood initiative, whereas Netanyahu's government was facing stiff domestic criticism from the July 14th Movement over economic inequalities (see below). Meanwhile, the IDF staged (8/20–21) the largest West Bank arrest operation since 2003, detaining some 120 Palestinians, mostly Hamas members and supporters, in a major late-night military operation in Hebron district. Weeks later, the IDF detained Hamas-affiliated PC mbrs. Muhammad Abu Tair in Ramallah on 9/5 and Fadi Hamdan in al-Bireh on 9/14 (on top of 9 Hamas-affiliated PC members, Hamas politburo members, and local Hamas leaders detained last quarter; see Quarterly Update in *JPS* 161).

Nothing was publicly revealed about the talks until 10/11, when Israel suddenly announced that it has signed a prisoner swap agreement with Hamas in Cairo that would free Shalit in exchange for about 1,027 Palestinian prisoners in 2 stages: (1) within a week around 450 Palestinians would be released and Shalit transferred to Egypt; (2) within 2 months, the other 550 or so Palestinians would be freed. Those freed would include 315 serving life sentences, 27 women, and several Israeli Palestinians. Ultimately, according to inside sources (NYT 10/17), the deal went through because Hamas agreed to drop demands for the release of several key prisoners (including Fatah leader Marwan Barghouti, Popular Front for the Liberation of Palestine [PFLP] leader Ahmad Saadat, and several senior Hamas military commanders) and conceded that Israel could deport some 200 West Bank prisoners abroad or to Gaza (some would be allowed to return to the West Bank after 3 years). Israel, for its part, conceded to Hamas's demands on the number of prisoners to be released and to release some prisoners serving life sentences for killing Israelis.

The 1st stage of the swap took place on 10/18. Hamas transferred Shalit to the International Committee of the Red Cross (ICRC) in Egypt, which gave him a quick medical check before transferring him to the Israeli border, where he was taken to a military base in s. Israel where he was met by his parents, PM Netanyahu, and senior Israeli officials.

Israeli medical officials said Shalit showed effects of malnourishment and prolonged periods in the dark, but was otherwise healthy. Israel released 477 Palestinian prisoners to Egypt, which transferred 260 to Gaza (including 130 expelled from the West Bank), 175 to the West Bank, and 42 abroad (to Qatar, Syria, and Turkey). More than 300 of those released had been serving life sentences and 27 were women. The 2d stage of the release did not occur this quarter.

The Palestinian prisoners returned to heroes' welcomes in the occupied territories. In Gaza, Hamas sponsored a large welcoming rally and put up the deported West Bank prisoners in a luxury beach resort. In the West Bank, crowds waving Hamas flags greeted returning prisoners. The outpouring of support for the release reportedly (*Ha'Aretz* 10/24) raised concerns among the IDF general staff that the prisoner swap deal had dangerously boosted Hamas's popularity and undermined the PA. The IDF recommended (ca. 10/24) that Netanyahu make a counterbalancing gesture to Abbas by (in order of preference): (1) releasing mostly Fatah prisoners among the 550 in the 2d stage of the Shalit prisoner swap; (2) releasing an additional batch of prisoners, all Fatah members, for Id al-Adha (on 11/6); (3) transferring more territory from area B (joint control) to area A (full PA control); or (4) returning the bodies of slain "terrorists" to the PA. Netanyahu, his inner cabinet, and his senior advisers "vehemently opposed" the ideas, saying Abbas should be punished for the UN statehood bid.

Of note: After the stage 1 release, the IDF began (11/12) conducting late-night raids on the homes of some of Palestinians released in the Shalit prisoner exchange, summoning at least 16 for questioning and interrogating the family of another West Bank prisoner who had been deported to Gaza. At least 1 of those interrogated was given a map delineating boundaries within his district beyond which he cannot go and a warning not to engage in any security activity. The IDF also rearrested (11/1) senior Hamas official Hassan Yousef in Ramallah for having links to a "terrorist" organization. Yousef, originally arrested for

his membership in Hamas in 2005, was released on 8/4/11 as part of a mass release to ease prison overcrowding (see Quarterly Update in *JPS* 161).

### ***Cross-Border Violence***

During the quarter, there were two instances of cross-border violence, one involving Egypt and the other the Gaza border with Israel, which escalated to the point of requiring foreign intervention to avert a large-scale Israeli operation against Gaza.

The first instance was precipitated by a cross-border attack from Egypt on the Israeli resort city of Elat. On 8/18, unidentified assailants armed with heavy weapons and explosives entered s. Israel from the Egyptian Sinai and staged coordinated attacks (gunfire, mortars, and antitank missiles) against a bus, several cars, and an IDF patrol in and around Elat, killing 7 Israelis (1 IDF soldier, 6 civilians) and wounding up to 40, marking the deadliest attack on Israel since 3/2008. The attacks began at midday and the clashes lasted over several hours (at least 7 infiltrators killed) before Israeli security forces pursued the attackers back into Egypt, where Israeli troops clashed with Egyptian security forces, killing an Egyptian military officer and 2 Egyptian border police and injuring 2 others. Later in the evening of 8/18, gunfire erupted again in Elat, leaving 1 Israeli border policeman dead and another critically injured.

Though the IDF eventually concluded in a classified report (not released, but leaked to the Israeli daily *Yedi'ot Abaronot* [YA] ca. 10/15) that the attackers were likely al-Qa'ida-inspired Egyptians (see more in "Egypt" below), Israel immediately accused Hamas of sending terrorists from Gaza through the Rafah smuggling tunnels into Egypt and thence into Israel. It therefore launched (8/18) 12 air strikes on s. Gaza, precipitating 4 days of heavy cross-border violence (see Chronology for details). Israel initially targeted the Popular Resistance Committees (PRCs; an umbrella group comprising members of all Gaza factions, including Fatah and Hamas), but shifted (8/19) to targeting Islamic Jihad (IJ) and then Hamas as they took the lead in launching retaliatory rocket attacks (see Chronology for details). In

total, Israel made at least 46 air strikes (warplanes and drones) and 14 artillery strikes across the Strip, killing 14 Palestinians (10 militants and 4 civilians, including 3 children) and wounding more than 80 (including at least 8 women and 12 children); the air strikes included 2 targeted assassinations that killed 5 senior PRC members, an IJ senior military commander, and the 4 bystanders mentioned above. Palestinians (including Hamas, IJ, the al-Aqsa Martyr's Brigade [AMB], and a small Salafist group) fired at least 112 rockets (including at least 17 manufactured Grads) and 22 mortars, killing 1 Israeli and wounding 11 Israelis and 3 Palestinian laborers inside Israel.

While Israel struck Gaza, protests grew in Cairo over the IDF killing of the Egyptian soldiers, threatening a major diplomatic crisis with Egypt (see "Egypt" section below). International pressure was brought to bear, leading Israel to shelve (by 8/20) internal discussions of launching a major military operation against Gaza. Meanwhile, Egyptian mediators helped secure Israeli-Hamas agreement to restore their cease-fire effective the evening of 8/21.

While the situation improved noticeably by late 8/21, serious cross-border exchanges continued as several smaller Palestinian factions (including IJ and PFLP) resisted Hamas demands to stand down and Israel struck back hard. Between 8/22 and 8/26, when Hamas and Egyptian mediators secured another pledge from the factions and Israel to halt fire, Palestinians fired another 50 rockets (including at least 2 Grads) and several mortars, moderately injuring 2 Israeli children. Israel, meanwhile, hit back with nearly a dozen air strikes, killing 12 Gazans (6 militants, 6 civilians) and injuring 38; 1 Israeli airstrike on 8/23 was a targeted assassination, killing the head of IJ's military wing in Gaza. From 8/26 to 10/25, there were occasional reports of Israeli air strikes and Palestinian rocket fire, but no sustained exchanges.

A second major round of cross-border exchanges began on 10/26, when unidentified Palestinians fired 1 Grad missile into Israel, causing no damage or injuries. Israel responded with 6 air strikes on central and southern

Gaza targeting vacant Hamas sites—pro forma when Israel does not know the identity of the assailants but wants to punish Gaza's ruling authority. After identifying IJ as responsible, the IDF launched 3 air strikes on an IJ training camp in s. Gaza, assassinating IJ field commander Ahmad Shaykh Khalil and 4 other IJ members and wounding 3. IJ responded (10/29) with a volley of at least 24 rockets and mortars on s. Israel, including at least 1 Grad that hit Ashkelon, killing 1 Israeli and wounding 2. Over the next 24 hours (10/29–30), the IDF carried out another 15 air strikes on 11 predominantly IJ targets across Gaza, killing another 7 Palestinians (all armed, mostly IJ) and wounding 4 (2 armed, 2 bystanders). On 10/30, Egypt secured another cease-fire pledge of the main Palestinian factions, but on 10/31 unidentified Palestinians fired another 5 rockets into Israel, causing no damage or injuries. At this stage Israel reportedly was once again on the verge of launching a massive operation against Gaza but Egypt intervened, saying intelligence indicated it was a small Salafist group that had fired the rockets, not Hamas or IJ, and asking Israel to wait 24 hours before responding to see if the cease-fire would take hold.

Tit-for-tat exchanges continued across the Gaza through the close of the quarter, leaving another 4 Palestinians (3 militants and a naval police officer) dead. IDF chief of staff Lt. Gen. Benny Gantz warned on 11/15 that Israel might need to strike Gaza if rocket fire continued, stating that Israel would initiate an operation before it would allow itself to be "dragged into" one.

#### *Civil Disobedience*

On 11/4, 27 international activists and journalists (fr. Ireland, Canada, the U.S., and Australia) sailing in 2 boats they called the Freedom Waves Flotilla attempted to run the Gaza blockade. The Israeli navy halted and boarded the boats off the Gaza coast and escorted them to Ashdod port, where the boats were confiscated and the activists detained. The organizer on 1 boat was tasered by a soldier when he resisted orders to leave his cabin and join the other activists being rounded up. Seven of the group were quickly deported

after meeting Israel's demands to sign a statement that they had entered Israel illegally. As of 11/8, the other 20 were still in custody, having refused to sign the statement, but all were sent home before the end of the quarter.

Taking example from the U.S. civil rights movement of the 1960s, 6 Palestinian peace activists, dubbed Freedom Riders, boarded (11/15) an Israeli commuter bus linking the West Bank Jewish settlements with Jerusalem and were arrested at an IDF checkpoint outside the city for attempting to enter without permits. The activists pledged to carry out more such acts of civil disobedience in the future to highlight Israel's occupation.

### *Intifada Data and Trends*

During the quarter, at least 58 Palestinians and 2 Israelis were killed as a result of Israeli-Palestinian violence (compared to 15 Palestinians and no Israelis last quarter), bringing the toll at 11/15 to at least 7,886 Palestinians (including 51 Israeli Arabs and 19 unidentified Arab cross-border infiltrators), 1,113 Israelis (including 354 IDF soldiers and security personnel, 226 settlers, and 533 civilians), and 66 foreign nationals (including 2 British suicide bombers). These numbers include individuals who died in noncombat-related incidents if their death was a direct result of Israel's occupation and the ongoing conflict (e.g., ailing Palestinians who died when denied access to medical care and Palestinians killed in smuggling tunnel accidents).

### *Overview of the Violence*

Overall, Israel-Palestinian violence in the occupied territories was moderate-to-high in Gaza and low in the West Bank this quarter (see Chronology for details). As noted above, some of the most serious violence took place during cross-border incidents.

In total during the quarter, **Gaza**-related Israeli-Palestinian violence claimed the lives of 2 Israelis and 56 Palestinians. (The 8 Israelis and 3 Egyptians killed in the Elat attack and ensuing clashes are not included, as the final consensus, including within the IDF, seemed to be that those attacks were staged by Egyptians.) The 2 Israelis

killed by Palestinians during the quarter died from Grad rockets fired into Israel. Of the 56 Palestinians, air strikes killed 42 (31 militants, 1 naval policeman, 10 civilians), IDF cross-border fire killed 1 (a civilian who strayed too near the border), and tunnel incidents killed 7, while 6 died of injuries received earlier (5 in air strikes, 1 in a tunnel accident). Moreover, 14 of the Palestinians killed in air strikes this quarter were assassinated: 7 IJ members (8/19, 8/23, 5 on 10/27), 5 PRC members (on 8/18), and 2 Hamas members (on 10/1); 4 bystanders were killed and 4 wounded in these attacks.

Israelis made a total of at least 99 air strikes (warplanes and drones) and 23 artillery strikes, whereas Palestinians fired at least 209 rockets (mostly home-made Qassams but including at least 22 manufactured Grads) and around 30 mortars. Of note: Egyptian officials said that a Palestinian rocket fired from Rafah on 8/23 landed inside Egyptian Rafah, injuring 1 woman and marking the first time a Palestinian rocket has landed inside Egypt; there was no indication the rocket was intentionally fired into Egypt.

Throughout the quarter, the IDF also regularly fired warning shots at Palestinians (typically farmers working their land, shepherds herding flocks, civilians scavenging for construction materials in the former settlement areas or demolished Erez industrial zone, and nonviolent protesters demonstrating against Israel's imposition of no-go zones) who strayed into the no-go zones on the Gaza side of the border, killing 1 Palestinian and wounding 7 (see Chronology for details). Israeli naval vessels routinely fired at Palestinian fishing boats that sailed too far off coast (injuring 2 fishermen) and occasionally (e.g., 9/11, 9/19, 10/26, 11/9) detained fishermen, confiscating their boats and returning them to Gaza through the Erez crossing. The IDF also made several brief incursions into Gaza (e.g., 9/6, 9/20, 10/4, 10/6, 10/10, 11/2, 11/3) to bulldoze land and clear lines of sight along the border fence.

