

The Palestinian Strategic Report 2009/10



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Chapter Five

The Palestinian Issue and the International Situation

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Introduction

A careful reading of the developments of the Arab-Israeli conflict in 2009 reveals that total failure characterizes the diplomatic efforts of all the local, regional and international parties seeking a peaceful settlement. What is meant by failure, it is the inability to achieve the expected results, i.e., achieving a just solution for the conflict, driving Israel to withdraw from the occupied territories, implementing the UN resolutions and stopping the suffering of the Palestinian people.

Although we will attempt in the coming pages to explore in detail the failure of the international efforts, we are merely pointing in this introduction to the main indicators of this failure.

There are two aspects for the first failure indicator. The first aspect is that the Palestinian political settlement icons have publicly acknowledged the “failure and barrenness” of the negotiations track. The second is that they made also acknowledgements that the international efforts in this field have reached the point of collapse.

Since this part deals only with the international dimension, rather than the local or regional one, it is necessary to point out that the first failure indicator is the result of a strategy adopted by Palestinian negotiators. Their strategy was based on the separation between the diplomatic efforts on the international level, and between strangling the resistance in the WB and the continued blockade on the GS. This has left the Palestinian negotiators without any effective pressure tools, as they depended totally on international promises made mainly by Washington. Moreover, the statements of the Quartet were particularly popular in the corridors of the PA.

The second failure indicator, in 2009, is represented by the botched public relations campaign led by the US President Barack Obama with the Islamic World—the peak of which was his speech at Cairo University. Indeed, the leniency of his stance towards “freezing” the settlement building is a practical indicator of the limited hopes hanging on transformations in US policy. This was made clear



when the US administration asked the Palestinian side to resume negotiations with the Israeli side, after it has realized that Palestinians are more likely to drop the condition of “settlement freeze” for the resumption of negotiations. Whereas the Israeli side did not show the slightest response to Obama’s request of “freezing the settlements.”

The International community is witnessing an era in which the US is at its weakest point, as compared to previous decades. This is due to the impact of economic, financial and military exhaustion which is starting to show as a result of the overstretch strategy¹—which had been warned about by the American historian Paul Kennedy in the mid 1980s. This exhaustion has worsened by the exhaustion and failure in Iraq and Afghanistan, the depletion of its energy in facing the resistance and opposition there, and by the inability to impose its vision of a new Middle East. Despite all mentioned, the Palestinian side in particular and the official Arab side in general, which bet on the settlement path, have “failed” to take advantage of this situation.

Indicators of this American exhaustion are revealed in the backtracking on the military option in dealing with the Iranian nuclear issue, the attempt to get closer “to a certain extent” to Syria, continuous call for Europe to further participate in the burden of NATO’s role in Afghanistan, and in the closure of the missile shield project in some Eastern European countries, not to mention the continuous resurgence of the Left in Latin America.

Although the European stance is seen as more advanced to some extent than the American one, the third failure indicator, in 2009, is represented by the disclosure of the limitations in the European positions resulting from disparities within the Union. This was reflected in the vote on the Goldstone Report, in the re-drafting of the Swedish project considering East Jerusalem as the capital of the proposed Palestinian state, and in the position towards talks with Hamas, not to mention the disproportion between the size of the European “financial support” and the level of influence on the diplomatic mobility in the region. This was explicitly acknowledged by Javier Solana.

The fourth failure indicator is represented by the inability to invest practically in the legal and moral value of the Goldstone Report. This Report summarized the investigations on war led by Israel against GS at the end of December 2008, for 22 days. A report that has found Israel guilty of “war crimes,” it also charged Hamas with the same accusation, though to a minor extent and less frequently.



With all the movements provoked by the report in the corridors of international organizations, as it will be shown later, its repercussions faced attempts of blockade by the major powers in the international regime. Whereas, the Palestinian failure in this aspect was no less important than its failure in all other aspects.

Failing to lift the siege of GS might be the fifth failure indicator. This failure is consolidated by the sixth indicator represented in the fact that the funds, the Palestinians were promised in Sharm el-Sheikh conference of March 2009, were not delivered to them.

If we add to all previous failure indicators the ongoing growth of the pragmatic trend on the one hand, and the mercantile trend on the other, as well as the growth of an independent, compromising, and competitive spirit, in the Chinese, Russian and Japanese policies; the main characteristic of the year 2009 becomes clear. It is the “failure and disappointment” of the Arab peace settlement forces in proving their premise on the possibility of relying on the international community to achieve concrete results in the negotiation process. The forces didn’t realize that the conciliation between parties in the conflict is not in any way isolated from the balance of power prevailing at the moment of conciliation. Negotiations are not the “art of arguing,” but that of investing the variables in the balances of powers of which the resistance, in all its forms, represents the backbone.

Also, with the Palestinian being permanently incapable of reaching internal reconciliation, and the continuing Arab retrogression towards narrow domestic level of politics, the features of failure are completed for the year 2009.

Based on the overall vision mentioned earlier, we will analyze the positions of the international community.

First: The Quartet

The statements released by the Quartet (UN, US, EU and Russian Federation) in 2009 reveal specific directions that are repeated in most of these statements. They are as follows:²

1. The establishment of two states, despite the reference to the relevant international resolutions, particularly the UN Security Council Resolutions 242 and 338. It is also important to note that the statements do not explicitly refer to the borders of those two states.



2. The cessation of Israeli settlements in the WB territory including East Jerusalem, without stating the necessity to withdraw from the territories occupied in 1967.
3. The call for Arab states to normalize their relations with Israel, whereas the Quartet refuses to normalize its relation with Hamas. The former attempts to impose conditions in favor of Israel in dealing with the Palestinian national unity. The threat of blockade is used in case the Palestinian reconciliation is not achieved on the basis of recognizing the state of Israel, giving up on resistance, and abiding by the resolutions signed by the PLO.
4. Emphasizing that all Palestinian parties must comply with commitments made by the PLO. This means that the legitimacy of any Palestinian movement depends on its recognition of Israel.
5. The repeated calls for the release of Israeli soldier Gilad Shalit, without any reference to Palestinian prisoners. While this matter is carefully looked into by all diplomats who visit the region and meet with immediate concerned parties, the issue of Palestinian prisoners was not raised by any of those diplomats.

These trends become evident in the statement made by the Quartet in Trieste on 26/6/2009, which stressed the need to help the Palestinians in establishing their future state. It also stated that:³

1. The Quartet underscored the importance of fostering peaceful coexistence throughout the region through the conclusion of peace agreements between Israel and Syria and Israel and Lebanon, in a manner that is mutually reinforcing with efforts to establish the state of Palestine, and through the full normalization of relations between all States based on the Arab Peace Initiative..... and called on Arab States to take steps to recognize Israel's rightful place in the region; to affirm that violence cannot achieve regional peace and security.
2. The United States briefed the Quartet on its intensive, ongoing discussions with all parties in the region to create the conditions for the prompt resumption and early conclusion of negotiations to resolve all permanent status issues, without preconditions. The Quartet affirmed that these negotiations must result in an end to all claims.
3. The Quartet urged the Government of Israel to freeze all settlement activity...; and to refrain from provocative actions in East Jerusalem, including home demolition and evictions.



4. Restoring Palestinian unity based on the Palestine Liberation Organization (PLO) commitments would be an important factor in this process, while facilitating reconstruction of Gaza and the organization of elections. [Tony Blair had visited GS in early March without meeting any of Hamas officials].
5. The Quartet called on those holding the abducted Israeli soldier Gilad Shalit to release him without delay.
6. The Quartet acknowledged progress made by the Palestinian Authority to reform the Palestinian security sector and called on the Palestinian Authority to continue to make every effort to improve law and order and to fight violent extremism, [especially in the WB].

The statement of the Quartet at its meeting in New York on 24/9/2009 confirmed the statement of Trieste. It supported also the meeting between Palestinian President Mahmud 'Abbas, Israeli Prime Minister Benjamin Netanyahu and US President Barack Obama. It considered the meeting a significant indicator of the re-launching of negotiations on the basis of a comprehensive solution, in accordance with the UN Security Council Resolutions 242, 338, 1397, 1515, 1850, and the Madrid principles.⁴ It also stated that:

- [1.] The Quartet reiterates that the only viable solution to the Israeli-Palestinian conflict is an agreement that ends the occupation that began in 1967; resolves all permanent status issues as previously defined by the parties; and fulfils the aspirations of both parties for independent homelands through two States for two peoples.....
- [2.] The Quartet urges the Government of Israel to freeze all settlement activity, including natural growth, and to refrain from provocative actions in East Jerusalem, and calls on the Palestinian Authority to continue to make every effort to improve law and order, to fight violent extremism and to end incitement. [As a reference to the armed resistance and popular mobilization].
- [3.] The Quartet welcomes the Palestinian Authority's plan for constructing the institutions of the Palestinian State within 24 months.
- [4.] The Quartet... calls for a solution that addresses Israel's legitimate security concerns, including an end to weapons smuggling into Gaza; promotes the reunification of Gaza and the West Bank under the legitimate Palestinian Authority; and facilitates the opening of the crossings to allow for the unimpeded flow of humanitarian aid, commercial goods and persons to and from Gaza, consistent with United Nations Security Council resolution 1860 (2009)...



5. The Quartet reiterates its call for the immediate release of Israeli soldier Gilad Shalit...
- [6. T]he Quartet urges regional Governments to support the resumption of bilateral negotiations, enter into a structured regional dialogue on issues of common concern and take steps towards normalization of relations across the region in the context of progress towards peace.⁵

It is important to be aware that the expression mentioned in the first point, “agreement that ends the occupation that began in 1967” is an expression open to interpretation that is different from the text “withdrawal from territories occupied in 1967” stated in the UN Security Council Resolution 242. The former links the withdrawal with the consent of Israel and not necessarily with an international resolution or with Palestinian rights.

Although the PA fulfilled its obligations, the “security-related” ones in particular, according to the Road Map and the pressures by the Quartet, the Israeli side failed to stop building settlements, home demolitions or Palestinian evictions.

Also, the Quartet statements call on the Palestinian and Arab side to negotiate and normalize relations, and end all forms of resistance as a preliminary step for the Israeli withdrawal. In addition, the boundaries of the withdrawal are to be agreed upon by the parties, this means making these boundaries subject to the balance of powers between the negotiators and submitting all previous resolutions, including resolution 242, to Israel’s direction; this is exactly the Israeli negotiation strategy.

In summary, the Quartet stance always followed those of the Americans and the Israelis, and thus, its role did not have any other influence than to put pressure on the Palestinian side.

Second: The United States of America

President Obama took office almost at the same period when ceasefire was declared, at the end of the Israeli offense on GS. Subsequently, the Sharm el-Sheikh conference was held, where participating states pledged around \$4.3 billion in aid for the Palestinians, in particular for the reconstruction of the GS and the US pledged \$900 million. It must be noted that the US ranks second in the list of donor states to the UNRWA.⁶



After two days of taking office as President of the US, Obama appointed George Mitchell as the US Special Envoy for Middle East Peace. Then, on 4/6/2009, he delivered his speech at Cairo University, where he spoke of the need to end the sufferings of the Palestinians and to establish a Palestinian state. It was considered by many a conciliatory speech addressed to the Muslim world.⁷

Then, his following series of statements asserted the need to freeze Israeli settlement building in the occupied territories and to establish a Palestinian state. In September 2009, he reiterated this issue when he addressed the UNGA. There, he said:

We continue to emphasize that America does not accept the legitimacy of continued Israeli settlements... [T]he time has come to re-launch negotiations without preconditions that address the permanent status issues... And the goal is clear: ... a Jewish state of Israel, with true security for all Israelis; and a viable, independent Palestinian state with contiguous territory that ends the occupation that began in 1967.⁸

Obama's statements brought some kind of optimism within the Arab pro-peace camp, and extreme caution within the resistance forces. Whereas the Israeli public opinion was pessimistic about Obama's position, where only 6% of the Israelis see Obama as pro-Israeli compared to 88% for Bush.⁹ On the other hand, Europeans were the most optimistic regarding a change in US strategic trends after Obama.¹⁰ Javier Solana himself expressed optimism about the changes in US policy during his statement addressed to the European Parliament on the Middle East, where he said that "the conditions for Europeans and Americans to work together... are probably better than ever... I had good discussions with a number of people there in the Obama administration. I have the assurance from them that the strong commitment that has been expressed is a reality."¹¹

However, assessing the practical results of the American trends calls for considering the following observations:

- After taking office, Obama visited the Middle East twice. In April, the first visit was made to Iraq, and in June the second was made to some countries in the region including Egypt, where he addressed a speech to the Islamic world. This is in addition to meeting some officials from the region in Washington, including Palestinian President 'Abbas.



- Out of 16 international trips made by Hillary Clinton in 2009, four were made to the region in March, April, June and November. This means that 25% of her diplomatic activity was devoted to Middle Eastern affairs.
- In 2009, the US Special Envoy for Middle East Peace, George Mitchell, visited the region seven times: in January, February, April, June, July, September and October.

It must be noted that the aforementioned US visits did not include any visit to GS, with the exception of some visits by non-official American delegations or a few members of Congress, notably John Kerry, Chairman of the US Senate Committee on Foreign Relations, who is said to have been given a letter from Hamas to Obama.¹² To assess these visits, we start with Secretary Clinton remarks upon meeting with Moroccan Foreign Minister Taïeb Fassi-Fihri in Marrakech on 2/11/2009; she said that:

In the same report [report to President Obama in October 2009], I praised President Abbas' leadership of the Palestinian Authority for their courage and the security measures on the West Bank. The steps being taken under President Abbas and Prime Minister Fayed are also unprecedented and we have never seen such effective security.... I told Prime Minister Netanyahu that these positive steps on the part of the Palestinians should be met by positive steps from Israel... Israel has done a few things in that regard.¹³

This discouraging view is consistent with Mitchell's statements who said that he had 700 days of failure in Northern Ireland before attaining the one day of success that was required. But Northern Ireland's two outside sponsors, Britain and Ireland, had given him their full backing.¹⁴ This suggests that he did not feel any cooperation with his efforts, especially on the part of the Israelis. This is what Clinton's aforementioned remarks reveal, which were also strengthened afterwards by Obama's remarks who said that the US was "not as honest as" it should be with its friend Israel.¹⁵

The US administration found no response on the Israeli side, especially in the issue concerning freezing settlements as reiterated by Obama several times. So, it caved in to Israel's position and turned its efforts towards the Palestinian side to compromise on its position (the Palestinians were not to return to negotiations with the Israeli side unless they stop all settlements including in East Jerusalem). In November 2009, Netanyahu had declared his willingness to freeze settlements for



10 months, with the exception of East Jerusalem and the settlement projects already approved. The US government rushed to welcome this position, considering it “a step in the right direction” and that it paves the way for the parties to resume negotiations. And perhaps this rapid change in the US position is consistent with the debate between the US and Israel, at the same period, on the existence of an agreement between both parties since 2003, that would tolerate the geographic expansion of settlements in the territories occupied in 1967.

In her speech on 31/10/2009, Clinton had supported Netanyahu’s request to resume peace negotiations with the Palestinians as early as possible, and without precondition. After her meeting with Netanyahu in Jerusalem, she said, “I want to see both sides begin as soon as possible in negotiations,” considering what Netanyahu “has offered in specifics of a restraint on the policy of settlements... is unprecedented.” She also added that what Netanyahu “is saying is historically accurate. There has never been a precondition. It’s always been an issue within the negotiations [the issue of settlement freeze].”¹⁶ This perception was reinforced by Mitchell who welcomed Netanyahu’s declaration of a partial 10 month freeze on construction in WB settlements, saying, “That’s a positive development,” and that this is the “first time ever an Israeli government” takes such steps. He added that “in negotiations, everyone has to be willing to give more than intended and receives less than expected.”¹⁷

A number of variables have had an obvious impact on the gradual erosion of the diplomatic momentum which Obama tried to create at the beginning of his term:

1. The first factor is that the US is convinced that the Arab side in general and the Palestinian side in particular do not possess any pressure cards. This is clear when the Arab side insisted on keeping the Arab Peace Initiative on the table. In addition, the PA has uprooted all resistance cells in the WB through an excessive coordination with the US and the Israeli security. This coordination became “so close that the American agency appears to be supervising the Palestinians’ work.”¹⁸ It is obvious in Clinton’s speech in Morocco and in the American media the strong support of the policies of ‘Abbas and Fayyad. There was an attempt also to promote economic growth in the WB with expectations that it would grow at 7% in 2009 according to the IMF.¹⁹ It is a policy which aims to incite the Palestinian citizens in the WB to a direct comparison with the situation in GS, to find a dual culture built on two dimensions: development and settlement vs. resistance and poverty.



It must be noted that this development is an illusion which depends on aids, and that the WB is torn apart by barriers, walls and settlements, and strangled by the occupation policies.

2. The second factor is that the issue of settlement freeze coincided with the issue of health care bill discussed in the Congress, an issue to which Obama gave much attention because of its great importance in the American public opinion. Obama needed the Jewish lobby and the Republican Party, particularly its neo-conservative wing, to pass the bill. This need has resulted in trying to appease those forces through a series of positions including the position on the Goldstone Report by refraining from voting for it, especially that the US House of Representatives condemned the report,²⁰ and the position on the need to freeze settlements and house demolitions in East Jerusalem which was the tacit acceptance of the Israeli position.