In the **West Bank**, settler violence was high, while IDF operations (an average of 71 per week, down from 90 last quarter) were the lowest in recent memory. In total, 2 Palestinians in the West

Bank were killed by Israelis (both on 9/23), one in a deliberate hit-and-run by a Jewish settler and the other when the IDF opened fire with live ammunition to disperse Palestinians trying to block Jewish settlers from entering their village. Later the same day (9/23), 2 Jewish settlers died in a car accident that settlers blamed on stone-throwing Palestinians, but the IDF ruled it an accident (these deaths therefore are not included in the comprehensive toll above). For more on settler-related violence, see "Settlers and Settlements" below.

By mid-9/2011, the IDF patrols during the day were almost exclusively conducted as shows of force, with arrest raids and house searches reserved for late at night. As noted above (see "A Prisoner Swap for Shalit Is Agreed"), the IDF conducted its largest arrest sweep since 2003 overnight on 8/20–21, targeting Hamas members and supporters in the Hebron district. For the 3d straight quarter, the IDF aggressively entered PA-controlled Jericho (e.g., 8/18, 9/7, 9/23, 10/1, 10/3, 10/20, 10/27, 10/29, 10/30, 11/4, 11/8). For the 4th straight quarter, the IDF photographed Palestinian cultural heritage sites during patrols (e.g., 11/10 in Kafr Qaddum near Qalqilya).

Of note: IDF troops in Hebron violently beat (10/11) a group of Palestinian children and teachers who refused new IDF demands to submit to searches before crossing a permanent checkpoint in Hebron's al-Shuhada Street to reach the Cordoba Elementary School, moderately injuring 7 children (age 10–15). Days later (on 10/13), Jewish settlers attacked and vandalized the school while classes were in session, violently beating teachers who barred them from entering the school; IDF soldiers observed but did not intervene. When teachers and students held (10/16) a sit-in at the IDF checkpoint to protest the events, the Israeli soldiers fired tear-gas and beat the protesters to disperse them, lightly injuring 3 children.

In **East Jerusalem**, Israeli forces raided (10/23) the offices of the al-Quds Development Association in Dahiyat al-Barid (arresting the director and then raiding his home) and the al-Iman School in Bayt Hanina (arresting a teacher and then raiding his home).

Days later (on 10/25), the IDF returned to Dahiyat al-Barid and raided and sealed 3 offices of the al-Quds Development Association, accusing the group of having ties to Hamas and the PLFP. The association publicly protested, noting that it was licensed to operate by the Israeli government, but no legal motions to lift the seal were reported before the end of the quarter.

Apart from the Elat attack, 2 major incidents took place **inside Israel**. On 8/29, a 21-yr.-old unaffiliated Palestinian from Nablus entered Israel, stole a taxi in Tel Aviv, drove it into a police check point outside a popular nightclub, and then stabbed several bystanders before being subdued by police. No motive for the attack was revealed, and no serious injuries were reported.

On 10/3, Jewish extremists set fire to a mosque in the Israeli Palestinian village of Tuba-Zangaria and scrawled graffiti reading "price tag," "revenge," and "Palmer" (in reference to Asher Palmer, the Jewish settler killed on 9/23 in a West Bank traffic accident that Jewish settlers claimed was caused by stone-throwing Palestinians, a charge the IDF denied). Some 200 angry Palestinian residents marched toward a neighboring Jewish town but were blocked by Israeli police, who fired tear gas to disperse them. Palestinian protesters set fire to tires and threw stones at police in response; no serious injuries were reported. Netanyahu denounced (10/3) the arson, and Pres. Peres and Israel's 2 chief rabbis visited the mosque in a show of solidarity with the village. Israeli police arrested (10/6) an 18-yr.-old rabbinical student tied to a radical Jewish settler as a suspect.

Less than a week later, Jewish extremists vandalized (10/8) Christian and Muslim graves in 2 Jaffa cemeteries, smashing headstones and scrawling graffiti reading "Price Tag" and "Death to Arabs." Some 200 Arab and Jewish residents rallied against the hate crime on 10/8. Netanyahu and Israel's chief rabbis also denounced (10/8) the incident.

#### *Movement and Access Issues*

This quarter, Palestinian freedom of movement in the West Bank remained relatively good (i.e., it was possible to

go almost anywhere, though not necessarily by the most direct route). In general, travel between major population centers continued to be easier than travel to outlying villages. As of 10/31, the UN Office for the Coordination of Humanitarian Affairs (OCHA) reported 523 roadblocks (mostly earthen mounds and unmanned barriers) across the West Bank; only a few dozen permanent manned checkpoints were in place. (The IDF's checkpoint infrastructure remained intact, however.) In addition, OCHA reported around 475 "flying checkpoints" (temporary checkpoints imposed by the IDF as operations warrant) put up per month; though rarely in place for more than a day, these can be particularly disruptive to Palestinian travel as they are unplanned. As of 9/27, OCHA reported that almost 80% of land and roads in the Jordan Valley were off-limits to Palestinians, being designated for Israeli settlement use, closed military zones, and "nature reserves."

In Gaza, Israel maintained near total control of borders except at the Rafah crossing, where Egypt limited access to prevent a rift with Israel. On average per week, Egypt granted entry to 625 Palestinians, turned back 134 Palestinians that Hamas had granted permission to leave, and allowed 564 Palestinians to return to Gaza via Rafah. Israel continued to restrict use of the Erez crossing on a case-by-case basis to urgent medical cases, VIPs, and employees of international organizations.

Movement of goods was entirely restricted to the Israeli-controlled Kerem Shalom crossing in s. Gaza, which Israel opened on average 5 days/week. (Israel had closed Sufa crossing in 9/2010 and Qarni crossing in 3/2011, though the infrastructure remained.) On average, 854 truckloads of goods per week entered Gaza (down from 1,047 last quarter and 30% of the weekly average before Hamas's takeover of Gaza in 6/2007), with food items constituting 51% of imports on average (compared to 20% before the siege)—an indication that imports were still providing subsistence rather than economic stimulation. No exports from Gaza were allowed. The range of imports remained limited largely to construction material for UN and donor-funded projects and

Palestinian public works projects necessary to maintain public health standards, as well as wheat and fodder. Commercial goods were largely limited to foodstuffs, clothing and shoes, washing machines, refrigerators, electricity generators, water tanks, pumps, and machines for factories. Though Israel said at the close of last quarter (see Quarterly Update in *JPS* 161) that it would begin allowing textile and furniture imports for the first time since 6/2007, this did not happen this quarter. Meanwhile, smuggling of goods through the Rafah tunnels, especially of construction goods for private projects, remained high.

#### *Nonviolent Protests in the Territories*

This quarter, Palestinians in the West Bank continued their regular weekly protests against the separation wall, land confiscations, and demolitions, often with the participation of Israeli and international activists (see Chronology for details). Most were held in Bil'in and Ni'lin near Ramallah, Nabi Salih in the north central West Bank, Kafr Qaddum village near Qalqilya, and outside Karnei Tsur settlement near Hebron. As of 9/23, when Abbas submitted Palestine's membership application to the UN, these regular weekly protests focused as much on rallying support for Palestinian statehood. After Palestinian prisoners in Israeli jails went on strike (ca. 10/1) to demand better conditions, some weekly demonstrations also began (as of 10/7) to express solidarity with Palestinian prisoners in Israeli jails and to call for the release of Fatah's Marwan Barghouti and the PFLP's Ahmad Saadat. The calls for Barghouti and Saadat's release continued even after the Hamas-Israel prisoner swap deal excluding them was announced on 10/11.

Overall, however, there were surprisingly few West Bank demonstrations in support of the Palestinian statehood bid at the UN. Analysts suggested (e.g., WP 9/19) that while the plan "had broad public support, it does not appear to be generating the kind of energy that would fuel sustained protests against Israeli occupation." The first reported rally held exclusively to support the UN initiative was a small march by fewer than 100 Palestinians to the

UN headquarters in Ramallah on 9/8. A larger rally of 100s of Palestinians and Israelis gathering on their respective sides of the Qalandia crossing into Jerusalem was held on 9/17 (the only joint Israeli-Palestinian rally reported this quarter). The PA organized 3 major rallies in Ramallah on 9/21 (the opening of the UNGA session), 9/23 (the day Abbas submitted the petition to the UN), and 9/25 (welcoming Abbas home). The PA closed schools and government offices during the UNGA session, and Fatah bussed demonstrators into Ramallah, pushing the turnout well into the 1,000s. Other modest rallies were held across the West Bank during the UNGA session but did not constitute major outpourings of popular support. Organizers gave explicit orders to keep West Bank demonstrations in the heart of Palestinian cities and to stay far away from checkpoints, roadblocks, and other potential friction points. Palestinians largely obeyed; only 2 small stone-throwing clashes with IDF troops were reported at the Qalandia crossing on 9/20 and 9/23.

In Gaza, Hamas, angered that Abbas had not consulted its leadership on the statehood issue (see more in "Palestinian Reconciliation" below), banned rallies in support of the UN bid; none took place. The ban was widely criticized even by some senior officials within movement; for example, Ahmad Yousef, acting PM Ismail Haniyeh's former spokesman, said the ban "amounts to repression of freedom of expression." Only 1 march to the Gaza border (protesting Israel's imposition of a no-go zone) was reported (11/1).

#### *Settlers and Settlements*

By late-8/2011, in anticipation of "mass disorder" by Palestinians surrounding the UNGA session, the IDF prepared Operation Summer Seeds to defend Jewish settlements in the West Bank. To this end, the IDF stepped up existing training exercises with the settlers' "rapid response teams" created for each settlement in 2000 after the outbreak of the al-Aqsa intifada and tasked with defending the settlement in an emergency until the army arrives, at which point they are supposed to stand down. At settlers' request, the

IDF drafted instructions on how settlers should handle specific threat scenarios, such as Palestinians blocking roads to settlements or "breaching" a settlement's defensive lines. The settlers requested that the IDF put these guidelines in writing, but the IDF initially demurred, lest the settlers would see this as authorizing rules of engagement for the settlers. While it was unclear how much eventually was put to paper, the IDF reportedly (Agence France-Presse, *Ha'Aretz* 8/30) did draw up maps of areas around each settlement defining "first lines" (which if Palestinians crossed, the IDF and settlers would fire tear gas and stun grenades) and "red lines" (which if Palestinians crossed, the IDF and settler security officers would fire warning shots at their feet). The IDF also supplied and trained settlers in using tear gas and stun grenades, and worked with settlement security officers to check emergency preparedness and to identify weak points in settlement defenses. The IDF and settlers went on formal alert as of 9/19 and planned to stay at heightened alert for several weeks after the UNGA session.

Peace Now released a report on 9/7 stating that in the 10 months following the end of the partial freeze on building in the West Bank in 10/2010, work began on 2,598 new settlement housing units; 2,149 new units were completed, and building continued on at least another 3,700. During the reporting period, the rate of housing construction per Israeli on the West Bank was double that in Israel proper.

This quarter, Israel took 2 major steps that would cut off Bethlehem from Jerusalem. First, the government advanced (9/27) plans to build 1,100 Jewish settlement housing units in Gilo in southern East Jerusalem near Bethlehem—a move the U.S. called (9/27) "counterproductive" to peace. Second, it approved (10/14) formal plans to build an entirely new 2,610-unit Jewish settlement, Givat Hamatos, in southern East Jerusalem in what Peace Now called (10/14) "a game changer that significantly changes the possible border between Israel and Palestine." The Givat Hamatos project was conceived several years prior and if implemented will mark creation of the first new

authorized Jewish settlement in East Jerusalem since 1997, when Har Homa was launched. The project envisions constructing 4,000 units in 3 phases, of which the 2,610 units constitute phase 1 (see Settlement Monitor in this issue for details).

In early 10/2011, Netanyahu also formed a special committee to look into unauthorized settlement outposts built on private Palestinian land. Israel had pledged to remove these, but many believed (see NYT 10/15) that the committee was being charged with finding a way to “legalize” them, though Netanyahu denied this. In light of these concerns, the U.S. warned (10/12) that it opposed “any effort to legalize settlement outposts, which is unhelpful to our peace efforts and would contradict Israeli commitments and obligations” (see Settlement Monitor for details).

As noted above, Israel ordered accelerated construction of 2,000 settlement housing units in East Jerusalem’s Har Homa settlement and the nearby West Bank settlements Efrat and Ma’ale Adumim in retaliation for UNESCO’s decision to grant the Palestinian full membership.

On 11/15, the Israeli Housing Min. launched a major advertising campaign to sell 277 subsidized apartments in Ariel settlement near Salfit, 743 in Ramot and 130 in Har Homa settlement in Jerusalem, and 164 in Mod’in near Ramallah, as well as leasing 213 plots of land zoned for construction in Efrat settlement near Bethlehem, 207 in Mod’in, 168 in Har Homa, and 18 in Pisgat Ze’ev in Jerusalem.

Settler violence against Palestinians more than doubled this quarter (59 incidents compared to 25 last quarter). The breakdown of incidents by region was as follows: Nablus (14); Hebron (13); Qalqilya (11); Ramallah (9); Salfit (4); Bethlehem (3); Jenin and the former Homesh settlement site (2 each); and East Jerusalem (1). Settler actions included: attempting to seize Palestinian land to create new outposts (9/15, 9/19); attempting to enter Palestinian population centers in shows of force (2 on 9/20, 9/21, 9/23); beating, stoning, or harassing Palestinians (8/20, 8/27, 9/16, 9/20, 3 on 9/24, 9/30, 10/1, 10/6, 2 on 10/10, 10/13, 10/14, 10/19, 2 on 10/21, 10/22,

10/31); vandalizing property, including 1 mosque (8/17, 8/28, 8/30, 4 on 9/5, 9/8, 2 on 9/12, 9/13, 9/17, 9/20, 4 on 9/24, 9/29, 10/13, 11/6); arson, mostly to cars but including 1 mosque (9/5, 9/8, 9/12, 9/15, 11/10); stealing livestock or olives (10/1, 10/19, 10/22); uprooting or setting fire to trees and crops (8/23, 8/25, 8/26, 9/1, 9/5, 9/8, 9/9, 9/12, 2 on 9/15, 9/18, 9/19, 9/22, 9/24, 9/29, 10/1, 10/6, 11/6); dumping wastewater to pollute agricultural land (9/5); and obstructing Palestinian traffic (2 on 9/5, 9/12, 9/13, 9/17). In addition, a Palestinian child was killed in a deliberate hit-and-run by a settler on 9/23. Of note: As of 10/18, OCHA had recorded damage to more than 8,000 Palestinian trees by Jewish settlers since the start of 2011.

The PA, fearing that Jewish settlers would try to draw Palestinians into conflict during the UNGA session to show their untrustworthiness as partners for peace, viewed settler attacks on 2 mosques (9/5 and 9/8), several efforts by settlers (prevented by the IDF) to enter Palestinian villages between 9/20 and 9/23, and several provocative marches and banner-wielding demonstrations (9/20–27) as efforts to do just that (see Chronology for details). Only 1 incident (on 9/23) erupted in violence, when settlers from Esh Kodesh outpost near Nablus attempted to enter Qusra village and were fended off by local Palestinians; the IDF fired on the Palestinians to disperse them, killing 1 and wounding 7.

The situation between Palestinian villagers in Qusra near Nablus and Jewish settlers from the nearby Esh Kodesh outpost escalated this quarter. Settlers burned a nearby mosque (9/5) and cars, fired on (9/16) and seriously beat (10/21) local Palestinians, uprooted more than 200 trees (10/6), and carried out other vandalism (e.g., 9/25), prompting residents to form nightly neighborhood patrols to protect against further settler incursions. In reaction, settler leaders reportedly (NYT 9/24) began training all adult residents with M16s and handguns, escalating concerns.

On 9/5, the IDF removed structures at the unauthorized settlement outpost of Migron. In addition to several acts of retaliation directed at Palestinians (mostly vandalism and blocking roads;

see Chronology), militant Jewish settlers vandalized (9/7) an IDF base near Ramallah, damaging 13 vehicles and breaking windows in apparent retaliation. Jewish settlers also vandalized (ca. 9/15) Peace Now offices in Jerusalem, spray painting "Price Tag Migron," "Peace Now, The End Is Near," "Revenge," and "Death to Traitors" on walls in reference to the 9/5 Migron removals. The incidents exemplified the growing trend of radical settlers exacting reprisals against Israeli (usually IDF) targets for attacks on settlers or government steps that restrict settlement expansion. In mid-9/2011, Israel's national police force inaugurated a new unit aimed at tracking radical Jews, focusing on settlers that promote the price-tag doctrine. Israel's West Bank cmdr. Brig. Gen. Nitzan Alon publicly expressed (10/11) grave concern over increasing "Jewish terrorism" against Palestinians by extremist Jewish settlers.

Of note: On 11/7, the IDF, responding to a complaint from Jewish settlers from Daniel settlement near Bethlehem, arrested 3 Palestinian farmers working a plot of land in nearby Artas village, charging them with being "present on a piece of land that is the subject of dispute between the Palestinians and settlers" and fining them \$400 each.

#### *Demolitions and Confiscations*

The IDF demolished at least 12 Palestinian homes this quarter: 4 near Jenin, 3 in East Jerusalem, 2 each in Hebron and Qalqilya, and 1 in Bethlehem. It also demolished a newly constructed mosque in Khirbat Yazra near Tubas and, in the Hebron area, an auto repair shop (9/13); several wells and irrigation networks, tents, storehouses, and generators (10/4, 10/6); and electricity poles serving a Bedouin community (11/2). Several tents, wells, and storehouses were also demolished in Kafr Dik near Salfit (10/4).

In 2 incidents in Hebron (10/4, 10/6), the IDF uprooted and confiscated at least 850 olive and almond trees. At least another 730 trees were cut down by the IDF this quarter, mostly in Salfit. (This is in addition to trees destroyed by Jewish settlers; see "Settlers and Settlements" above.)

The IDF also confiscated Palestinian lands for expansion of settler bypass

roads, new security fences around settlements, and construction of the separation wall. This included a total of 831 dunams (d.; 4 d. = 1 acre) near Hebron (9/21, 10/4, 11/1); 153 d. near Bethlehem (9/28, 10/3); and an undisclosed amount near Qalqilya (11/13).

#### *Separation Wall*

As of 9/27, OCHA reported that 62% of the separation wall is completed (up slightly from 61.4% last quarter), with 80% of the wall built inside the West Bank.

The Israeli High Court rejected (8/23) an appeal by residents of al-Walajah near Bethlehem who challenged the separation wall's route, saying the residents did not prove that the planned route would severely harm the village. Even during the court challenge, work on the wall segment that would cut off al-Walajah from Bethlehem, which began last quarter, continued. On 10/3, the IDF leveled another 5 d. of agricultural land and uprooted 95 olive and oak trees to make way for the wall.

On 10/4, the IDF leveled 15 d. of Palestinian agricultural land along the separation wall n. of Hebron, including uprooting and confiscating 600 trees, destroying irrigation infrastructure, bulldozing several storehouses and a tent, and confiscating 2 mobile storage structures and 2 generators.

#### *Inside Israel*

##### **The July 14th Movement**

The weekly Saturday demonstrations launched last quarter by Israel's July 14th Movement to call for social justice (see Quarterly Update in *JPS* 161) waned following the 8/18 Elat attack, which absorbed domestic attention. Whereas before the attack the rallies attracted in the 100,000s, participation on 8/20 plummeted and on 8/27 drew only about 25,000. The round-the-clock tent camps, while remaining in place, also began to empty as the protests lost momentum. In effort to revive the movement, organizers announced plans to dismantle the tent camps and refocus energies on forming local committees to hold regular popular meetings and to "take responsibility for the space they live in." First, however, a final million-person march was called for 9/3 in Tel

Aviv. That day, some 300,000 demonstrators turned out in Tel Aviv and another 100,000 at other locations around the country. Immediately thereafter, encampments were removed as planned, though a few tents were left standing in prominent locations to serve as meeting places for strategy sessions and public debates and as symbolic reminders to keep the movement alive.

#### **Legislation and Government Affairs**

On 11/13, Israel's Ministerial Comm. on Legislation approved (11-5) 2 bills seen by critics as aimed at curbing dovish nongovernmental organizations (NGOs) critical of the government: one bill (the Funding Prohibition Bill) would cap donations to political NGOs by foreign governments or international organizations at around \$5,000; the other would impose heavy taxes on such contributions. By the end of the quarter, the measures had not received the required Knesset approval. Sources said (e.g., NYT, WP 11/14) that amendments to the bills were likely before they reach the Knesset, as Netanyahu wanted to tighten the language to "narrow the impact" of the bills (i.e., make them less likely to affect right-wing NGOs, whose funds come mostly from private groups and individuals).

Former Israeli journalist Shelly Yachimovich was elected (9/22) head of Israel's Labor party, beating incumbent Amir Peretz by 54% to 45% of the votes in a run-off election.

### **INTRA-PALESTINIAN DYNAMICS**

#### ***National Reconciliation***

Given the Palestinian statehood bid at the UN, Fatah made little effort to implement the 5/2011 national unity deal; since many in the international community opposed national reconciliation that would bring Hamas back into the governing authority, any such moves were seen as likely to undermine support at the UN.

As for Hamas, the Damascus-based leadership stated on 9/17 that while it supported Abbas's vision of a Palestinian state (on 1967 lines, with East Jerusalem as its capital), it opposed the UN statehood bid because Fatah had

decided to go to the UN without the consultations that would have made the UN bid a national initiative. Taking "unilateral" action, as Abbas had, according to the Damascus-based leadership, undermined the spirit of the 5/2011 reconciliation agreement. Hamas's acting PM in Gaza Ismail Haniyeh toned down the criticism when he conveyed the message directly to Palestinian National Council (PNC) members in Gaza City on 9/18, stating that Hamas would not stand in Abbas's way on going to the UN and strongly supported Palestinian statehood, but was upset that Abbas had not coordinated or consulted with Hamas on the process.

In the run-up to the UNGA session and in anticipation of a possible UN endorsement of the Palestinian statehood bid, PNC chairman Salim Za'nun convened (9/11) a preliminary meeting of the long-defunct Palestinian Constitution Comm. (PCC) in Amman to revive the work plan for drafting a permanent Palestinian constitution. The PA currently operates under an interim constitution (the Basic Law), drafted between 1994 and 2002, passed in 2002, and amended in 2003 and 2005. The revival of the PCC, established by Palestinian pres. Yasir Arafat in 11/1999 and whose drafting efforts had been put on hold in the mid-2000s, met with some criticism both from PA advisers (arguing that statehood should precede a constitution) and Hamas (which was angered not to have been brought into the drafting process, in the spirit of the 5/2011 national unity deal). In any case, with the UN bid having stalled, no further steps were taken this quarter.

#### ***PA Elections***

Under the 5/2011 national unity accord signed last quarter, Fatah and Hamas agreed to hold legislative and presidential elections within a year, with the expectation that they would not be held until after the 9/2011 UNGA session. In the wake of the agreement, the PA postponed the start of municipal elections from the planned 7/2011 until 10/22/2011 to allow time to organize voting in Gaza (update voter rolls, etc.) without the political distractions in the run-up to the 9/2011 UNGA session. On 8/22, however, Abbas issued a

presidential decree postponing municipal elections “until appropriate circumstances.” On 11/15, Fatah and Hamas agreed to hold legislative and presidential elections on 5/4/2012 but did not mention municipal elections (which are typically held first). They was also no word on formation of the caretaker government that, according to the 5/2011 national unity deal, should guide the nation to the vote.

**PA’s West Bank Rule**

The PA continued to face a budget crunch because of the Arab donors’ failure to fulfill pledges. The PA did pay civil servants’ salaries in full in 8/2011, as promised by PM Salam al-Fayyad (see Quarterly Update in *JPS* 161), but as a result fell further behind in meeting other obligations. The PA also scraped together salaries for 9/2011 and 10/2011 but with Israel’s cut-off of VAT taxes on 11/1, by the quarter’s end the payment of salaries for 11/2011 came into doubt.

**Hamas in Gaza**

In a policy change announced on 8/16, Hamas’s Interior Min. in Gaza stated that employees of civil society groups would have to register with authorities 2 weeks before traveling outside the Gaza Strip for work, explain the reason for traveling, identify their foreign hosts, and list the names and details of all participants in any program they would attend. Last quarter, in a move thought to indicate worry about foreign-led agitation in Gaza, Hamas authorities briefly demanded to audit, register, and monitor the finances of the charities funded by the U.S., apparently fearing the aid would be funneled to Fatah, but they backed down under U.S. pressure (see Quarterly Update in *JPS* 161).

Noting that in mid-8/2011 Hamas officials in Gaza had broken up a rally denouncing the Syrian attack on Latakia that forced some 10,000 Palestinian refugees to flee (see Quarterly Update in *JPS* 161), Reuters (ca. 8/25) cited unnamed intelligence sources as saying that Iran had withdrawn some funding for Hamas in Gaza over its refusal to organize demonstrations in support of Syria’s Pres. Bashar al-Asad. The same sources, according to Reuters, reported

that Egypt’s Muslim Brotherhood had also cut funding to Hamas, redirecting the money to support Arab Spring demonstrations at home. Though uncorroborated, the reports could explain at least in part why Hamas faced problems paying civil servants’ salaries at the end of last quarter (see Quarterly Update in *JPS* 161).

Meanwhile, the *Washington Times* (WT 9/7) noted that a mini construction boom was underway in Gaza thanks to: (1) some Israeli easing of construction import restrictions; (2) ongoing smuggling of commercial goods through the Rafah tunnel; and (3) increased spending by Gaza’s small middle class at Gaza’s new malls, beach hotels, and cafes and on big weddings. The report said that the increase in “luxury” spending was creating jealousies. For the first time, reports (though unconfirmed) noted that many middle-class spenders were Hamas loyalists (primarily investors and high-level civil servants), generating accusations that Hamas had “gotten fat off the siege.” If true, this would mark a significant change from earlier times when Hamas won the 2006 legislative elections in large part because they were seen as living modestly and among the people.