3. The third factor is the gradual transition of Obama's interest from the Palestinian cause to focus more on the issue of Afghanistan, particularly after the Taliban succeeded in escalating their military action and the Pakistani Taliban increased their activity momentum. In addition, there was an American desire to push European countries to further participate in the burden of the war in Afghanistan by increasing their contribution to the efforts of NATO there.

Bruce Riedel, who formerly served in the CIA's Tel Aviv station and later, was an analyst in the agency's research directorate and a member of US president Bill Clinton's National Security Council, stated that "the most important subject on the foreign affairs agenda of President Barack Obama's administration is the situation in Afghanistan and Pakistan."²¹ However a European study even suggests that the Middle East ranked fifth among the seven priorities of the transatlantic relations,²² knowing that this was not the case at the beginning of Obama's term.

4. The fourth erosion factor comes from the fact that Israel failed to link between the advancement of the peace process in the Middle East and the persistence of the US in eradicating public and official resistance forces. This linkage is evident in the following:

- a. The continued US pressure on GS and on Hamas to recognize Israel. And despite the approval of Obama to grant \$20.3 million as emergency aid to GS,²³ the US government strongly rejected offers by Arab states that they assume responsibility for distribution of the funds.²⁴



This trend was evident in the speech of former Secretary of State Condoleezza Rice during the discussion on ceasefire in the UN Security Council, on 8/1/2009, when she said, “We must establish an international consensus that Gaza must never again be used as a launching pad for rockets against Israeli citizens.”²⁵ This was supported by the abstention of the US to vote for the ceasefire called for by the UN Security Council Resolution 1860 and to vote against the same resolution at the UNGA. In addition, the numbers of warships crossing the Suez Canal were increased, where some were bound for Iran while others were deployed to control smuggling into GS.

It is very plausible that the agreement which was signed by Condoleezza Rice and the then Israeli Foreign Minister Livni—in the presence of Obama’s advisers, just before he took office—aims, through some of its provisions, at tightening the siege on the Hamas government in GS.

Also, the estrangement between the US government and Hamas persisted despite the fact that some American factions called for dialogue with Hamas. Many US prominent personalities called also for such a dialogue, such as former Secretary of State James Baker and Richard Murphy. In addition, a study conducted by the Strategic Studies Institute (SSI) of the US Army War College, recommended the importance of dialogue with Hamas.²⁶

- b. The continued US pressure on Hizbullah in various internal and external fields.
- c. The continued pressure on Iran over its nuclear program. The Israeli statements suggest that the peace process cannot progress in the specter of the evolving Iranian nuclear program, especially when a link is made between Hamas, Hizbullah and Syria. It must be noted that Obama renewed sanctions against Syria, in May 2009, along with Iran.

The psychological pressure made on Iran can be inferred by the number of warships which crossed the Suez Canal in the first 10 months of 2009. This number was 30% higher than that of the same period of 2008.²⁷ The joint American-Israeli military maneuvers, that were named Juniper Cobra, also were kind of a pressure on Iran.

This American trend is reinforced by the content of a document issued by the Israeli Foreign Ministry, detailing the ministry’s goals for 2010. It includes the following items:²⁸



1. Strengthening national security: a goal that is reiterated by European and American officials in particular.
2. Thwarting the Iranian threat: an issue on which leading powers agree, particularly Western powers.
3. The ministry will act to expand legal battles against NGOs that criticize Israel, this is due to the growing negative image, particularly in the West, of the Israeli policy. This is in addition to leading a “satellite” war against media channels which are accused of supporting “terrorism”; in that sense, the US Congress has issued a resolution against *al-Aqsa* TV and the Lebanese Communication Group/ al-Manar TV channels.

This means that the strategic analysis of the American position must take into account the link between the American stance towards Iran and the need to weaken it, on one hand, and the need to keep the balance of power in the Middle East asymmetrical in favor of Israel, on the other. This becomes evident in the US position on cancelling the missile shield project in order to draw Russia’s attention away from Iran and hence deepen the imbalance; this was conveyed by Obama to the Russian President Dmitry Medvedev.²⁹ Moreover, some Western press reports talked about a promise by the US to adopt a much tougher line with Iran over its alleged nuclear weapons program. The US, along with Britain and France, planned to push the UN Security Council to expand sanctions to include Iran’s oil and gas industry, a move that could cripple its economy. In return, the Israeli government was expected to agree to a partial freeze on the construction of settlements in the Middle East.³⁰ This imbalance is reinforced by the US military presence in Iraq which is supposed to be withdrawn in September 2010, leaving about 50 thousand American soldiers for training purposes.

It is important to look at the positions of former Middle East envoy and a State Department special adviser on the Persian Gulf and Southwest Asia, Dennis Ross, on the issue of the Palestinian issue through one of his works issued in 2009, in which he concludes that:³¹

1. The US peace diplomacy in the Middle East does not achieve peace, but only prevents the situation from worsening.
2. The false myth of the idea that Israeli-Palestinian peace is the key to solving all the Middle East’s problems.
3. The false myth of holding a dialogue with Hamas or Hizbullah, in any form. This was reaffirmed by Hillary Clinton during the Sharm el-Sheikh



conference in March, who tied this issue to the necessity of the recognition of Israel by Hamas.

The US National Security Adviser in the Obama administration James Jones sees the situation from a different perspective than that of Ross. He sees that “two-state solution of the Palestinian question could do a great deal to diminish Iran’s threat” and that “in pursuing peace it is more effective for America to be involved directly in negotiations rather than leave parties to sort things out.”³²

This reflects an obvious inconsistency in the orientations of the US strategy decision makers in the Obama administration, which is closer to discrepancy in the case of the priority of the Palestinian issue. This leads to reluctant diplomatic action in any direction, and makes the situation open to many changes as a result of two factors:

1. The balance of powers within the US administration, particularly between the US Department of State on the one hand, and the Congress on the other; noting that Clinton, Ross, and the Jewish lobby are more in favor of Israel, than Obama, Mitchell, and the army who engage in more pragmatic and less hawkish policies.
2. The ability of the parties to the conflict, Israel and the Arab side, to produce an environment supportive of giving preference to a balance among the various forces within the administration in order to adopt one of the approaches. This condition is available to a much larger extent to the Israeli side than to the Arab or Palestinian side.

It is however necessary to point out that in the Arab-Palestinian conflict, the US government clearly enforces a strategy based on weakening the Palestinian side to the fullest extent. Then, in this condition, it urges the Palestinians to negotiate. Despite its declared support for the establishment of a Palestinian state, the US objected to Salam Fayyad’s unilateral state-building plan, when Ian Kelly, the spokesperson for the US State Department, declared that the creation of a Palestinian state “has to be achieved through negotiation between the two parties.”³³ On the other hand, Fayyad’s state-building process, with a special focus on economy and security, was welcomed in many American, European and Israeli quarters.

As for the Syrian file, the Israeli side sees that during Obama’s mandate, the US role must focus on the implementation of a strategic plan for a peace settlement with



Syria, to which the US will contribute. Uri Savir, who was head of the negotiation delegation with Syria, for the period 1995–1996, determined the outlines of this strategy as follows:³⁴

1. The final border must represent a compromise between the international border of 1923 and the 1967 lines (so as to put the Syrians away from Sea of Tiberias).
2. Insisting on demilitarization into the depths of Syria so tanks would need 48 hours to get to Israel, giving the latter enough time to mobilize its reserve troops.
3. Insisting that Syria distance itself from Iran, Hizbullah and Hamas.
4. The US would play a security role, giving Israel intelligence information and monitoring the security arrangement.
5. The US would perhaps station troops in the Golan Heights.
6. Israel needs to consider a defense pact with the US.
7. Syria has agreed to commercial and tourism ties. It is important that normalization include joint projects. It would be good to see the Golan become a special tourist area containing nature reserves and hotels accessible to Israelis.
8. It's important that water from Syria and Lebanon continue to flow into Israel, and joint desalination facilities should be planned for the three countries.

Thus, from the outset, Obama has laid down three priorities in his strategy:

1. Decisiveness in Afghanistan.
2. Opening the Pakistani front against the Pakistani Taliban and the Afghani Taliban.
3. Achieving peace settlement as this is in the interest of the US, in its policies vis-à-vis the Islamic countries (settlement would take the Palestinian card away from the hands of Iran, Hizbullah and the resistance factions). This was explicitly mentioned by David Petraeus and Michael Mullen. As a matter of fact, George Mitchell was specifically appointed for this purpose.