**PALESTINIAN OPINION**

*The following data are excerpted from a poll conducted by al-Najah University’s Center for Opinion Polls and Survey Studies between 13 and 15 October 2011. Results are based on a survey of 1,361 men and women from the West Bank (including East Jerusalem) and Gaza. The poll, the 43d in a series, was taken from al-Najah’s Web site at [www.najah.edu](http://www.najah.edu).*

**1. Do you think that submitting a bid by the PLO and the PA to recognize the State of Palestine in the UN was a positive move that serves the Palestinian cause?**

	West Bank	Gaza	Total
a. Yes	83.4%	68.0%	77.7%
b. No	15.0%	26.2%	19.1%
c. No opinion/ Don't know	1.6%	5.8%	3.2%

**2. How, in your opinion, does the bid of recognition influence the Palestinian cause?**

	West		
	Bank	Gaza	Total
a. Positively	59.5%	50.6%	56.2%
b. No influence	19.3%	25.0%	21.4%
c. Negatively	16.8%	18.8%	17.6%
d. No opinion/ Don't know	4.4%	5.6%	4.8%

**3. Do think that there would be any use to negotiations without acceptable frames of reference and without the freezing of settlement activities?**

	West		
	Bank	Gaza	Total
a. Yes	13.8%	16.2%	14.7%
b. No	83.0%	73.2%	79.4%
c. No opinion/ Don't know	3.1%	10.6%	5.9%

**4. Do you think that the Palestinian State can only be established through negotiations?**

	West		
	Bank	Gaza	Total
a. Yes	35.5%	19.8%	29.8%
b. No	59.6%	72.8%	64.4%
c. No opinion/ Don't know	4.9%	7.4%	5.5%

**5. Do you support or reject the rise of an armed uprising?**

	West		
	Bank	Gaza	Total
a. Support	28.0%	49.8%	36.0%
b. Reject	67.9%	39.8%	57.6%
c. No opinion/ Don't know	4.1%	10.4%	6.4%

**6. Do you think that the USA is an impartial broker in the peace process?**

	West		
	Bank	Gaza	Total
a. Yes	13.1%	13.8%	13.4%
b. No	85.7%	77.0%	82.5%
c. No opinion/ Don't know	1.2%	9.2%	4.1%

**7. Do you think that the surrounding Arab and international circumstances necessitate concluding a national reconciliation agreement between Fatah and Hamas?**

	West		
	Bank	Gaza	Total
a. Yes	81.6%	70.2%	77.4%
b. No	16.3%	22.8%	18.7%
c. No opinion/ Don't know	2.1%	7.0%	3.9%

**8. Do you supported conducting presidential elections despite the Palestinian division? [Ed. note—The responses are virtually the same when the question is asked for legislative elections. When the question is asked for municipal elections, Yes/No votes are 54.7%/40.5% in the West Bank; 30.4%/59.4% in Gaza; and 45.8%/47.5% Total.]**

	West Bank		
	Bank	Gaza	Total
a. Yes	34.8%	30.2%	33.1%
b. No	62.6%	62.4%	62.5%
c. No opinion/ Don't know	2.6%	7.4%	4.2%

**FRONTLINE STATES**

**EGYPT**

Egypt's interim military government, the Supreme Council of the Armed forces (SCAF; in place since 2/11/11), maintained the same general policies toward the Palestinians and Israel as the unseated Mubarak regime, but felt significant pressure from the street to take a harder line toward Israel. The SCAF prioritized ensuring security along Egypt's northern border as part of its main objective of preventing any new crises from arising while it ushered the country through the transition to a new permanent regime.

**Tensions with Israel**

The 8/18 attack on the Israeli resort city of Elat by suspected al-Qa'ida-inspired Egyptian Islamists and the consequent Israeli army incursion into Egypt that left 3 Egyptian soldiers dead (see "Cross-Border Violence" above) significantly strained bilateral relations, deeply angered the Egyptian populace, and raised Israeli concerns about the SCAF's ability to secure Egypt's borders. Analysts speculated (e.g., NYT, WT 8/19) that the same homegrown Egyptian Islamist groups suspected of staging attacks on Egyptian police and the earlier attacks on the n. Sinai gas pipeline to Israel and Jordan intended to draw Egypt into a conflict with Israel to punish the SCAF for launching a major military crackdown (1,000s of troops) against them the previous week (see Quarterly Update in *JPS* 161 for background).

Between 8/19 and 8/20, 1,000s of Egyptians angered by the killing of the 3 Egyptian soldiers gathered outside the Israeli embassy to demand that the ambassador be expelled. Meanwhile, the SCAF summoned (8/19) the Israeli ambassador to demand an apology and an investigation. The Muslim Brotherhood's candidate for pres., Abdel Moneim Abou el-Fatouh, labeled (8/19) the incident an Israeli act of war and called for the abrogation of the 1979 peace treaty. Israel's formal expression of regret for the deaths issued 8/20 was called "inadequate" by the SCAF, which briefly threatened to recall Egypt's ambassador to Israel but backed down after the international community intervened to calm tensions. Experts believed (e.g., NYT, WP 8/20; NYT 8/27; WP 8/28) that Egypt's interim leaders wanted to avoid escalating tensions with Israel but felt "pushed from below" to take popular sentiment into account in light of the Arab Spring.

To deescalate tensions, Israel sent (8/21) a military delegation to Egypt to discuss preliminary findings of its investigation into the Egyptian deaths, prospects for a new Gaza cease-fire with Hamas (agreed later that day), and steps to repair bilateral relations. U.S. Asst. Secy. of State for Near Eastern Affairs Feltman and UN Coordinator for the Middle East Peace Process Robert Serry were also in Cairo to help mediate. Separately, Israeli DM Ehud Barak sent word (ca. 8/21) that Egypt could temporarily ignore the provisions of the 1979 peace treaty and send as many troops, armored vehicles (except tanks), and helicopters into the Sinai as necessary to restore order and guarantee border security. At Israel's request, the SCAF stepped up efforts to seal and monitor smuggling tunnels on the Rafah border with Gaza.

By 8/21, the protests outside the Israeli embassy began to dwindle, but 100s of Egyptians maintained a round-the-clock presence denouncing Israel. To deter protesters, the embassy hired contractors to build (beginning 9/3) a 12-foot wall around the building, which outraged Egyptians, who viewed it as a mini version of Israel's West Bank separation wall. After Friday prayers on 9/9, 1,000s of Egyptian protesters besieged the Israeli embassy, tore down the new wall, scaled the building to rip down

the Israeli flag, gained access to some offices, and threw documents into the street. Since the Jewish Sabbath had already begun, most staff were not in the building; Egyptian security forces collected the ambassador, his family, and other staff from locations around Cairo and secured them at the airport for evacuation to Israel. The 6 employees inside the embassy locked themselves in an office and awaited rescue. Egyptian riot police in 50 armored personnel carriers (APCs) fired tear gas and rubber bullets to disperse the protesters, who responded with stones and Molotov cocktails. Heavy clashes continued overnight. During the incident, Israel DM Barak phoned his U.S. counterparts to ask them to intervene with the SCAF to urge them to protect the embassy; Netanyahu spoke directly with Obama and the head of Egyptian intelligence.

Early on 9/10, after more than 13 hours of heavy clashes (in which 2 Egyptians were killed, some 1,200 injured, and 19 arrested), Egyptian commandos raided the embassy and freed the 6 employees trapped inside, and Egyptian riot police managed to disperse protesters. After an emergency cabinet meeting, the SCAF reimposed the reviled Mubarak-era emergency laws indefinitely, allowing detentions without trial until the SCAF deemed the security situation restored. Later, Netanyahu gave a televised address pledging to uphold the 1979 peace treaty with Egypt and to return Israel's amb. to Cairo soon, saying the intervention of Egyptian security forces "undoubtedly prevented a disaster." He added, however, that Egypt "cannot ignore the heavy damage done to the fabric of peace." Interim PM Essam Sharaf countered (9/15) that Egypt's peace treaty with Israel "is not sacred and is subject to change" depending "on what benefits the region."

The Israeli embassy in Cairo reopened on 9/19, but the ambassador had not returned by the end of the quarter. Another Israeli military delegation went to Egypt on 10/10 for further talks regarding incident, but no details were released.

### ***Israeli-Egyptian Prisoner Swap***

To ease tensions in the wake of the Elat and Cairo embassy incidents, Israel

and Egypt agreed on a prisoner exchange deal (mediated by the U.S.; see Panetta visit under "United States" below) that would free U.S.-Israeli dual citizen Ilan Grapel in exchange for 25 Egyptians being held by Israel for non-security-related offenses. Grapel was detained in Cairo on 6/12/11 on charges of inciting Egyptian protesters to riot and of spying and recruiting for Mossad (see Quarterly Update in *JPS* 161). Israel negotiated the deal while simultaneously working on the prisoner swap with Hamas (see "A Prisoner Swap to Free Shalit Is Agreed" above). Talks were well underway by early 10/2011, and the sides had reached a deal by 10/20 but reportedly (*al-Abram* online, *Washington Jewish Week* 10/20) wanted to wait for interest in the Shalit prisoner swap to die down before announcing it publicly. The announcement was made on 10/24 and the swap took place on 10/27. Grapel returned home to the U.S. on 10/28.

#### JORDAN

This quarter, Jordan's involvement in the peace process was limited to remaining in contact with the parties and occasional mediation. King Abdallah hosted at least 1 meeting related to the peace process on 9/14 in Amman, where PA Pres. Abbas and Quartet envoy Blair discussed the Palestinian statehood bid at the UN and a possible Quartet proposal for restarting peace talks.

Of note: On 9/14, some 70 Jordanians rallied in Amman to demand the closure of the U.S. embassy in protest over WikiLeaks' release of a 2008 U.S. embassy cable alleged to reveal a covert U.S. effort in collusion with Israel to create a Palestinian homeland in Jordan. In fact, the briefing paper, written by then ambassador David Hale (the current U.S. special envoy to the peace process) to the State Dept. (see Doc. D1), reported that while Jordanian officials avidly defended the Palestinian refugees' right of return in public, privately some had acknowledged that a substantial Palestinian return to homes in what is now Israel was unworkable—the unstated conclusion being that many if not most refugees, perhaps comprising a

majority of the population, would likely remain in Jordan permanently. On 9/15, 200 protesters turned out demanding in addition the expulsion of the Israeli ambassador and abrogation of the 1994 peace treaty. The government deployed (9/15) large numbers of plain-clothes and uniformed security to corral protesters and keep them from reaching the Israeli embassy to prevent an incident as in Cairo on 9/9. The demonstrations quickly ceased.

Also of note: In 10/2011, East Bank parliamentarians forced through a law banning Jordanians with dual nationality from holding senior government positions. This was reportedly (*New York Review of Books* 12/8) seen both as a move against Palestinians, who as refugees are more likely to hold second passports, and as a snub to the King, whose mother is Welsh.

#### LEBANON

Lebanon kept a low profile this quarter, particularly in light of the instability in neighboring Syria. Lebanon did take significant action with regard to the Palestinians, however, formally upgrading (8/17) the diplomatic status of the Palestinian delegation to an embassy. PA Pres. Abbas made (8/16–17) a 2-day visit to Beirut to mark the occasion, during which a formal ceremony was hosted (8/17) by Lebanese PM Najib Mikati at the PLO delegation headquarters formally inaugurating it as an embassy and raising the Palestinian flag.

Other events of note this quarter involved the UN Special Tribunal for Lebanon, which unsealed (8/17) the indictments against the first 4 Hizballah members charged in former Lebanese PM Rafiq al-Hariri's 2005 assassination. (The indictments were filed in the Hague in 1/2011 and sent to Lebanese prosecutors in 6/2011 so that arrest warrants could be issued; see Quarterly Updates in *JPS* 159 and 161 for background.) The documents provided the public with a first glimpse of the evidence against the suspects, although experts noted (and the tribunal itself acknowledged) that these were "mostly circumstantial," based on analysis of cell phone records purporting to show that the cell phones used to coordinate

the assassination were in the suspects' possession. Hizballah immediately denounced (8/17) the findings, stating that the numerous recent arrests of suspected spies for Israel working in Lebanon's telecommunications sector (see Quarterly Update in *JPS* 159) tainted the evidence. The following day (8/18), tribunal pres. Antonio Cassese warned the Beirut government that its efforts to arrest the 4 wanted Hizballah members since 6/2011 were "not sufficient." When no progress had been made by 11/11, the tribunal heard arguments on whether to hold a trial in absentia for the 4 men. They opted to wait, saying a trial in absentia should be a last resort, and urged Lebanon to make greater efforts to capture them.

#### SYRIA

Once again this quarter, Syria was almost entirely focused on its own domestic unrest (see "Regional Affairs" below). Of relevance to the Syrian-Israeli track, however, anonymous diplomats with knowledge of International Atomic Energy Agency (IAEA) investigations stated (11/1) that a complex of buildings in al-Hasaka in northwestern Syria may have been designed to be a secret uranium-enrichment plant intended for the development of nuclear weapons, though they acknowledged that IAEA investigators found that it was currently a cotton-spinning factory and showed no signs of ever having been used for nuclear purposes. The diplomats argued that the complex's design was strikingly similar to that Pakistani nuclear scientist A.Q. Khan designed for Libya. The IAEA and Syria refused to comment.

#### REGIONAL AFFAIRS

The only major regional meetings related to the peace process this quarter were Palestinian pres. Abbas's meetings with Arab League FMs in Doha on 8/23 and Cairo on 9/12 to coordinate on the Palestinian statehood bid at the UN. Though Arab League states expressed concerns of possible U.S. aid cuts if they supported the Palestinian initiative, they agreed to back Abbas whatever decision he made (see "UN Statehood Bid"

above). The League also issued (8/21) a statement condemning Israel's killing of the 3 Egyptian soldiers 8/18 and holding Israel "fully responsible" for the deterioration of relations with Egypt (see "Overview of the Violence" and "Egypt" above). Otherwise, attention was highly focused on the Arab Spring protests still sweeping the region.

#### *Popular Protests Regionwide*

The regionwide protests that began in 12/2010 continued in various states this quarter but increasingly lost the feel of a broad regional movement as often bitter local politics played out in unique ways in each affected state.

Most attention was focused on **Syria**, where violence continued to spiral. As the quarter opened, popular protests and clashes with government security forces were a daily occurrence across the country, with death tolls steadily mounting and army defections becoming significant. There were signs that the popular resistance was beginning to take up arms in spots, and a serious opposition (political and military) was beginning to gel, mostly in the safe haven of Turkey. Arab states had begun recalling their ambassadors in response to the violence; the U.S. and Turkey warned of a strong international response if Pres. Bashar al-Asad did not immediately cease hostilities; and the UNSC had issued its first, though tepid, statement expressing "profound regret" over the fighting. Protests, however, were still localized, and relatively few were held in the key cities of Damascus and Aleppo. The activists inside Syria operated as independent local committees and reportedly did not fully trust the diaspora opposition groups taking the political lead. The overall sense was that Asad held the upper hand, but that the status quo was untenable for long.

Through 8/2011, international criticism of Syria mounted. On 8/18, U.S. Pres. Obama and EU leaders called on Asad to step down, and the U.S. imposed heavy new sanctions freezing assets, barring trade, and banning Syrian petroleum imports. Over the next 2 weeks, the EU (8/24) and U.S. (8/30) expanded bilateral sanctions; Hizballah (8/26) and Iran (9/27) warned Asad to meet the "legitimate demands of the

people”; and the UN Human Rights Council accused (8/18) Syria of violating its citizens’ rights and possibly committing war crimes, recommending that the UNSC refer Syria to the ICC for prosecution.

With clashes continuing unabated, the Arab League called (8/28) on Asad to stop military operations and sent Secy.-Gen. Elaraby to Damascus on 9/10 to broker a cease-fire, but there was no agreement. Tensions in Syria escalated sharply on 9/11, when Syrian authorities turned over the body of popular rights activist Ghiyath Matar to his family, 4 days after he was detained during protests in Dara’a and apparently beaten to death in custody. U.S. amb. Robert Ford and other Western envoys attended (9/11) his wake. In response, more than 175 Arab and international human rights organizations submitted (9/13) a petition to the Arab League requesting action to halt the violence and spur democratic change in Syria, including calling for asset freezes and an arms embargo.

By mid-9/2011, steadily increasing reports of civilians (especially in Homs) using weapons against troops raised concerns of armed civil war. Unconfirmed reports from activists in Syria estimated (9/16) that 10,000 troops had defected to support the opposition and that several hundred had formed 2 rival groups: the Free Syrian Army and the Free Officers Movement. Even assuming these numbers to be highly exaggerated, experts noted (e.g., WP 9/26) that defections definitely seemed to be on the rise.

On 9/28, the UNSC convened to discuss international action against Syria. After a week of debate, China and Russia cast (10/4) a rare double veto to block a UNSC res. condemning Syria and threatening sanctions. (Both countries had extensive commercial and, in Russia’s case, military ties to the Asad regime.) The draft had 9 votes in favor, with Brazil, India, Lebanon, and South Africa (which expressed concerns that the measure could serve as a pretext for regime change) abstaining.

Meanwhile, the internal and external oppositions tentatively began to coordinate. After some resistance from activists inside Syria, a group of Syrian

opposition figures (mostly exiles but some from inside Syria) met in Istanbul on 10/2 and formed the Syrian National Council (SNC) as an opposition leadership representing all branches of the opposition (including the local coordination comms. inside Syria, the Syrian Revolution General commission, the Supreme Council of the Syrian Revolution, the Muslim Brotherhood, and the “traditional dissidents” known as the Damascus Declaration) and all sects. The SNC, intended to serve as a parliament to debate opposition strategy and policy, planned to have a 7-member inner council (unnamed by the end of the quarter) and rotating presidency. Activists inside Syria previously wary of the external opposition hoped that creation of the SNC would breathe new life into the nonviolent protests and curb the violent resistance that was springing up in areas like Homs. The government reacted quickly, assassinating a member of the SNC exec. comm., Mashaal Tammouh, in Qamishli on 10/7 and warning (10/8) that it would take “tough measures” against any country that recognized the SNC. Protests and clashes continued, with Friday demonstrations escalating into the 10,000s, and by early 10/2011 government forces with tanks and APCs had launched major operations in Rastan outside Homs and near Idlib in the north, engaging in “intense battles” with 100s of army defectors. Observers (e.g., WP 10/1) said the battles highlighted “the increasing militarized nature” of the uprising. At the same time, reports of sectarian fighting began to increase.

With the situation deteriorating, the Arab League convened on 10/16 and debated whether to suspend Syria’s membership. The move needed a two-thirds majority and a significant bloc was opposed, including Algeria, Lebanon, Sudan, and Yemen. Instead, an Arab League delegation went (10/26) to Damascus to urge Asad to end the crackdown and open a dialogue with the opposition. Meanwhile, the White House recalled (10/24) Amb. Ford for his safety, and Syria, in retaliation, summoned Amb. Imad Moustapha to Damascus for consultations.

On 11/2, Arab League and Syrian officials met in Cairo, where Syria

accepted a plan to restore peace and move toward democracy, including withdrawing troops, releasing political prisoners, and opening talks with opposition leaders within 2 weeks. Qatar's Shaykh Hamad bin Jassem, influential in securing the deal, said that if it was not immediately implemented, the Arab League would reconvene to discuss "other options." Even as talks were underway in Cairo, Syrian forces launched a major operation to retake in Homs, where sectarian violence (reportedly including kidnappings, beheadings, and dumping of bodies in local squares) and army defections were escalating. By 11/8, after 6 days of "continuous bombing," at least 111 Syrians had been killed in what observers called (e.g., NYT, WP 11/9) one of the most violent episodes of the uprising and a major setback to the protest movement. In addition, Syria reportedly (NYT, WT 11/2) had also begun mining areas near the Lebanese border to prevent refugees from fleeing and smugglers from bringing weapons in.

In light of the new escalation, the Arab League (encouraged by Qatar) called (11/9) another emergency meeting that convened on 11/12 and voted (18-2, with Lebanon and Yemen voting against and Iraq abstaining) to suspend Syria's membership if the 11/2 agreement was not implemented by 11/15, encouraged states to withdraw their ambassadors from Damascus, and summoned opposition leaders to meet in Cairo on 11/15 to formulate "a unified view of the coming transition period." The League also planned to meet in Morocco on 11/16 to discuss imposing sanctions and recognizing the SNC. Turkey supported (11/15) the decisions and agreed to attend the 11/16 meeting to coordinate its position with the Arab states.

In response, Syria called (11/13) for another emergency Arab League summit to defend itself and invited officials to visit Syria before the suspension went into effect on 11/16. The Arab League rejected Asad's requests on 11/15 and instead met with the SNC to discuss a transition. In addition, Turkey recalled (11/13) some of its diplomats; King Abdallah of Jordan became (11/14) the first Arab leader to call on Asad to step

down; and the EU imposed (11/14) additional sanctions. Faced with the Arab League refusal, Asad released 1,180 political prisoners and significantly cut back engagements with protesters on 11/15, but it was unclear whether the Arab League would view this as enough to delay Syria's suspension.

As of 11/15, nearly 400 Syrians had been killed since Asad accepted the Arab League deal on 11/2, bringing the UN-estimated death toll to at least 3,500 (up from 2,000 when the quarter opened); 1,000s more were injured and jailed. Turkey estimated (11/14) that 19,000 Syrians had fled into its territory since the violence began and that some 7,600 were currently living in refugee camps on the border. Lebanese authorities estimated (10/31) that more than 5,000 Syrians had fled to Lebanon.

In **Libya**, as the quarter opened the rebels' Benghazi-based Transitional National Council (TNC) oversaw a loosely united array of antigovernment (mainly tribal) forces operating across the country to oust Col. Mu'ammarr Qaddafi, who had gone underground to evade capture. Rebels controlled most of eastern Libya, key areas along the western border, the strategic oil town of Zawiyah, and some sections of Tripoli. NATO air strikes, ostensibly to protect the civilian population from Qaddafi forces, were acknowledged by most NATO countries as aimed at unseating the Qaddafi regime. Most Western nations had formally recognized the TNC as Libya's legitimate government and were working internally and with the UN to find ways of legally transferring Libya's frozen assets to aid the insurgency and prevent central government collapse, but the recent assassination (7/28/11) of TNC head and top rebel military commander, Gen. Abdul Fattah Younis, possibly by his own men, raised deep concerns about the TNC's stability and reliability.

By 8/23, Tripoli was under almost total rebel control, though Qaddafi's whereabouts was still unknown and fighting continued in pockets throughout the country. On 8/24, world diplomats including U.S. Asst. Secy. of State Feltman met in Doha to orchestrate a transition in Libya, including clarifying the rebel leadership and securing billions of dollars in funding. Nonetheless,

concerns persisted about divisions among the rebels over leadership and rivalries among regional groups and between secularists and Islamists.

On 9/10, with fighting still ongoing in the last few Qaddafi strongholds, the new head of the TNC Mustafa Abdul Jalil (a widely respected judge) arrived in the capital to set up government there. French pres. Sarkozy and British PM David Cameron visited Tripoli in support on 9/15. On 9/16, the UN accepted the TNC's credentials as Libya's official representation and lifted some economic sanctions on Libya. On 9/20, the U.S. returned its ambassador and reopened its embassy.

By 10/2, rebels were closing in on the last Qaddafi stronghold in his hometown of Sirte, where he was finally captured and killed by rebels on 10/20 after a NATO attack in which U.S.-drones and French warplanes bombed his convoy. On 10/23, Libya's TNC declared liberation as Libyans everywhere celebrated. On 10/31 (after an unsuccessful attempt in late 9/2011 to form a credible cabinet), the TNC elected U.S.-educated prof. Abdurraheem el-Keib as the new interim PM, to serve until elections in 6/2012 select the body that would draft a new constitution. Hours later, NATO formally ended its 7-month operation. (Of note: Qatar revealed on 10/26 that its U.S.-trained special forces had fought on the ground with Libyan rebels, including during the fighting in Tripoli.) The TNC's next priority of forging a national army out of the rebel militias was far from completed at the end of the quarter. The jockeying for military control sparked 3 days of heavy tribal fighting in Tripoli 11/9–12, highlighting Libya's uncertain future.

The toll of the fighting was widely disputed and impossible to confirm at the end of the quarter. As of 9/16, the TNC claimed that 30,000–50,000 rebels and supporters had died, not including Qaddafi forces and loyalists. Meanwhile statistics gathered by the ICRC from morgues and "mass graves" nationwide (see NYT 9/17) put the confirmed death toll at around 3,000 (Benghazi 1,350; Misrata 1,083; Tripoli 700; "mass graves" 125), with around 4,000 still missing. Unconfirmed sources also reported (WP 10/23, 10/24) around 7,000 prisoners of

war detained without charge in jails and make-shift detention centers around the country controlled by local rebel militias.

As of 8/16, Pres. Ali Abdullah Salah of **Yemen** was still in Saudi Arabia receiving medical treatment for injuries sustained in an assassination attempt last quarter (see Quarterly Update in *JPS* 161), reiterating his plans to return home soon. He continued to consider a Gulf Cooperation Council (GCC) proposal to transfer power to his VP (see Quarterly Update in *JPS* 161), repeatedly changing the conditions under which he would implement the deal in what most saw as a ploy to buy time until he could return to Yemen.

On 8/17, opposition leaders formed a national council to act as a "government-in-waiting" until Saleh formally stepped down and elections were held, in hope that the move would reignite the popular uprising, which had largely stalled. The council comprised 143 members representing the official opposition parties, prodemocracy activists, tribal leaders, southern separatists, military commanders, and the current governing party. Meanwhile, al-Qa'ida forces ramped up fighting with government troops in effort to exploit the popular protests to unseat the government and assert power. Though large Friday protests calling for government reform continued, starting from early 9/2011 through most of the quarter the Islamist-government fighting dominated domestic attention.

On 9/9, a Yemeni government delegation went to Saudi Arabia to persuade Saleh to sign the GCC deal and transfer power to his VP and acting pres. Abed Rabbo Mansour Hadi rather than "adding more complications to the crisis." Saleh agreed (9/12) only to give Hadi the right to negotiate a transfer of power deal with the opposition, but retained the right to reject the deal.

Meanwhile, Saleh's son and heir apparent, Ahmad, deployed (9/12) the Republican Guard in the capital. On 9/18, the forces fired on antigovernment demonstrators in Sana'a with machine guns and other weapons, setting off street battles that left at least 24 dead and 200 wounded, threatening to scuttle any transition deal. Fighting between

soldiers loyal to Saleh rival Gen. Ali Mohsen al-Ahmar and government security forces (9/19–22) left an additional 75 dead. The violence derailed diplomatic efforts to ease out Saleh, with analysts saying (NYT 9/22) “that may have been precisely the point.” In outlying provinces, army fighting against Islamist forces continued and the economy deteriorated, with food shortages widespread (with 39% of children going hungry, including 8% experiencing “severe” hunger).

Saleh returned from Saudi Arabia on 9/23, in a move seen as challenging the U.S., which had strongly urged him to step down. In a televised speech (9/25), Saleh stepped up rhetoric against Ahmar, calling him a power-hungry “terrorist” even while stating that the edict transferring most powers to VP Hadi was still in effect and that he would return to Riyadh soon for more medical treatments. On 9/29, he said he would not step down unless the Ahmar clan also agreed not to run in elections or hold positions of power in the future government.

On 10/16, as the UNSC debated a draft resolution denouncing Saleh, the GCC rejected Saleh’s request to modify the power transfer proposal to allow him to remain as president until 2013. Meanwhile, antigovernment protesters opened what observers called (NYT 10/17) a “dangerous new phase” of protests in Sana’a. Between 10/15 and 10/18, they repeatedly marched out of a government-designated area protected by Ahmar’s soldiers to challenge Saleh’s security forces in government-controlled territory. Saleh’s forces fired guns and mortars at the protesters, leaving more than a dozen dead.

On 10/21, the UNSC unanimously condemned the state violence against antigovernment demonstrators in Yemen and endorsed the GCC transition plan. The U.S. then issued (10/21) a separate statement calling on Saleh to heed the wishes of the Yemeni people and step down immediately. On 10/25, Saleh’s government signed a cease-fire deal with Gen. Ahmar’s forces, but fighting continued in some areas through the end of the quarter. On 11/11, government forces shelled anti-government demonstrators in residential

areas of Taiz, killing at least 15 in the most violent single episode in months. As of 11/15, Saleh was still in Yemen. Al-Jazeera put (11/18) the death toll at “several hundred” since proreform demonstrations began in 1/2011.