Mitchell was soon hit with Netanyahu's categorical rejection to freeze settlement building in return for re-launching the negotiations. It became clear to Obama that he cannot pressure Netanyahu into accepting Mitchell's plan, especially when he wanted his health care bill to pass, without hurdles from the powerful Jewish lobby in the US Congress.



Notably, Obama, his administration and his aides appear to be extremely weak when it comes to correctly assessing the situation. For instance, it has been proven that their calculations were incorrect when they pushed forward the Mitchell plan, and also when they drafted the new strategy for Afghanistan and Pakistan.

Neither did they correctly assess Netanyahu's position, and their ability to put pressure on him if he refuses to comply. They did not even correctly assess Mahmud 'Abbas's situation when he raised the bar following their encouragement, by requiring a freeze on settlement building as a condition for resuming negotiations. When the Americans backtracked, and asked him to follow suit, they did not take into account his impasse in the wake of the Goldstone Report. After he falsely believed that the Mitchell plan will succeed, he raised the bar until backtracking became an extremely embarrassing option.

During 2010, the US continued to pressure the Palestinians, who agreed to conduct indirect talks with the Israelis, despite the incomplete Israeli moratorium of building settlements in the WB. Then the Palestinians agreed to move to direct talks under the same American pressure. However, on 26/9/2010, there was a major setback in negotiations, after Israel's decision to resume building settlements. The list of American incentives offered to Israel, in the midst of October 2010, failed to persuade the Israelis to renew the moratorium for three more months. This list comprised 20 F-35 joint strike fighter jets, providing a cover to the Israeli nuclear program, vetoing any initiative or draft resolution against Israel, tightening sanctions against Iran, and to stop pressuring Israel for any further moratorium after the expiration of the three months.

This situation reflected the American weakness in exerting any pressure on the Israelis. Israel benefited from the US midterm elections, the waning influence of President Obama and the Democrats, which also hardened the Israeli position. All of this, drove the US administration to announce that it had abandoned its efforts to persuade Israel to freeze building settlements. It called both Palestinian and Israeli parties to continue their communication with the US in an effort to narrow down the gaps between the two sides. Consequently, this led, by the end of 2010, to a wide frustration among Palestinians and Arabs, and to the halt of the peace process.



Third: The European Union

It is important to emphasize that there are two levels of analysis when it comes to the European foreign policy: there is the collective aspect as reflected by the statements issued by the European Commission (EC) or the EU presidency, and there is the individual level which betrays differences in the conduct of the European countries. This is evident in the stance regarding the issue of East Jerusalem or in supporting the decision of the United Nations HRC to dispatch an urgent, independent international fact-finding mission to investigate all the violations by Israel in GS, which some European countries voted to abstain such as France, Germany, Italy and UK. The same differences also appeared in the position towards the Goldstone Report, where some countries abstained from supporting it such as Britain, France and Belgium, while Italy, Hungary and Slovakia voted against it. This is in addition to the European stances regarding the war on GS, which was reflected by the reactions to the Czech statements in this regard.

The main positions of the EU in 2009 can be summed up in the following points:

1. The War on GS

France was the most active country attempting to arrange a ceasefire during the first few days of the war. However, the Israeli side was evasive in dealing with the French initiatives, prompting France to express its disappointment with Israel's rejection of a French initiative to end hostilities in GS in the beginning of 2009. This is despite the fact that France attempted to show balance between the two sides, by condemning both the Israeli ground attack on GS and the rockets fired by the Palestinian side against the settlements.³⁵

The European disappointment with the Israeli refusal to end its military operations, two weeks after the fighting had started, was evident in the EU's declaration. It declared that it will put on hold its plan for increasing the level of relations between EU and Israel, which was previously agreed upon between the two sides.³⁶

Although the EU endorsed the UN Security Council Resolution 1860, some European countries rushed to take further measures that tightened the siege on GS. For instance, a French frigate began its surveillance operations in international waters off GS, a week after the ceasefire was announced.³⁷ In addition, seven European countries, which are Germany, France, Italy, Britain, the Netherlands,



Norway and Denmark, in addition to the US and Canada, signed up to a program of action to combat arms flow to GS.³⁸

On 9/12/2009, a delegation from the European Parliament was refused entry to GS by Israeli authorities.³⁹ This incident was also repeated with the French Foreign Minister Bernard Kouchner, who was also denied access to the GS by the Israeli authorities, despite the fact that his visit was described by Solana as being “humanitarian in nature.”⁴⁰

Despite the repeated emphasis in the EU statements that it is gravely concerned by the humanitarian situation in GS, and the repeated calls for the immediate and unconditional opening of crossings and the implementation of the Agreement of Movement and Access of 2005,⁴¹ the EU does not adopt stances in this direction that are parallel to its practical and prompt positions aimed at controlling smuggling to GS. In fact, the Europeans were the third party in the GS Border Crossings Agreement signed by the PA and Israel on 15/11/2005. The Europeans’ role was to ensure the PA’s adherence to all the provisions of the agreement, to assist the PA technically and to train its members to run a professional customs checkpoint.

2. The Establishment of the Palestinian State

In Ramallah, in comments to the press, EU Higher Representative Solana underlined that the objective of the European Union “is to have a Palestinian state, the sooner the better. This state will be constructed on territory marked by the borders of 1967. It may be necessary to swap some territory, but this should not disturb the nature and continuity of the territory.”⁴²

In another statement, Solana said:

The mediator has to set the timetable too... After a fixed deadline, a UN Security Council resolution should proclaim the adoption of the two-state solution. This should include all the parameters of borders, refugees, Jerusalem and security arrangements. It would accept the Palestinian state as a full member of the UN, and set a calendar for implementation. It would mandate the resolution of other remaining territorial disputes and legitimise the end of claims.⁴³

To justify his proposal, Solana said, “Globalization and the demographic data in the region demand it [peace].” He insisted also that “Israel must place some of its eggs in the European basket, and not leave everything in the American



one.”⁴⁴ It seems that Solana’s position regarding the American role in the Middle East is derived from the European strategy that was adopted in 2003, which unequivocally stipulates that in a world of “global threats, global markets and global media, our security and prosperity increasingly depend on an effective multilateral system.”⁴⁵

However, the warning issued by the French Foreign Ministry Spokesperson Bernard Valero regarding the unilateral declaration of a Palestinian state,⁴⁶ is part of the international approach that we have mentioned previously. Also, the statements of the Quartet, of which the EU is a member, asserted the same approach that the issue of the borders of a Palestinian state has to be achieved through negotiation between the two parties.

3. Jerusalem

In spite of the secret report submitted to the EU regarding the Israeli plans to annex East Jerusalem,⁴⁷ and the findings made by a European fact-finding mission in the territories occupied in 1967 in which Israel was held responsible for the plight of the Palestinians,⁴⁸ inconsistency emerged in the European positions. During the meetings of the EU foreign ministers, in December 2009, there were disagreements during the discussions of the Swedish paper. This paper stipulates that East Jerusalem is the capital of the State of Palestine, while the statement of the foreign ministers stated that the Council is “deeply concerned about the situation in East Jerusalem... it calls on all parties to refrain from provocative actions.... a way must be found through negotiations to resolve the status of Jerusalem as the future capital of two states.”⁴⁹ Certainly, there is a fundamental difference between the Swedish and European wordings. While the Swedish paper defines the future status of East Jerusalem, the European paper leaves it, pending the outcome of the negotiations between the Israelis and the Palestinians. The latter is the same tactic favored by Israel, particularly when it is aware of the disproportionate balance of power between the two negotiating sides. The statement of British Secretary of State for Foreign and Commonwealth Affairs David Miliband, before the annual conference of the Labour Party (UK), came in line with the European stance. He said that “there would be no more historic achievement a re-elected Labour government to be the first country to open two Embassies in a shared Jerusalem, democratic Palestine and democratic Jewish Israel, living side by side in peace.”⁵⁰ However, the status of Jerusalem remain, like other issues, left to the negotiations between the two sides, as also reflected



by a European memorandum issued in February 2009,⁵¹ and as reiterated by the reformulation of the Swedish paper.

4. The Rejection of Settlement Construction

In June 2009, the EU issued a statement that said that the:

Council remains deeply concerned by settlement activities, house demolitions and evictions in the Occupied Palestinian Territories, including in East Jerusalem. The Council urges the government of Israel to immediately end settlement activities, including in East Jerusalem and including natural growth, and to dismantle all outposts erected since March 2001.⁵²

In response to Israel's announcement of its plan to demolish 90 homes in Jerusalem, the EU issued a statement which said: "The EU reminds Israel of its obligations under the Roadmap and international law. Demolition of houses in this sensitive area threatens the viability of a comprehensive, just and lasting settlement... The EU urges the Israeli authorities to prevent the demolition of Palestinian houses in East Jerusalem."⁵³

Moreover, the then British Foreign Secretary Miliband said, "Settlements are illegal in our view and an obstacle to a peace settlement in the West Bank and East Jerusalem."⁵⁴ He was referring to the European position, cited above, on the settlements established since 2001.

5. The Dialogue with Hamas

Perhaps the most accurate explanation of the approach used by the European countries and the majority of other major powers in dealing with Hamas was the one given by Mahmud al-Zahhar, the Foreign Minister in the dismissed government. He said that "Europe is seeking to meet with Hamas in order to understand its position and not to hold negotiations with the movement."⁵⁵ In other words, Europe is keener on gathering information than on making a strategic shift in dealing with Hamas. This trend has increased in the wake of the war on GS, and some voices in the European diplomatic circles believe that dialogue with Hamas is necessary, even if the latter did not accept the conditions set forth by the Quartet,⁵⁶ in particular in what pertains to recognizing Israel.

However, not all European countries are on agreement with regard to this direction. At a time when several European nations have previously indicated their inclination to engage Hamas, the French Foreign Minister Kouchner



said that they are not talking to Hamas because according to him “they are not part of the peace process,”⁵⁷ in the sense that it does not recognize Israel. Actually, Solana stressed that the EU supported ‘Abbas definition of the Palestinian national unity government, which would see the light should the reconciliation efforts succeed, i.e., a unity government that “can be acceptable by everybody in the international community.”⁵⁸ This implies the exclusion of Hamas. In general, the calls to dialogue with Hamas did not rise to the point that a European country did carry out an official dialogue with it, or invite any delegation from Hamas to come visit; in other words, these calls did not get rise to the Russian level.

6. Financial Aid

The EU is the primary international source of financial aid to the Palestinians. Moreover, Europe ranked first in the list of international donors contributing to the UNRWA in 2008. In 2009, the European aid pledged in the Sharm el-Sheikh conference was as follows:

Table 1/5: European Financial Pledges for 2009, at the Sharm el-Sheikh Conference⁵⁹

Item	€ Million	\$ Million
Recurrent Expenditure	168	219.2
Development Projects	65	84.8
UNRWA	67	87.4
Humanitarian and Food Aid	61	79.6
Food Security	14.5	18.9
Food Facility	40.1	52.3
Instrument for Stability	15	19.6
EUBAM Rafah* & EUPOL COPPS**	6	7.8
None State Actors and Local Authorities in Development	2.4	3.1
European Instrument for Democracy and Human Rights	0.9	1.2
Total	439.9	573.9

* EUBAM is the European Union Border Assistance Mission at the Rafah Crossing Point.

** EUPOL COPPS is the EU Police Co-ordinating Office for Palestinian Police Support.



The Palestino-Européen de Gestion et d'Aide Socio-Economique (PEGASE) which means the Palestinian-European Mechanism for Management of Socio-Economic Aid is the instrument to channel the assistance of both the EU member states and EC to the Palestinians. On the other hand, the 2009 Global Plan of the EC pledged €32 million to GS, €20 million to the WB and €6 million for the Palestinian refugees in Lebanon. These will be channeled through the Humanitarian Aid Department of the European Commission (ECHO).⁶⁰

It is necessary to pause here at the issue of international aid, including the European aid. This is because in spite of the aid that was agreed upon in the international conference in Sharm el-Sheikh in March 2009 and other international conferences in the past, the adherence to previous agreements remained limited in scope. Thus, prompting Javier Solana to call on “all donors to fulfill their commitments of pledges.”⁶¹

The failure of these countries to adhere to their financial pledges cannot be possibly explained by financial reasons; rather, these countries link the size of aid and the dates of its delivery to the political conduct of the parties to which aid is to be sent.

Since the political authority in GS is a party that is “not in line” with the policies of the European countries, aid becomes a tool of applying political pressure in order to push it into changing its positions. On the other hand, the aid to the WB is used to entice the PA to make further concessions. It also, may be used to make it incapable of reconsidering its policies towards these countries.

At the individual level, the European countries adopted positions that are “relatively” in favor of Palestinian positions, at both the official and public levels. These include the following motions:

1. A Greek contribution of half a million euros to the UNRWA.⁶²
2. The British Trade Union Congress passed a resolution to boycott the products of Israeli settlements. In addition, the British Department for the Environment, Food and Rural Affairs (Defra) issued a voluntary guidance that says labels could give more precise information, like “Israeli settlement produce” or “Palestinian produce.”⁶³
3. Norway decided to pull all of its investments from the Israeli arms firm Elbit. The divestment was due to Elbit’s involvement in the construction of the WB Separation Wall. The decision was based on the recommendation of Norway’s Ministry of Finance council on ethics.⁶⁴



4. The Secretary-General of the Inter-Parliamentary Union (IPU) Anders Johnsson called for the release of Palestinian parliamentarians being detained in Israeli prisons.⁶⁵
5. In Britain, the Westminster Magistrates' Court issued an arrest warrant for the Israeli former Foreign Minister Tzipi Livni.⁶⁶ There were several calls for the prosecution of Israeli officials in Norway and Britain.⁶⁷
6. On 18/11/2009, during the visit of the French Foreign Minister Kouchner to Jerusalem, he signed the financing agreement for the rehabilitation of *al-Quds* Hospital in Gaza with Vice-President of the Palestinian Red Crescent 'Abdullah Sabri. During the same period, the German Foreign Minister Guido Westerwelle also visited Ramallah and Jerusalem.⁶⁸
7. Spain paid the salaries of 80 thousand civil servants and pensioners in the PA, which total €25 million.⁶⁹

On the public level, many European figures including parliamentarians and others flocked to GS as part of campaigns to lift the siege on GS and provide humanitarian aid. Among these was the Lifeline convoy led by the then British Member of Parliament George Galloway.⁷⁰ Also, there were many calls by prominent international and intellectual figures for dialogue with Hamas, such as the petition signed by 500 Dutch personalities and the open letter to the Quartet which was signed by 14 former peace negotiators.⁷¹ Also, a number of British Members of Parliament met with the head of Hamas political bureau, Khalid Mish'al.⁷²

Here, one must note the increasing show of solidarity with the Palestinian cause, and the deterioration of Israel's reputation in the eyes of the European public opinion, as evident from the many large protests against the Israeli aggression on GS.

It is true that Europe is united in its political stance on many issues. But when Europe expresses a unified position, this would be the result of a number of contradictory positions. As a result, Europe loses its ability to have an independent and distinguished course of action or stance.

Europe has forfeited its role in the peace process and handed it over completely to the US, which now alone manages and leads this process. For example, the Obama administration solely drafted, and then abandoned, the Mitchell proposal, before adopting Netanyahu's point of view regarding the



settlements and the negotiations. In other words, the US did not seek Europe's partnership, as is the case with the Iranian question. Europe accepted this situation, and marginalized its own role, despite the volume of its financial assistance to the PA. However, Europe, particularly France, remains vigilant for any opportunity that may allow it to play a more important role. For instance, France tried to replace Turkey in the Syrian-Israeli negotiations; France also took the initiative in what regards the relationship with Syria. However, France role fell significantly in last year, when compared to French policy during Jacques Chirac's presidency, and became more attached to the American position, and improved its relationship with Israel.

Hence, the European role cannot be relied on at present, a role that would otherwise establish a new balance in the region or in the peace process. Nonetheless, it must not be completely overlooked.

The policy that must be thus adopted, should take into account the extent of the strong bond between Europe and the US and Israel, but without closing the door to Europe's attempts to mediate, whether in coordination with the US or at the pure initiative of Europe.

Fourth: The Russian Federation

The failure of Russia in this regard was reflected in its inability to hold an international conference for the revival of the peace process in the Middle East, in Moscow in 2009, despite the Russian promotion of the idea. This is evident when Alexander Sultanov, the Russian Deputy Foreign Secretary and the Russian President's Envoy for Middle Eastern Affairs, discussed with the Palestinian ambassador the preparations for the international conference on the Middle East, which was to be held in Moscow in the first half of 2009,⁷³ but did not then take place. It appears that the Russian failure was not linked to Russian causes; rather it was caused by factors related to political developments in Palestine, Israel and the international scene, and the subsequent inability to organize a successful conference in such circumstances.