In **Egypt**, activists and political groups grew increasingly uneasy with the Supreme Council of the Armed Forces (SCAF), the interim military government headed by Field Marshall Mohammed Hussein Tantawi that took power in 2/2011, initially vowing that a transition to a democratically elected government would take 6 months. By mid-10/2011, members of the SCAF said they planned to retain full control of the government after parliamentary elections (now slated to begin on 11/21/2011) and until formation of a new constitutional assembly, ratification of a new constitution, and election of a new president—a process they said could stretch beyond 2013. The SCAF had already put measures in place (9/10) to extend the Mubarak-era emergency laws and on 9/19 rejected the Islamist group al-Gama’a al-Islamiyya’s request to form a political party to compete in elections. At the close of the quarter (ca. 11/10), the SCAF issued guidelines for a new constitution, including recommendation that the military be given special political powers and protection from civilian oversight “into perpetuity,” raising new concerns that the junta had no intention of ever stepping down or allowing transition to civilian rule. Egyptian protesters regularly took to Cairo’s Tahrir Square to protest as a warning to the SCAF that they would renew massive demonstrations if it went too far. Meanwhile, Mubarak’s trial was suspended (9/24) on appeal by prosecution lawyers that a judge was biased in Mubarak’s favor, could not be trusted, and must be replaced; as of 11/15, there had been no ruling.

**Tunisia** held (10/23) elections to choose members of the committee that would draft a new constitution. Final results were released on 11/14, showing that the Islamist Ennahda party was the biggest vote-getter, winning 89 of 217 seats (3 times the seats of the 2d-place party) and considerable sway in deciding the new constitution. International

observers deemed the vote free and fair. On 11/15, veteran human rights activists Moncef Marzouki was named interim president and head of constitution committee.

In **Jordan**, antigovernment demonstrations were small (rarely numbering more than 5,000) but persistent, putting enough pressure on King Abdallah that he dismissed (10/17) the government of PM Ma'ruf al-Bakhit, who had been widely criticized for dragging his feet on reforms and corruption probes and accused of attacking anticorruption opposition groups. The king named Awn Khasawneh, a judge at the ICC since 2000 and known for his integrity, to form a new government. The new, reform-minded cabinet was sworn in on 10/24, by which time the king had also appointed a new intelligence chief amid claims that the previous chief had intimidated antigovernment protesters and journalists. On 10/26, Abdallah declared that beginning in 2012, he would give up his exclusive right to choose the PM and allow the elected parliament to make the appointment. The king retained, however, the right to veto the choice, in which case he would work with parliament to select a consensus PM to form a cabinet.

Occasional antigovernment protests and clashes were reported in **Bahrain** (e.g., 8/31, 9/1, 9/16) and **Saudi Arabia** (ca. 10/4), where the governments were still on edge over protests last quarter (see Quarterly Update in *JPS* 161) and the mood was tense.

### **Turkey**

#### *The Arab Spring and Regional Influence*

While Turkey continued efforts to expand its Middle East diplomacy and role this quarter, it focused less on Israel-Palestinian-related issues and more on the Arab Spring (see Quarterly Update in *JPS* 161). In mid-9/2011, Turkish PM Recep Tayyip Erdogan undertook what the press (e.g., NYT 9/13) called an "Arab Spring tour" of Egypt, Libya, and Tunisia to encourage democratic reform and increase Turkey's regional weight. Soon after, in an interview before leaving for the UNGA session in New York, Turkish FM Ahmet Davutoglu put forward (9/18) a vision of a

Turkish-Egyptian partnership forming a new axis of power for regional realignment, also anticipating major growth in their bilateral trade and investment.

Some observers (e.g., NYT 9/27) noted, however, that Erdogan and other Turkish diplomats were beginning to show signs of arrogance in their quest to assume a larger regional role. At the 9/2011 UNGA session, there was widespread griping among delegates about the size and aggressiveness of Erdogan's entourage, which at one point got into a major brawl with UN security officers that left 1 UN guard hospitalized; several other scuffles between Erdogan's bodyguards and UN security followed. At home, Erdogan was revving up Turkish nationalism and romanticism over the Ottoman past, with observers saying (NYT 9/27) "the sense of rising Turkish power and influence is so pronounced in the country these days that it sometimes borders on jingoism."

Meanwhile, after months of consideration (see Quarterly Updates in *JPS* 158, 159 for background), Turkey agreed (9/2) to install a NATO missile defense radar system on its soil; the U.S. had urged the move because the system, though designed to protect Europe, would have a dual use blocking missiles fired at Israel by Iran. The deal was finalized on 9/15, but installation of the system had not begun by the end of the quarter.

Of note: NATO officials expressed concern (9/30) over the potential regional fall-out of an escalating dispute between Turkey and Cyprus over a joint Cypriot-Israeli natural gas project currently underway to test drill an offshore natural gas field that Turkey claims is at least partially in its territorial waters. (Turkey had threatened to send warships into the Mediterranean to push back the Cypriot drillers.) NATO, of which Turkey is a member, assured Ankara that it would not interfere in its bilateral relations with other states.

#### *Relations with Israel and the UN's Palmer Report*

Tensions with Israel also increased. As the quarter opened, the UN's Palmer Commission, established in 8/2010 to investigate Israel's 5/2010 attack on the Turkish aid flotilla to Gaza that left 9

Turkish activists dead aboard the *Mavi Marmara* (see Quarterly Update in *JPS* 157), had completed its final report by 7/2011 but delayed its release at the request of Turkey, Israel, and the U.S. (see Quarterly Update in *JPS* 161 for background). The 4-member commission, comprising 2 UN-appointed investigators (Sir Geoffrey Palmer, a law professor and former PM of New Zealand; and former Columbian pres. Alvaro Uribe, an Israeli ally) plus 1 representative each from Israel and Turkey, was not mandated “to make determinations of the legal issues or to adjudicate on liability” and had been confined to requesting evidence through diplomatic channels rather than interviewing primary actors. Under the terms of reference, in the absence of consensus, the final report could be agreed by the 2 UN-appointed members only. Strong objections to many of the findings by Turkey in particular raised international concerns that the report’s publication would further deepen the Israeli-Turkish rift, prompting the delay. The hope was that the two sides, with U.S. mediation, would be able to agree on a joint statement and thereby defuse tensions.

As the quarter opened, debate on the statement’s wording continued. According to Israeli officials (8/16), U.S. Secy. of State Clinton had phoned (8/16) Israeli PM Netanyahu urging Israel to apologize to Turkey for the raid, but Netanyahu had refused. While confirming that the call had taken place, the State Dept. said (8/17) that it was “inaccurate” to say the U.S. urged Israel to apologize. The following day, Erdogan stated that relations between Turkey and Israel could not heal as long as Israel does not apologize, pay compensation, and lift the Gaza embargo. FM Ahmet Davutoglu made similar comments on 8/19. Meanwhile, the target date for releasing the report set for 8/20 was twice delayed to allow continued negotiation, to no avail.

On 9/2, the Palmer Commission finally released its report (see Doc. A1) without a joint statement. The report, which largely favored Israel’s position, found that Israel had the legal right to impose a naval blockade of Gaza and to stage the armed raid of the *Mavi Marmara*, but reprimanded IDF soldiers

for using “excessive and unreasonable” force to subdue protesters aboard the ship. Israel was urged to express “regret” for the deaths and to pay compensation to the families, which Israel had already offered to do in lieu of apologizing. The report stated that “Israel faces a real threat to its security from militant groups in Gaza” and as such the naval blockade was “a legitimate security measure” and in compliance with international law. It also stated that Israeli soldiers faced “organized and violent resistance” by passengers and that “there exist serious questions about the conduct, true nature, and objectives of the flotilla organizers.”

In response, Turkey immediately (9/2) expelled Israel’s ambassador and several other senior diplomats, suspended military agreements with Israel, and stated its intention to display a larger naval presence in the Mediterranean to defend its ships from Israeli attack. Israel reiterated (9/2, 9/4) its refusal to apologize. Although both sides said (9/2) that they valued their bilateral relationship and hoped to mend ties, by 9/5 each was intensively interrogating tourists entering from the other’s nation. Erdogan briefly considered (ca. 9/5) making an official trip to Gaza from Egypt as a snub to Israel, but decided against it to avoid damaging Turkey and Egypt’s relations with the U.S. During a 9/12 visit to Cairo, Erdogan said that Israel’s attack on the flotilla was “cause for war” but that Turkey had showed restraint.

In his address to the UNGA session on 9/22, Erdogan criticized Israel for its failure to take serious steps toward peace, its continued occupation and oppression of Palestinians, and its pursuit of nuclear weapons. Though the U.S. had attempted to patch up Israeli-Turkish relations on the UNGA sidelines, no further moves in that direction were reported for the rest of the quarter.

### *Iran*

With international attention focused on the Arab Spring and the Palestinian statehood bid at the UN, there was no serious effort by the international community to revive diplomatic talks with Iran concerning its nuclear program. As a result, Iran moved to consolidate and

speed up the program. On 8/22, Tehran announced that it had begun moving its centrifuges for uranium enrichment from Natanz to its new underground facility at Fordo. (Britain estimated on 11/3 that Iran would have all of its nuclear enrichment facilities underground and out of strike range within 1 year.) On 9/4, after years of delays, Iran's first nuclear power plant in Bushehr began providing electricity, although not yet at full operating capacity. (Russia supplied the enriched uranium for the reactor and repatriated the spent fuel to prevent it from being processed into weapons-grade plutonium.) Meanwhile, Iran unveiled (8/23) a new cruise missile designed to hit targets at sea and deployed (8/31) a submarine and a warship to the Gulf of Aden and the Red Sea in a show of force.

Amid these provocative actions, the IAEA released (9/2) a report affirming that Iran seemed to be speeding up its nuclear program, citing Iran's movement of enrichment processes underground, installation of new equipment to enrich uranium to a purer state (see Quarterly Update in *JPS* 161), and stockpiling more uranium than necessary for its medical reactor. The IAEA also noted increased concerns about past "and possibly ongoing" research on nuclear warhead designs, but did not give details. The same day (9/2), NATO announced its agreement with Turkey to install a missile defense radar system on Turkish soil that could have a dual use blocking missiles fired by Iran at Israel.

Days later, under stiff Russian pressure to make some concession to the international community, Iran put forward (9/5) its first proposal since 10/2009 to provide nuclear assurances, offering to allow the IAEA "full supervision" of its nuclear sites for 5 years if all international and bilateral sanctions were dropped. IAEA officials and Western diplomats were skeptical, citing lack of clarity about the meaning of "full supervision" and Iran's expectations regarding sequencing.

On 10/11, U.S. officials accused "elements of the Iranian government" and its elite Quds Force of plotting with Mexican drug traffickers to assassinate Saudi amb. to the U.S. Adel al-Jubeir in Washington and possibly to attack

other targets in the U.S. and abroad. Officials said the plot was orchestrated by Iranian American Mansour Arbabsiar (an auto parts dealer from Texas), who "happened to hire a paid informant for the Drug Enforcement Admin. [DEA] to carry it out," though they offered no specific evidence. Iran denied (10/11) the accusations.

Most analysts in the U.S. and abroad (e.g., WP 10/12, NYT 10/16) were skeptical of the story: According to NYT 10/13, "senior American officials themselves were struggling to explain why the [elite Quds Force] would orchestrate such a risky attack in so amateurish a manner." Nonetheless, the U.S. stuck by its accusations and threatened (10/11) new sanctions against Iran. Israel's Iran watchers quickly said (JTA 10/18) the revelation was proof of "the Iranian regime's deepening radicalization . . . [and] underscores the urgency of the threat posed by Tehran's nuclear weapons."

Over the next week, the U.S. and Israel rapidly escalated their saber rattling toward Iran. Israeli officials revived talk about a preemptive strike on Iran's nuclear sites. By 10/15, the Obama administration was pressing the IAEA to release publicly the classified intelligence mentioned in the 9/2 report, claiming that it would prove that Iran was on the cusp of nuclear weapons capability. In response, the IAEA released (10/17) 2 reports that concluded Iran's nuclear program was performing poorly and suffering numerous setbacks, shortages of parts, and other problems (in part due to foreign sabotage). The reports stated that while Iran continued to enrich uranium, output was down significantly in 2009 and 2010 because of the Stuxnet virus (see Quarterly Update in *JPS* 158). Separately, analysts noted (WP 10/18) that Iran's nuclear experts seemed increasingly desperate in their procurement attempts and were making more mistakes, signaling the nuclear program was in trouble.

Through mid-10/2011 and early 11/2011, the U.S. and Israel repeatedly hinted at a possible preemptive strike on Iran's nuclear facilities, with the talk and contingency planning so overt that many (e.g., NYT, WT 11/3) believed the true intent was to scare the

international community into agreeing to stiffer sanctions on Iran at the upcoming IAEA meeting in late 11/2011 in effort to avert the attack. On 10/19, U.S. Secy. of State Clinton went to Oman for talks primarily about Iran, raising suspicions that the U.S. was building a case for a strike. Addressing the opening of the Knesset's winter session on 10/31, Netanyahu warned of the grave threat posed by Iran and hinted that Israel might make a preemptive strike, stating: "Our policy is guided by two main principles: the first is 'if someone comes to kill you, rise up and kill him first.'" On 11/1, Netanyahu openly complained that he was unable to secure a majority in his 7-member inner cabinet to authorize the preemptive strike, with the vote stuck at 3 in favor (Netanyahu, Barak, and Lieberman) and 4 against (including Moshe Ya'alon, who believed the U.S. should be the one to attack). The next day, Israel tested a long-range missile capable of striking Iran, carried out long-range refueling exercises to Sardinia (farther away than Iran), and on 11/3 staged a major preparedness drill in Tel Aviv simulating missile barrages on Israel. Meanwhile, Britain said (11/2) that it had stepped up its contingency planning for a strike on Iran, having concluded that the U.S. may decide to fast-track plans for targeted missile strikes on Iran's nuclear sites. Speaking at a G20 meeting on 11/3, Obama cited the "need to maintain unprecedented pressure on Iran," while French pres. Sarkozy stated that "France would not idly stand by" if Israel's survival was threatened. U.S. admissions (9/23) that it had given Israel bunker-busting bombs and plans (announced 10/21) to redeploy U.S. troops from Iraq to Kuwait to serve as a rapid reaction force capable of confronting Iran also raised tensions (see "United States" section for details).

The IAEA, under continued U.S. pressure, finally issued (11/8) the data the Obama administration had demanded ca. 10/15. The new evidence, collected by 10 unnamed countries and independent sources since 2004, showed that Iran had made computer models of warhead designs and field tested explosive triggers that could be used for a nuclear weapon, and that it may have continued work on these

items after claiming to have halted its nuclear research in 2003. In the run-up to the report's release, Western diplomats who had seen the report touted it (WP 11/7) as providing "unprecedented details of the research and experiments being undertaken" by Iran toward a nuclear weapons program, and as showing that "Iran's government has mastered the critical steps needed to build a nuclear weapon." Experts privy to the reports, however, called (NYT 11/7) the data "hardly conclusive" and noted (NYT 11/9) that "the basic allegations . . . are not substantially new and have been discussed by experts for years." Experts quoted by the *Washington Post* said (11/9): "Iran does still seem to be a long way from having a rapid breakout capability." The IAEA itself concluded that the data pointed to "a structured, focused, and secretive effort by Iran to acquire the essential skills for weapons-building." With the evidence out, the U.S. and Israel were "strikingly muted" in their reactions, which observers (e.g., NYT 11/9, 11/14) saw as further proof that they had never seriously planned for an attack, but rather aimed at securing additional sanctions.

## INTERNATIONAL

### UNITED STATES

On the eve of the 2012 presidential campaign season, the Obama administration had 4 primary regional considerations: (1) maintaining calm on the Israeli-Palestinian front, (2) withdrawing U.S. troops from Iraq and Afghanistan, (3) harnessing to the extent possible the Arab Spring to its advantage (or at least preventing regional chaos); and (4) demonstrating a hard line on Iran. With Israel and the Palestinians unable to agree on terms for restarting talks, most expected the peace process to remain in deep freeze until after the 11/2012 elections. This included Obama's senior Middle East adviser Dennis Ross, who announced (11/9) at a lunch with Jewish leaders that he had submitted his resignation and would step down in 12/2011 to return to work at the pro-Israel Washington Institute for Near East Policy. Anonymous colleagues said (11/9) that his decision reflected "the

diminishing chances for a breakthrough in either Iran or the Arab-Israeli peace process" before the 2012 elections.

Of note: Obama announced (10/21) that all U.S. troops would be out of Iraq by 12/31/11. At least 100,000 had already been withdrawn, and 40,000 currently remained. In their place, the U.S. planned to maintain an extensive force of civilian advisers. Many of the combat troops were to be moved to Kuwait, where the U.S. planned to build up a force that could respond to a collapse of security in the Gulf or a confrontation with Iran. To this end, the U.S. was also considering sending more naval warships to the region. In 6/2011, Obama pledged to have all U.S. troops out of Afghanistan by the end of 2012.

U.S. Defense Secy. Leon Panetta toured (ca. 10/2–8) Europe and the Middle East primarily to assess the effects of the Arab Spring. On 10/3, he met with PM Netanyahu and DM Barak in Israel and with Pres. Abbas and PM Salam al-Fayyad in Ramallah, prodding both sides to accept the 9/23 Quartet initiative and expressing concerns at Israel's growing isolation. He also mediated between Israeli officials (10/3) and Egypt's ruling council (10/4) for the release of alleged spy for Israel Ilan Grapel (see "Israeli-Egyptian Prisoner Swap" above). In Brussels, he met (10/7) with Turkish Defense Minister İsmet Yılmaz and reaffirmed that intelligence from the new NATO radar station in Turkey would not be shared with Israel.

### **2012 Election Campaigning**

Hinting at possibilities to come in the 2012 presidential race, little-known Republican Bob Turner won (9/13) a special congressional election in New York by 8% in a traditionally Democratic district after former Democratic mayor Ed Koch issued an appeal calling on voters to choose Turner to send "a message to President Obama that he cannot throw Israel under a bus with impunity." (Koch was referring to the Obama-Netanyahu dispute last quarter over Obama endorsing 1967 lines with agreed land swaps as the basis of final status talks; see Quarterly Update in *JPS* 161). Soon after (9/27), Koch endorsed Obama for president in 2012, stating that Obama's UN speech opposing the

Palestinian statehood bid had satisfied all his concerns.

By mid-9/2011, the Democratic National Comm., fearing a flight of Jewish voters because of Obama's poor relationship with Netanyahu, had set up a Jewish outreach program targeting Jewish groups, donors, and other supporters with emails and phone calls countering the Republican message that Obama is hostile to Israel. The Obama's reelection campaign launched (9/20) its own outreach to American Jewish voters by holding a mass conference call, with top campaign officials briefing Jewish supporters on counterpoints to criticism that Obama's support for Israel is weak.

Meanwhile, in an address to Israeli diplomats and American Jewish leaders gathering on the sidelines of the UNGA session in New York, Texas gov. and Republican presidential candidate Rick Perry disparaged (9/20) Obama's Middle East policy as "naïve, arrogant, misguided, and dangerous," calling his stance on the Palestinians "appeasement," and saying Israel should have full control of Jerusalem and the unfettered right to continue settlement construction throughout the West Bank and East Jerusalem. He also accepted an invitation from right-wing Israeli MK Danny Danon (Likud) to visit Israel.

Analysts attributed (e.g., NYT 9/21; NYT, WP 9/22) Obama's unprecedentedly strong support for Israel and opposition to the Palestinian statehood bid in his UNGA speech on 9/21 in large part to the extreme pressure from congressional Republicans and Obama's concerns over his reelection prospects.

### **U.S.-Israel Relations**

On 9/13, the State Dept. took the rare step of reversing a decision to impose sanctions on 2 companies for aiding Iran's oil industry. U.S. officials affirmed that an Israeli company and its subsidiary had exercised all due diligence and could not have known that they were selling an oil tanker to an Iranian shell company. The original sanctions, imposed in 5/2011 (see Quarterly Update in *JPS* 160), had caused uproar in Israel.

Anonymous U.S. officials confirmed (9/23) that the Obama administration had been quietly supplying Israel with

bunker-busting bombs since 2009. Israel had repeatedly requested the weapons from the George W. Bush administration between 2005 and 2008, but the requests were consistently denied under pressure from the Pentagon. The sale had reportedly been opposed: (1) in light of Israel's previous history of sharing classified U.S. military technology with China, and (2) out of concern that it could be viewed as endorsement of an Israeli attack on Iran. Pentagon and White House officials refused to comment.

Meeting in Washington on 8/26, Israeli and U.S. trade reps. agreed to work on identifying and removing trade and investment regulations that hamper the bilateral exchange of goods and services.

### Congress

Eager to show their support for Israel in a presidential election season, members of Congress on both sides of the aisle (but especially Republicans) were quick to threaten ending U.S. aid to the Palestinians in the event that Abbas went ahead with the statehood bid at the UN. In the run-up to the UNGA session, Congress denied (8/18) a request by the United States Agency for International Development to disburse a final humanitarian aid payment of \$192 m. for FY 2011 set to be transferred to the PA in 8/2011. Rep. Kay Granger (R-TX), the chair of the House appropriations subcomm. overseeing foreign aid, warned (9/13) that if Abbas went through with the UN application, "we will no longer fund. We stop our funding because our position is that [the Palestinian move] stops the peace process—because they are going outside the peace process." The day the UNGA session opened (9/21), the Senate Foreign Relations Comm. warned that it would move to cut off aid to the PA and close the PLO mission in Washington if Abbas submitted his application. Similarly, Rep. Joe Walsh (R-IL) and 42 cosponsors introduced (9/8) a resolution (H.Res.394) that would support Israel's right to annex the West Bank if the Palestinians went ahead. A bipartisan group of 14 U.S. senators sent (9/19) a letter urging Obama to use his address to the UNGA to reaffirm the U.S. special relationship with Israel.

Meanwhile, the Obama admin. wanted to make sure that the House Republicans would not block \$50 m. in aid for the U.S. Security Coordinator's (USSC) mission to train the PA security forces if the statehood bid progressed. To this end, Secy. of State Clinton and U.S. amb. to Israel Daniel Shapiro appealed (in late 8/2011) directly to PM Netanyahu, who personally urged members of Congress visiting Israel during summer recess to continue the security aid. House majority leader Eric Cantor (R-VA) led (ca. 8/22) one such delegation of 25 Republican House reps. to Israel this quarter. (More than 80 House reps. visited Israel during the recess; see Quarterly Update in *JPS* 161 for earlier trips.)

Following the UNGA session, Congress delayed pursuing legislation to cut aid to the PA to see how Israel would react, with congressional staffers saying (*Washington Jewish Week* [WJW] 10/6) that "how much gets cut . . . depends on what Israel advises" and that lawmakers were "meeting behind the scenes with Israeli diplomats in delicate negotiations" over the funding issue. The lawmakers and staffers noted that Israel was "wary" of cutting aid for the USSC mission, because it had proven effective in keeping the West Bank calm. Analysts noted (WJW 10/6) that Israel was in a bind, having encouraged Congress to threaten aid to get Abbas to back away from the UN statehood initiative and the Hamas reconciliation, while publicly backing continued funding for the USSC and infrastructure building. In this situation, congressional insiders advised, "If the Israelis want continued security funding for the [PA], they have to explicitly say so in order to give political cover to lawmakers—particularly Jewish Democrats, who will be blasted by Republicans for any generosity to the Palestinians in the wake of their UN push."

On 10/11, Israel's West Bank cmdr. Brig. Gen. Nitzan Alon, reflecting the views of the military establishment, publicly urged Congress not to cut aid to the PA in retaliation for the statehood bid, stating: "Stability in the region includes the ability of the Palestinian Authority to pay its salaries. . . . Reducing the Palestinians' ability to pay decreases

security. American aid is relevant to this issue." Secy. of State Clinton also appealed (10/27) to Congress not to cut security aid to the Palestinians following the Palestinian initiative. The White House provided Congress with more than 1,000 pages of documents supporting the administration's contention that the aid supports U.S. security interests. On this basis, Rep. Ileana Ros-Lehtinen (R-FL), chair of the House Foreign Affairs Comm., released (11/7) the hold on \$197 m. in 2011 security funds for the PA, but maintained the hold on the \$192 m. in 2011 humanitarian aid for NGOs.

On 11/8, 44 House Democrats signed a letter sponsored by Reps. David Price (D-NC) and Peter Welch (D-VT) and endorsed by J Street, urging the House Appropriations Comm. not to cut 2012 security or economic aid to the Palestinians and calling support of Abbas's PA an "essential strategic interest of Israel and the United States."

Obama's pledge in his 9/21 UNGA address to provide funding to support the democratic transitions spurred by the Arab Spring also hit a nerve with Congress. Analysts noted (e.g., WP 9/25) that due to the U.S. budget crisis, Congress already had been slow to support Obama's 5/2011 call for \$1 b. in new aid and loans (debt swap) to jump-start the Egyptian economy after Mubarak's fall. Rep. Ileana Ross-Lehtinen (R-FL) stated (9/24) that Congress was concerned about the nature of the new leaderships brought about by the Arab Spring, "their agenda, their commitment to peace . . . and, most importantly, about their commitment to a strong relationship with the U.S. Yet, the Obama administration is rushing to offer all sorts of incentives." No new funding was approved before the end of the quarter.

### **Lobbies**

Conservative commentator Glenn Beck made a 4-day visit to Jerusalem and Israel (8/22–25) to hold a series of televised "Zionist rallies" intended to portray himself as the leader of Christian conservatives. Beck bragged (8/21) that his entourage would include 4 presidential candidates (Michele Bachmann, Newt Gingrich, Rick Perry, and Mitt Romney), nearly a dozen senators (including Sens. Joseph Lieberman [I-CT]),

3 dozen House reps. (including Majority Leader Eric Cantor [R-VA]), and Christians United for Israel (CUFI) head John Hagee, but of these high-profile figures, only Hagee participated. The main event was a "Restoring Courage" rally at Jerusalem's Western Wall on 8/24 to urge support for the U.S.-Israel special relationship and to "empower Israel to defeat its enemies and stand up to an increasingly hostile world." The mainstream Israeli media either ignored or downplayed the visit or (according to *Jerusalem Post International* 9/9) "castigated him as an extremist and marginal force in the U.S." and an anti-Semite.

In late 9/2011, Malcolm Hoenlein, head of the Conference of Presidents of Major American Jewish Organizations (CPMAJO), and Abe Foxman, head of the Anti-Discrimination Comm., took issue with VP Joe Biden over comments he had made in a recent meeting with Democratic Jewish supporters concerning convicted spy for Israel Jonathan Pollard. Asked why Pollard was still in prison, Biden replied, "President Obama was considering clemency, but I told him, 'Over my dead body are we going to let him out before his time.' . . . If it were up to me, he would stay in jail for life." Hoenlein and Foxman immediately asked to meet with Biden "to give Jewish leaders the chance to make the case for Pollard's release." Biden agreed (10/5), and on 11/22 met with Hoenlein, Foxman, and 5 other Jewish leaders for over an hour. Hoenlein described (11/22) the meeting as "meaningful and productive," but gave no details.

In early 11/2011, 18 former U.S. senators wrote a letter asking Pres. Obama to commute Pollard's sentence, calling his life term "severely disproportionate and . . . a gross miscarriage of justice." This marked the first appeal on Pollard's behalf from a group of senators.