It seems that the Russian position has shifted in the issue of the Moscow Middle East conference. During a visit by the PA's Foreign Minister to Moscow in



December 2009, the Russian Foreign Minister Sergei Lavrov said that the Moscow conference will be held after the two sides agree to resume negotiations.⁷⁴

Moreover, the similitude between the strategic visions of Russia and those of Western countries, in certain aspects, is clear. As it is apparent through the underlying motives behind Russia's dialogue with Hamas, which are consistent with al-Zahhar's assessment mentioned above. This is also evident in Alexander Sultanov's statement, which clearly indicates that Russia would continue its dialogue with Hamas. He said that the only option in dealing with Hamas is dialog especially after restoring Palestinian unity on the basis of supporting the Arab peace initiative.⁷⁵

Although Russia was among the countries that supported an international probe into the Israeli violations during the war on GS, and supported the Goldstone Report, Russia did not affix a parallel effort to refer this issue to the UN Security Council.

The positive aspects of the Russian position during the year 2009 include some cooperation projects between Russia and the Palestinian side, such as the Russian Palestinian media cooperation project in early November 2009.⁷⁶ Russia also sent a team of pediatricians and four planes loaded with aid.⁷⁷ In addition, Russia closed the offices of the agencies that encourage Jewish emigration from Russia to Israel.⁷⁸

One of the prominent events for the Russian-Hamas relations was the meeting between the Russian President Dmitry Medvedev with Khalid Mish'al, the head of Hamas political bureau, in May 2010. In this meeting, which was arranged and attended by President Bashar Assad, Hamas was enabled to explain its own perspective of the events. Consequently, the better Russian understanding of Hamas vision was reflected in Medvedev's later statements. In the joint press conference between Medvedev and his Turkish counterpart Abdullah Gül, on 12/5/2010, Medvedev highlighted the ongoing human tragedy in the besieged GS, while urging the need for a solution to it. The Russians demanded the lift of the siege of GS after the Israelis attacked the Freedom Flotilla, on 31/5/2010. They continued to conduct systematic communications with Hamas during 2010. The latest meeting was on 12/12/2010, between, Deputy Russian Foreign Minister and Special Envoy for Middle Eastern Affairs, Alexander Sultanov and Khalid Mish'al.

In general, the Russian influence on the events concerning the Palestinian issue remains marginal if compared with that of the US.



Fifth: China

China's stance can be identified through the points made by the Permanent Representative of China to the UN Ambassador Zhang Yesui in his speech before the 64th session of the UNGA, on 1/12/2009. There, he said:⁷⁹

1. Regrettably, ... the Palestinian-Israeli negotiations continue to be bogged down in a stalemate... We always maintain that political negotiations are the only way out for the Middle East issue.
2. We are gravely concerned over the security and humanitarian situation in the occupied Palestinian territory, especially in Gaza..... The situation of the people in the West Bank and East Jerusalem also deserves our sympathy..... We support the request of the Palestinian people to restore their lawful rights as a nation and establish an independent sovereign state.
3. We call on Israel to stop construction of all settlements and separation walls, lift restrictions on the movement of the Palestinian people.
4. What is revealed by the report of the Independent International Fact-Finding Mission of the Human Rights Council is cause for concern. [This is consistent with China's support of the United Nations HRC to send a fact-finding mission to GS.]
5. We support the prospect of two states and two nations of Arabs and Jews living side by side in peace—a prospect that is achieved through negotiations on the basis of the relevant resolutions of the UN General Assembly and Security Council, the principle of 'land-for-peace,' and the Arab Peace Initiative.

However, the Chinese position hardly translates into practical actions to pressure the Israeli government to comply with international resolutions supported by the Chinese government. The Sino-Israeli relations are witnessing continuous improvement, where the volume of trade exchange between the two countries amounts to nearly \$4.6 billion.⁸⁰ This is while the Chinese-Arab relations do not engender any pressure on the Chinese government to put pressure on the Israeli side in turn, despite the fact that the volume of trade exchange between China and the Arab countries in 2008 reached \$132.8 billion, with an average annual growth of 38%.⁸¹

Although China did not cut communications with Hamas, the underlying motivations of these relations are not too different from the positions of the Western



countries, in particular those of the EU, in terms of enticing Hamas into getting onboard the peace process train. This was evident in the statements given by Sun Bigan, China's Special Envoy on the Middle East issue, who said, "The existence of Hamas is a fact. We do not agree with some of the policy claims advocated by Hamas and we have called on Hamas to proceed from the fundamental interests of the Palestinian people and join the Middle East peace process."⁸²

It is not expected that any development in the Chinese position will take place, unless the Chinese-American relations are to deteriorate. This may happen in the coming years, especially with China's growing economic and political weight, and its sense of greater confidence and ability to compete, and subsequently, to exert larger influence in the course of world events.

Sixth: Japan

On 31/3/2009, the Japanese Parliamentary Vice-Minister for Foreign Affairs Masahiko Shibayama identified the general framework of his country's strategy on the Palestinian issue, through the following points:⁸³

1. As a country which imports nearly 90% of its crude oil from the Middle East, the stability of the region is of vital importance to Japan.
2. We have no disillusion about our ability to mediate peace among direct parties... Since 1993, ... Japan has provided nearly one billion US dollars to Palestinian people, accounting for approximately 10% of the total international assistance to the Palestinians..., we are promoting not only economic assistance but also promoting political dialogue and confidence-building. Our 'Corridor for Peace and Prosperity' initiative is a project which tries to combine all of these efforts in one project. In connection with the reconstruction of Gaza, ... Japan announced that it would provide \$200 million in assistance for the Palestinians over the coming years.
3. Japan strongly supports the so-called two state solution. [Also, we] emphasize the importance of our cooperation with the Arab League... our Special Envoy for the Middle East, Dr. Tatsuo Arima, is attending the Arab League Summit in Doha as an observer for the sixth time.

In addition we note that Japan is among the members of the Advisory Commission of the UNRWA and contributes to it, albeit its contributions are



limited. Since 1953, the year Japan first provided aid to the UNRWA, and until 2009, Japan's contributions amounted to a total of more than \$550 million, i.e., an average of \$10 million annually. Japan thus occupied the 13th rank in the list of the UNRWA's donors in 2008. This means that Japan is focusing on the humanitarian angle more than the strategic aspects of this issue, which was confirmed by Japan's Foreign Minister Katsuya Okada, in his reference to the principle of "human security," one of the guiding principles of Japanese diplomacy, which he believes should be applied to the Palestinians.⁸⁴ However, this principle is based on purely pragmatic calculations, namely, the need to ensure the stability of the region to secure the flow of oil. Furthermore, Japan's commitment to this principle is not absolute, as evident from Japan's abstinence from supporting the United Nations HRC's decision to investigate Israeli violations during the war on GS.

Perhaps the most important Japanese political stances in 2009 were those expressed by the Foreign Ministry or by the special envoys of the government of Japan for the Middle East, such as Yutaka Iimura, who replaced Tatsuo Arima on 15/7/2009. Iimura visited the region in the period between 1–13/8/2009. He held meetings with Israeli and Palestinian officials where he appreciated Israel's acceptance of the two-state solution which the Roadmap of 2003 is based on. He also requested a freeze of the settlement activities and suspension of construction of housing for Jewish persons in East Jerusalem. He also expressed his concern about the displacement of two Palestinian families from East Jerusalem. Special Envoy Iimura confirmed Japan's intention to provide assistance to improve economic and social livelihood in Palestine. He also emphasized the importance of achieving Palestinian unity, and once again urged for efforts towards reforming the government structure and building a viable economy in Palestine.⁸⁵

Seventh: The United Nations

1. Security Council

On several occasions, the Security Council asked various parties to respect their commitments regarding civilians, condemning the attacks against the latter. Undoubtedly, the UN Security Council Resolution 1860 was one of the most important resolutions passed in 2009. This resolution was passed after some delay by the Americans who wanted to give Israel the longest possible time to achieve



its goals. However, the Israeli failure in the war on GS on the one hand, and the increasing international and public pressure as a result of the live images of the destruction and death in the GS on the other hand, pushed the UN Security Council to convene. On 8/1/2009, resolution 1860 (2009) was adopted by 14 in favour, with the US abstaining. It stated that the UN Security Council:⁸⁶

- a. *Stresses* the urgency of and *calls for* an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza;
- b. *Calls for* the unimpeded provision and distribution throughout Gaza of humanitarian assistance, including of food, fuel and medical treatment;
- c. *Condemns* all violence and hostilities directed against civilians and all acts of terrorism;
- d. *Calls upon* Member States to intensify efforts to provide arrangements and guarantees in Gaza in order to sustain a durable ceasefire and calm, including to prevent illicit trafficking in arms and ammunition and to ensure the sustained re-opening of the crossing points on the basis of the 2005 Agreement on Movement and Access between the Palestinian Authority and Israel.
- e. *Welcomes* the Quartet's consideration, in consultation with the parties, of an international meeting in Moscow in 2009; [This means that the Israeli side in particular has the right to obstruct the preparations for the meeting, should it feel that the latter will exert pressure on Israel.]
- f. *Encourages* tangible steps towards intra-Palestinian reconciliation including in support of mediation efforts of Egypt and the League of Arab States.

2. General Assembly

The General Assembly began its sessions in 2009 by declaring its support for UN Security Council Resolution 1860 with a majority of 143 countries. However, the most important motions by the assembly included its adoption, on 5/11/2009, of the follow-up to the report of the United Nations Fact-Finding Mission on the Gaza Conflict. The UNGA endorsed the report and requested the secretary-general to transmit it to the UN Security Council. The UNGA also, called upon Israel and the Palestinian side to undertake investigations that are independent, credible and in conformity with international standards into the serious violations of international humanitarian and international human rights law reported by the Fact-Finding Mission.⁸⁷



On 13/11/2009, the General Assembly, through the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, stressed that it:⁸⁸

- a. "Reaffirms that the Israeli settlements in the Palestinian territory, including East Jerusalem, and in the occupied Syrian Golan are illegal and an obstacle to peace. While noting that the International Court of Justice concluded that 'the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law.'⁸⁹
- b. "Reaffirms that the Palestine refugees are entitled to their property and to the income derived therefrom... [and] requests the Secretary-General to take all appropriate steps... for the protection of Arab property, assets and property rights in Israel."

It is noteworthy in this regard to mention that the Secretary-General Ban Ki-moon's has stressed that the Palestinians have the right of return to the land they left in 1948.⁹⁰

- c. "Affirms the necessity for the continuation of the work of the United Nations Relief and Works Agency for Palestine Refugees in the Near East and the importance of its unimpeded operation and its provision of services."⁹¹
- d. "Commends the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories for its efforts in performing the tasks assigned to it by the General Assembly and for its impartiality."⁹²

Following the destruction of several of its facilities in the GS, UNRWA appealed for urgent aid amounting to \$456.7 million, in addition to \$370.7 million for the refugees in Lebanon. This is while the estimated amount needed by the UNRWA in 2009 is \$550 million, of which only \$510 million were available. The UN called on the international community to provide \$664.4 million for funding more than 230 projects in the Palestinian territories, especially when 80% of the Palestinians in Gaza were living off of international aid.⁹³

A fierce media battle between the UNRWA and Israel ensued, regarding the Israeli army's strikes against the agency's facilities, and blocking food aid and construction material intended for UNRWA, in addition to the Israeli forces' use of white phosphorus. This came in conjunction with strong statements issued by the UN Secretary-General Ban Ki-moon in this regard.⁹⁴



3. Economic and Social Council (ECOSOC)

The council passed a number of resolutions on 28/7/2009 and 31/7/2009, in which it:

- a. Calls for the lifting of all mobility restrictions imposed on the Palestinian people, ... and for other urgent measures to be taken to alleviate the desperate humanitarian situation in the Occupied Palestinian Territory, especially in the GS.
- b. Stresses the need to preserve the national unity and the territorial integrity of the Occupied Palestinian Territory, including East Jerusalem.⁹⁵
- c. Urges the international community to continue to give special attention to the promotion and protection of the human rights of Palestinian women and girls... and demands that Israel, the occupying Power, comply fully with the provisions and principles of the Universal Declaration of Human Rights (UDHR).⁹⁶

4. The Goldstone Report

Since the UN Security Council passed resolution 1860, there have been increasing calls for investigating the human rights violations during the war on the GS, which then culminated in the HRC's approval on 12/1/2009 to send a fact-finding mission to GS, a decision endorsed by 33 countries including China and Russia.

Accordingly, and in light of what the UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, Richard Falk said that "Israel is committing a shocking series of atrocities by using modern weaponry against a defenceless population,"⁹⁷ the President of the HRC established the United Nations Fact-Finding Mission on the Gaza Conflict on 3/4/2009. The mission's objective was "to investigate all violations of international human rights law and international humanitarian law that might have been committed at any time in the context of the military operations that were conducted in Gaza during the period from 27 December 2008 and 18 January 2009, whether before, during or after."⁹⁸

The former judge of the Constitutional Court of South Africa, and the former Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda, the Jewish Judge Richard Goldstone was chosen as the head of the mission. Alongside Goldstone, there were three other mission members:



1. Professor Christine Chinkin, professor of International Law at the London School of Economics and Political Science, who was a member of the high-level fact-finding mission to Beit Hanoun.
2. Ms. Hina Jilani, Advocate of the Supreme Court of Pakistan and former Special Representative of the Secretary-General on Human Rights Defenders, who was a member of the International Commission of Inquiry on Darfur Hina Jilani.
3. Colonel Desmond Travers, a former officer in the Irish Armed Forces and member of the Board of Directors of the Institute for International Criminal Investigations.

This means that the mission included high caliber expertise in the field of investigations, while it is difficult for Israel to accuse it of bias, especially when considering its members' ethnic or religious backgrounds. In spite all of that, Israel refused to cooperate with the mission, while the Palestinian authorities in both the WB and GS have cooperated with it.

The mission's report focused on the period between 19/6/2008 to 31/7/2009. It investigated 36 incidents, information were gathered from various sources through interviews with victims, witnesses and other persons having relevant information and there were site visits where incidents had occurred. In addition, analyses were conducted to video and photographic images, including satellite imagery. Medical reports about injuries to victims were reviewed. The data that was collected was massive, and included 10 thousand pages, 30 videos, 1,200 photographs, where the mission conducted 188 individual interviews, reviewed more than 300 reports and held 38 public testimonies.

The mission noted that in almost all of the cases it has also been able to determine whether or not it appears that the acts in question were done deliberately or recklessly or in the knowledge that the consequence that resulted would result in the ordinary course of events. It has thus referred in many cases to the relevant fault element (*mens rea*). The Mission fully appreciated the importance of the presumption of innocence. The findings did not attempt to identify the individuals responsible for the commission of offences nor did they pretend to reach the standard of proof applicable in criminal trials.

However, the mission rejected the Israeli justification for the strikes against the PLC and the Gaza main prison, and found that the attacks on these buildings



constituted “deliberate attacks on civilian objects.” The mission also concluded that the policemen killed in the Israeli strikes in the first day of attack, on 27/12/2008, “cannot be said to have been taking a direct part in hostilities and thus did not lose their civilian immunity.” However, the mission accepted that “there may be individual members of the Gaza police that were at the same time members of Palestinian armed groups and thus combatants.”

In most parts, the mission’s report dealt with Israeli violations, and some of its paragraphs were devoted to the Palestinian resistance factions.

a. Israel

According to the report, the Mission found that:

1. The Israeli armed forces were systematically reckless in determining the use of white phosphorous in built-up areas.

2. There was an Israeli deliberate and systematic policy to target industrial sites such as food and drink factories, water installations such as the water wells complex and the wall of one of the raw sewage lagoons of the Gaza wastewater treatment plant, in addition to the only flour mill in the GS that was still operating and chicken farms. Thus, it considered this destruction a violation of customary international law and may constitute a war crime, and that the strikes constitute a violation of the right to adequate food and means of subsistence.

3. Palestinian civilians were used as human shields, and this practice is prohibited by international humanitarian law. There were “intentional attacks against the civilian population and civilian objects.” The report also criticizes the precautionary measures taken by Israel to protect the civilians, as they were completely ineffective. The mission found that there were violations of the prohibition of attacks on civilian hospitals, and the direct targeting and arbitrary killing of Palestinian civilians is a violation of the right to life and it had no justifiable military objective.

4. The humiliating and degrading treatment of civilians is “contrary to fundamental principles of international humanitarian law and human rights law.” These acts are also “grave breaches of the Geneva Conventions and constitute a war crime.” Moreover, the conduct of the Israeli armed forces “constitute grave



breaches of the Fourth Geneva Convention in respect of willful killings and willfully causing great suffering to protected persons, and as such give rise to individual criminal responsibility.”

5. The Israeli attacks on UN depots “over several hours” in spite of the fact that the Israeli forces have been fully alerted were “extremely dangerous.” The Israeli forces “violated the requirement under customary international law to take all feasible precautions.”

6. The credibility of Israel’s position has been damaged by the series of inconsistencies, contradictions and factual inaccuracies in the statements justifying the attack. Moreover, the Israeli system of investigation does not “comply with standards of impartiality, independence, promptness and effectiveness.” The Israeli system also “presents inherently discriminatory features that make the pursuit of justice for Palestinian victims very difficult.”