Jewish Agency for Israel dir. Alan Hofman stated (ca. 9/21) that with the resettling of Ethiopian Jews in Israel nearly complete, the agency planned to focus on bringing American Jewish college students to Israel for study abroad, saying that Israel's future survival depended on bringing Diaspora and Israeli Jewish youth together. (Of 22,000 American Jews who study abroad each year, only around 600 choose Israel.)

The project would build on the Birth-right Israel program and would include a component facilitating choosing to move to Israel.

Jewish News One network, the first 24-hour Jewish satellite news service, began broadcasting on 9/21. The network then had studios in Brussels, Tel Aviv, New York, and Kiev, and planned bureaus in Washington, Paris, and London. Broadcasts began in English, with plans to expand to Hebrew, French, Italian, Russian, and German. The network is the \$5-m. brainchild of 2 Jewish businessmen, heads of the European Jewish Union, who first floated the concept to American Jewish donors in 4/2011 (see Quarterly Update in *JPS* 160).

Also of note: The Museum of Children's Art in Oakland, CA, announced (9/8) that under pressure from local pro-Israel groups, it had canceled plans to host an exhibit of art by Palestinian children in the Gaza Strip organized by the Middle East Children's Alliance (a California NGO).

#### **Legal Action**

New details came to light this quarter in the case of former FBI Hebrew translator Shamai Leibowitz, who pleaded guilty in 1/2010 to leaking classified transcripts of conversations caught on FBI wiretaps to a blogger. On 9/5, Israeli journalist Richard Silverstein stepped forward to reveal that he was the unnamed blogger and that the classified transcripts (around 200 pages) were of wire taps on the Israeli embassy in Washington and included conversations between embassy officials and "American supporters of Israel and at least 1 member of Congress." Silverstein stated that Leibowitz leaked the translations to him out of conviction that Israel's "efforts to influence Congress and shape American public opinion were excessive and improper" and out of concern over an Israeli strike on Iran.

Under a plea bargain, former senior government scientist Stewart Nozette pleaded guilty (9/7) to selling top-secret information on U.S. military satellites and other technology to an FBI agent posing as an Israeli spy in exchange for a 13-year prison sentence. Nozette held the highest level security clearance as a White House (1989–90)

and Energy Dept. (1990–99) employee, and also worked as a consultant for Israel Aerospace Industries (1998–2008). After uncovering an email in 2002 in which Nozette threatened to sell secrets to Israel, the FBI set him up for a sting. When approached, Nozette demanded \$2 m. and an Israeli passport in exchange for information.

On 10/5, Israel dismissed its deputy ambassador to Washington, Dan Arbel, for allegedly leaking top-secret information to an Israeli journalist in 2009. The information reportedly pertained to Iran and the leak strained Israeli ties with the U.S.

#### **RUSSIA**

Russia's participation in the peace process was limited this quarter to (1) the Quartet, where it gave lukewarm endorsement to the U.S.-drafted 9/23 initiative for restarting Israeli-Palestinian talks, and (2) the UNSC, where it strongly supported the Palestinian statehood bid. In the context of French pres. Sarkozy's 9/21 proposal to restarting negotiations under broader international mediation (see "New Offers as the UNGA Session Convenies" above), Moscow reiterated (early 10/2011) its longstanding offer to host an international conference to relaunch Israeli-Palestinian peace talks, but no one seriously expected this would happen soon.

#### **EUROPEAN UNION**

The 27 EU states were particularly divided over the Palestinian statehood initiative at the UN, and thus were subjected to intensive lobbying by the Palestinians, Israelis, and Americans. Britain, France, Germany, and Portugal, currently members of the UNSC, were especially targeted. As the quarter opened, Germany, Italy, the Netherlands, and most former Soviet satellites that were EU members generally opposed the statehood bid; Belgium, Ireland, Portugal, Spain, and most Scandinavian countries leaned toward supporting it. Britain and France were on the fence, saying their vote would depend on the text of the PLO application. EU FMs met on 9/2 to discuss the statehood initiative but were unable to agree

on a unified position. On the eve of the UNGA session, Israel was confident that even if the EU bloc split, the Palestinians would not be able to secure the support of an EU majority.

Perhaps because of these divisions, the EU as a group focused more on supporting the Quartet efforts to convince Israel and the Palestinians to resume negotiations. EU foreign policy chief Catherine Ashton planned 2 days of meetings in the region 9/12–13 to confer on the Palestinian statehood bid and a potential Quartet statement on resuming talks, meeting with Abbas and the Arab League in Cairo on 9/12 and Netanyahu and other senior Israeli officials in Israel on 9/13. At Israel's request, Ashton extended her stay in the region through at least 9/15 in an unsuccessful attempt to help Quartet envoy Blair and U.S. envoys Ross and Hale broker a Quartet deal aimed at averting a crisis at the UNGA session. During their 9/12 meeting, Abbas asked Ashton directly how the EU would respond if the Palestinians sought observer-state status rather than member-state status. She replied that the EU would not officially state its position until it saw the text of the formal Palestinian application, but acknowledged that the individual EU states would be divided no matter which option Abbas pursued. When Abbas decided to seek full membership via the UNSC, the 4 EU states on the UNSC split as expected, with Germany leaning toward opposing the motion and Britain, France, and Portugal intending to abstain. This division contributed to the UNSC deadlock and its failure to issue a recommendation, effectively blocking the Palestinian bid; no vote was actually taken. The EU as a body never stated a position on the application.

Meanwhile, the EU formally called (8/17) on Israel to allow the Palestinians to reopen offices in East Jerusalem in keeping with phase 1 of the 2003 road map plan. The statement was prompted by Israel's renewal (ca. 8/17) of its closure order against the Orient House and the Palestinian Chamber of Commerce in East Jerusalem. Orient House traditionally served as the PLO's de facto headquarters in occupied East Jerusalem. Israel sealed the office at the start of the first intifada in 1988, allowed it to

reopen during the Madrid peace talks in 1992, and shuttered it along with other official Palestinian institutions in East Jerusalem in 8/2001 at the start of the al-Aqsa intifada.

On a bilateral level: Britain, under political pressure from Israel, modified (9/15) its universal jurisdiction law (allowing British courts to prosecute individuals suspected of committing grave violations of international law regardless of the individual's nationality, country of residence, or where the alleged crime was committed) to give the director of public prosecutions the power to veto the issue of arrest warrants for universal jurisdiction offences. The move was seen (e.g., Palestinian Center for Human Rights 9/19) as "a purely political move designed to block the arrest of war criminals from 'friendly' countries." Pro-Palestinian groups in Britain previously used universal jurisdiction laws to issue arrest warrants for IDF Maj. Gen. Doron Almog in 2005 and Israel's former acting PM Tzipi Livni in 2009.

Of special note: On 10/4, the Parliamentary Assembly of the Council of Europe (PACE) voted (110-5, with 10 abstentions) to grant the Palestine National Council (PNC) the status of "partner for democracy," which allows PNC reps. to speak before the PACE assembly and most committees. PACE is an international investigatory and advisory body whose recommendations on issues related to human rights, international law, and cultural cooperation have significant weight with the European Parliament and other EU institutions. Israel was granted observer status in 1996.

Also of note: On 9/1, pro-Palestinian activists in London, in an act of nonviolent protest against Israel, repeatedly interrupted a live 75th anniversary performance by the Israel Philharmonic Orchestra to the point that BBC had to cut off its live broadcast.

#### UNITED NATIONS

While the Palestinian statehood bid at the 9/2011 UNGA session was the major UN event of interest this quarter, a handful of other actions affecting the peace process took place in UN bodies.

### ***UNESCO Membership for Palestine***

On 10/5, UNESCO's 58-member executive council voted (40-4, with 14 abstentions) to give the Palestinians preliminary approval to upgrade their status in the organization from observer (held since 1975) to full member. On 10/21, UNESCO's 193-member general conference affirmed the decision (by a vote of 107-14, with 52 abstentions and 20 not present). In both cases, the U.S. opposed and the EU was divided; in the final vote, 11 EU states (including France) voted in favor, 5 (including Germany) voted against, and 11 (including Britain) abstained. Palestinian spokesman Ghassan Khatib called (10/31) the decision "especially important because part of our battle with the Israeli occupation" involves defining history and heritage.

According to the U.S. government, existing legislation (passed 1990, 1994) required the U.S. (which contributes 22% of UNESCO's budget) to cut off all contributions to UNESCO (dues and voluntary contributions) if the Palestinians were given full membership in the organization without possibility of a presidential waiver. In the run-up to UNESCO's 10/5 meeting, U.S. Secy. of State Clinton charged special envoy Hale to urge the Palestinians and Arab states not to pursue UNESCO membership so as to avoid a financing crisis for the organization; failing that, Hale was to press for a delay in the vote at the least until 1/2012 to enable the U.S. legally to send UNESCO the \$60 m. payment scheduled for 11/2011. The pleas were rebuffed. After the 10/31 vote, the U.S., Canada, and Israel immediately cut off aid totaling more than a quarter of UNESCO's budget. On 11/10, UNESCO suspended all new projects through the end of 2011 for lack of funds.

Palestinian envoy to the UN in Geneva, Ibrahim Khraishi, said (11/1) that in light of the landslide UNESCO vote, the Palestinians were examining the possibility of seeking full membership in the other 16 UN agencies and other international organizations within the next few weeks, starting with the World Health Organization. While reiterating support for Palestinian statehood, UN Secy.-Gen. Ban Ki-Moon warned (11/3) the Palestinians that further efforts to

join UN agencies were "not beneficial for anybody" and would lead to cuts in UN funding affecting millions of people. The Palestinians took no further action this quarter.

### ***World Conference against Racism***

On the sidelines of the UNGA session in New York, the UN held (9/22) an international gathering (called Durban 3) to mark the 10th anniversary of the 2001 World Conference Against Racism (WCAR) in Durban, South Africa, which had given special focus to Israel's mistreatment of the Palestinians. In total, 14 countries boycotted the meeting (Australia, Austria, Britain, Bulgaria, Canada, the Czech Republic, France, Germany, Israel, Italy, the Netherlands, New Zealand, Poland, the U.S.), charging that WCAR meetings have promoted racism, intolerance, anti-Semitism, and Holocaust denial and have eroded freedom of speech and Israel's right to exist. The same countries, excluding Austria, Britain, Bulgaria, and France, had previously boycotted the Durban 2 conference in 2009.

### **OTHER**

The Russell Tribunal on Palestine, an "international people's tribunal" created by activists to promote peace and justice in the Middle East and funded by the Bertrand Russell Peace Foundation, convened (11/5-7) its 3d session in Cape Town, South Africa, to examine whether Israel's rule over Palestinians constitutes apartheid under international law (defined as "inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them"). More than 20 legal experts and witnesses from around the world addressed the tribunal jurists (including such figures as chairman of the former UN Commission on Human Rights John Dugard, Nobel Prize winner Mairead Corrigan Maguire, and Archbishop Desmond Tutu), detailing Israeli policies toward the Palestinians and the legal consequences of those policies. The Israeli government was invited to participate but declined. The jurists concluded that Israeli practices (including military

rule of the occupied territories and discriminatory laws governing Palestinians inside Israel) do constitute apartheid and persecution and might constitute crimes against humanity under international law. The jurists urged that appropriate international bodies undertake formal investigations. The tribunal's first session was held 3/2010 in Barcelona and its 2d session in 11/2010 in London; the next session was set for late 2012.

Of note: Reacting to the upcoming Russell Tribunal meeting, South African judge Richard Goldstone, who led the UN fact-finding mission on Operation Cast Lead and later repudiated some of his findings, published (11/1) an op-ed in the *New York Times* stating that equating Israel's treatment of the Palestinians to apartheid was "unfair and inaccurate slander" intended only "to isolate, demonize, and delegitimize" the Jewish state (see Doc. A3).

## DONORS

The Ad Hoc Liaison Comm. (AHLIC) met on 9/18 in New York on the sidelines of the UNGA session and reaffirmed its 4/2011 assessment (see Quarterly Update in *JPS* 160) that the PA's institutions are operating "above the threshold" needed to run a state. While stressing the PA's "fiscal sustainability and economic viability," reports submitted by the IMF and World Bank warned that the Palestinian economy, after 3 consecutive years of 8% annual growth, was facing a major financial crisis caused by Arab donors' failure to follow through on pledges and Israel's refusal to further ease restrictions on movement

that hamper private sector growth and development and stifle the PA's transition to self-reliance. The reports noted that the Gaza economy, though still weak overall, improved markedly as a result of Israel easing construction bans: for the first half of 2011, the economy grew 28% and unemployment fell from 39.3% to 25.6%. Israel's Dep. FM Danny Ayalon, addressing the AHLIC, warned that future Israeli economic assistance and cooperation "could be severely and irreparably compromised" if the Palestinians pursued their statehood bid at the UN, urging donors to use their economic leverage with the PA "to turn the Palestinian leadership away from confrontational and provocative unilateral steps and lead them back to the negotiating table."

The donors' Local Development Forum (the main donor body dealing with day-to-day affairs in the territories) held a regular meeting on 9/8 to discuss the PA's reform and development priorities and budget issues. Of the 4 main donor "strategy groups" (SGs), only the economic policy SG met on 9/8. The social development and humanitarian assistance SG, infrastructure SG, and governance and reform SG did not meet. Various SG subcommittees also held regular follow-up meetings. These included the economic SG's fiscal sector working group (SWG; 9/8) and private sector development and trade SWG (10/12); the governance SG's judicial reform SWG (10/10); the infrastructure SG's environmental SWG (10/11) and water and sanitation SWG (10/6); and the social and humanitarian assistance SG's humanitarian task force (10/6) and education SWG (10/12).