Therefore, based on the facts available to the Mission, it is of the view that “some of the actions of the Government of Israel might justify a competent court finding that crimes against humanity have been committed.”

b. The Palestinian Resistance Factions

The most important paragraphs that focused on the Palestinian resistance factions can be summed up as follows:

1. The “Palestinian armed groups were present in urban areas during the military operations and launched rockets from urban areas. It may be that the Palestinian combatants did not at all times adequately distinguish themselves from the civilian population.” The Mission found no evidence, however, to suggest that Palestinian armed groups “directed civilians to areas where attacks were being launched or that they forced civilians to remain within the vicinity of the attacks.”

2. The Mission did not establish the use of mosques for military purposes, but “it cannot exclude that this might have occurred in other cases.” No evidence was found to support the allegations that hospital facilities and ambulances were used for military purposes. Furthermore, the Palestinian armed groups did not engage “in combat activities from UN facilities.” The Mission cannot, however, discount the



possibility “that Palestinian armed groups were active in the vicinity of such United Nations facilities and hospitals.” In addition, it must be noted that the “Palestinian armed groups, where they launched attacks close to civilian or protected buildings, unnecessarily exposed the civilian population of Gaza to danger.”

3. Some of the report’s paragraphs included references to Hamas’s policies towards other Palestinian factions in the GS, and to the policies of the PA in the WB towards political organizations. The report noted the following:

- “The Mission obtained information about violence against political opponents by the security services that report to the Gaza authorities,” which included killings. Such actions “constitute serious violations of human rights.” In addition, the detention of members of the PLC may amount to “collective punishment contrary to international humanitarian law.”
- The rockets and mortars that were launched into a civilian population constitute a deliberate attack against a civilian population. These acts “would constitute war crimes and may amount to crimes against humanity. The Mission finds that there is significant evidence to suggest that one of the primary purposes of the rocket and mortar attacks is to spread terror among the Israeli civilian population, a violation of international law.” It is hence necessary to conduct investigation and, if appropriate, prosecutions of those suspected of serious violations.
- The violations perpetrated by the Palestinian security authorities in the WB, including unlawful arrests, torture, arbitrary closure of charities, are measures that are inconsistent with the PA’s obligations deriving from the UDHR.

The report encountered some hurdles during the vote. It was requested that the vote be delayed. However, the UN Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967 said that it was the PA that was behind the delay, and he said:

This was a moment when finally the international community endorsed the allegations of war crimes, and it would have been an opportunity to vindicate the struggle of the Palestinian people for their rights under international law. And for the Palestinians’ representatives in the UN, themselves, to seem to undermine this report is an astonishing development.⁹⁹



Eighth: International Non-Governmental Organizations

Amnesty International has been one of the most prominent non-governmental organizations to voice sharp criticism against Israel. It criticized the latter's violations of human rights in the occupied territories, and the use of certain weapons in the war on GS such as white phosphorous, in addition to the blockade on GS that Israel continues to impose.

Amnesty International USA asked the US to cease military transfers to Israel. It said that all parties to the conflict, Israel and Palestinian armed groups such as Hamas, should cease attacks on civilians.¹⁰⁰

Ninth: The Regional Powers

The document issued by the Israeli Foreign Ministry, detailing the ministry's goals for 2010 included strengthening bilateral diplomacy with a view to improve ties with new major powers such as Brazil, the countries of Latin America and Africa, in addition to Russia and China, instead of continuing to focus on relations with the Arab countries.

In addition to the above, India also, emerges as one of the important countries in the crosshairs of Israeli strategy, particularly in what regards military cooperation. Despite India's financial assistance to GS, \$1 million, and India's condemnation of the aggression on GS that was expressed by Prime Minister Manmohan Singh,¹⁰¹ its military cooperation with Israel continued, such as India's purchase of surveillance planes from Israel.¹⁰²

In Latin America, where there is growing influence by leftist factions, and where many countries' ties with Iran and Syria have improved dramatically, a distinguished role for Venezuelan policy has emerged. For instance, the Venezuelan President Hugo Chavez expelled Israel's ambassador from Caracas and criticized the war on GS labeling it the "holocaust" of the Palestinian people, and accused Israel of being the "murder arm" of the United States. In addition, and the diplomatic ties between the two countries were severed. In contrast, Venezuela elevated its relations with the PA to full diplomatic status, and provided 80 tons of humanitarian aid to GS.¹⁰³



In addition, Bolivia took strong stances against Israel, as expressed no less vehemently by the Bolivian President Evo Morales.

Brazil, as one of the most important countries of Latin America, attracted significant diplomatic activity from the Middle East. In November 2009, it was visited by the Israeli President Shimon Peres, to whom the Brazilian president Lula Da Silva proposed to mediate between the Palestinians and the Israelis. Da Silva stressed the need for dialogue with Hamas, as “there will be no peace without political concessions.” Peres also, met with the Director of Petrobras, the Brazilian national oil company.¹⁰⁴ Brazil also hosted in that month President ‘Abbas and the Iranian President Ahmadinejad.¹⁰⁵ In addition, Da Silva called for the Quartet to be expanded to include countries such as Brazil and South Africa.

In Africa, where Israeli diplomatic and intelligence efforts continue, particularly in West Africa, the Israeli-South African relations became somewhat tense. In November 2009, the South African government issued a harsh statement condemning Israel for approving 900 new housing units in Gilo and evicting Palestinians from their East Jerusalem homes.¹⁰⁶ This is in addition to the tension caused by the conduct of an Israeli security officer working for EL AL Israel Airlines. The latter was accused of having “a racist policy, of deceiving the South African authorities and of seriously violating the constitution.”¹⁰⁷

In general, third world nations in 2009 veered towards a position that is more in favor of the Palestinian issue, and less favorable of Israel. This is due to several reasons: the war on GS, the Israeli intransigence in what regards the settlements and the Judaization plans in the WB, and also for impeding the peace process.

And despite the negative aspects of the Palestinian political division, the impact left by the steadfastness of the people and of the resistance factions in the GS vis-à-vis the Israeli aggression (27/12/2008–18/1/2009) on the international public opinion was remarkable. It effectively promoted the Palestinian issue at the international level and led to the deterioration of the reputation of Israel and the US. For this reason, the year 2009 is the worst year for the image of Israel, as reflected in the HRC’s Goldstone Report, and as expressed by the UNGA, and through the global campaign to prosecute officials and officers in Israel on charges of war crimes and genocide. In other words, the image of Israel before 2009 has changed radically afterwards.



Conclusion

The “public” support in the international community is pushing for more action in favor of the Palestinian side. However, given the intransigence of Israel vis-à-vis international demands regarding the settlements and Jerusalem, and regarding the humanitarian conditions in the occupied territories, it is unlikely that this positive momentum will translate into effective action in the short term.

This means that the year 2010 was an extension of 2009, in terms of the continued international efforts to “persuade” the Israeli government into accepting a freeze on settlement building, the division of Jerusalem and the establishment of a Palestinian state. However, the efforts in this regard will remain within the scope of dialogue with Israel, without using actual pressure cards, be they economic or political let alone military. This means that the Israeli side will not change its policies.

In contrast, the international community will continue to push the Arab countries into further normalization with Israel. It will keep on directing Arab capabilities towards other issues such as Iran, or certain factions which are described in the lexicon of the West as being “terrorists.” It will continue to ensure the Arab silence in case a new Israeli war in GS or Lebanon.

Contemporary history, for reasons well understood by Israel and the major powers, indicates that the Arab side, for many internal and external calculations, at the end of the day will comply with international pressures. Therefore, the year 2010 saw the continuation of the blockade on GS, for even if the Egyptian reconciliation document was signed by Hamas, the issue was related to Hamas altering its strategic policies.

The international and regional pressure will continue, both financially and politically, on the PA, to ensure its return to negotiations with the Israeli side. This is in the context of an Israeli position on continuing building settlements whereby the door remains open for negotiations over this issue, a favorite Israeli negotiation tactic that is prevalent in all subjects.

The distance separating Israel and the international community saw some slight widening in 2010. However, this will not alter, for now, the strategic features of the status quo, especially with the continued international and regional pressure on the Palestinian side in both its wings in GS and the WB.



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This Report

The Palestinian Strategic Report 2009/10 is the fifth in a series of annual resourceful scientific studies. It discusses the developments of the Palestinian issue in this period, in an objective and comprehensive manner. The meticulous analytical reading of events tries also to foresee the future. This Report has become a basic reference in Palestinian studies, it is a must to all those concerned.

An outstanding team of 14 academics and experts contributed to this Report in eight chapters. They covered the internal Palestinian situation, the Israeli scene and the Israeli-Palestinian relations, the Arab, Muslim and international stances toward the Palestinian issue. This Report focuses also on the issue of Jerusalem and the holy sites, whereas, the demographic and economic indicators are studied and analyzed in two separate chapters.

Undoubtedly, this Report is a serious addition to the field of Palestinian studies.

The Palestinian Strategic Report

2009/10



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