

Israel vs. Hamas

Mediterranean Sea

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The Middle East in Turmoil Series

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THE MIDDLE EAST IN TURMOIL SERIES

ISRAEL VS. HAMAS

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ISRAEL VS. HAMAS

NEJC KARDELJ
EDITOR

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PREFACE

On December 27, 2008, Israel launched a major military campaign dubbed "Operation Cast Lead" against the Palestinian Islamist militant group Hamas in the Gaza Strip in order to counter Palestinian rocket fire and more broadly, to significantly weaken all aspects of Hamas rule in Gaza. On January 3, 2009, Israel began a ground offensive into Gaza intended to eliminate Hamas's willingness or capacity to launch rockets at Israeli towns and cities. As of January 14, Israeli bombings and ground forces had reportedly killed over 1,000 Palestinians, while 13 Israelis had been killed by Palestinian rockets. Some Israeli observers have suggested that neither toppling the Hamas regime nor permanently ending all rocket attacks is a realistic goal. Nevertheless, by temporarily disabling Hamas's military capacity and slowing its rearmament, Israel could ease the frequency and intensity of Hamas attacks in the months ahead as it prepares to deploy new, more sophisticated anti-rocket defense systems. Bringing an end to the conflict and constructing a sustainable order in its aftermath are major challenges with implications for the Gaza Strip's population and infrastructure, Israel's security, and the future Palestinian polity, including the role of Hamas. This book considers the changing fortunes of the Palestinian movement, HAMAS, and the recent outcomes of Israeli strategies aimed against this group. This book consists of public domain documents which have been located, gathered, combined, reformatted, and enhanced with a subject index, selectively edited and bound to provide easy access.

Chapter 1 - The conflict between Palestinians and Israelis has heightened since 2001, even as any perceived threat to Israel from Egypt, Jordan, Iraq, or even Syria, has declined. Israel, according to Chaim Herzog, Israel's sixth President, had been "born in battle" and would be "obliged to live by the sword."¹ Yet, the Israeli government's conquest and occupation of the West Bank and Gaza

brought about a very difficult challenge, although resistance on a mass basis was only taken up years later in the First Intifadha. Israel could not tolerate Palestinian Arabs' resistance of their authority on the legal basis of denial of self-determination,² and eventually preferred to grant some measures of self-determination while continuing to consolidate control of the Occupied Territories, the West Bank, East Jerusalem, and Gaza. However, a comprehensive peace, shimmering in the distance, has eluded all. Inter-Israeli and inter-Palestinian divisions deepened as peace danced closer before retreating.

Israel's stance towards the democratically-elected Palestinian government headed by HAMAS in 2006, and towards Palestinian national coherence—legal, territorial, political, and economic—has been a major obstacle to substantive peacemaking. The reasons for recalcitrant Israeli and HAMAS stances illustrate both continuities and changes in the dynamics of conflict since the Oslo period (roughly 1994 to the al-Aqsa Intifadha of 2000). Now, more than ever, a long-term truce and negotiations are necessary. These could lead in stages to that mirage-like peace, and a new type of security regime.

The rise in popularity and strength of the HAMAS (Harakat al-Muqawama al-Islamiyya, or Movement of the Islamic Resistance) Organization and its interaction with Israel is important to an understanding of Israel's "Arab" policies and its approach to counterterrorism and counterinsurgency. The crisis brought about by the electoral success of HAMAS in 2006 also challenged Western powers' commitment to democratic change in the Middle East because Palestinians had supported the organization in the polls. Thus, the viability of a two-state solution rested on an Israeli acknowledgement of the Islamist movement, HAMAS, and on Fatah's ceding power to it.

Shifts in Israel's stated national security objectives (and dissent over them) reveal HAMAS' placement at the nexus of Israel's domestic, Israeli-Palestinian, and regional objectives. Israel has treated certain enemies differently than others: Iran, Hizbullah, and Islamist Palestinians (whether HAMAS, supporters of Islamic Jihad, or the Islamic Movement inside Israel) all fall into a particular rubric in which Islamism—the most salient and enduring socio-religious movement in the Middle East in the wake of Arab nationalism—is identified with terrorism and insurgency rather than with group politics and identity. The antipathy to religious fervor was somewhat ironic in light of Israel's own expanding "religious" (*haredim*) groups. In Israel's earlier decades, Islamic identity politics were understood and successfully repressed, as Israelis did not want to allow any repetition of the Palestinian Mufti's nationalism or the Qassamiyya (the armed brigades in the 1936-39 rebellion).

Yet at the same time, identity politics and religious attitudes were not eradicated, but were inside of Israel, bringing about great inequality as well as physical and psychological separation of the Jewish and non-Jewish populations.³ This represented efforts to control politically and physically the now 20 percent Arab minority, and dealt with the demographic threat constantly spoken of in Israel by warding off intermarriage, limiting property control and rights, and physical access. Still today, some Israeli politicians call for an exodus by Palestinian-Israelis (so-called Arab-Israelis) in some areas, who they wish to resettle in the West Bank.

For decades, Muslim religious properties and institutions were managed under Jewish supervision—substantial inter-Israeli conflict over that supervision notwithstanding⁴—and this allowed for a continuing stereotype of the recalcitrant, anti-modern Muslims and Arabs who were punished for any expression of Palestinian (or Arab) nationalism by replacing them—imams or qadis, for instance—with more quiescent Israeli Muslims, and by retaining Jewish control over endowment (*waqf*), properties, and income.

Contemporary Islamism took hold in Palestinian society, as it has throughout the Middle East and has, to a great degree, supplanted secular nationalism. This is problematic in terms of the conflict between Israel and the Palestinians because the official Israeli position towards key Islamists—Iran, Hizbullah, and the Palestinian groups like HAMAS, Islamic Jihad, or Hizb al-Tahrir—characterizes them as Israel-haters and terrorists. They have become the existential threat to Israel (along with Iran) since the demise of Saddam Hussein in Iraq.

Israel steadfastly rejected diplomacy and truce offers by HAMAS for 8 months in 2008, despite an earlier truce that held for several years. By the spring of 2008, continued rejection of a truce was politically risky as Prime Minister Ehud Olmert teetered on the edge of indictment by his own party and finally had to announce his resignation in the summer. In fact, on his way out the door, Olmert announced a peace plan that ignores HAMAS and many demands of the Palestinian Authority as a whole ever since Oslo. If the plan was merely to create a sense of Olmert's legacy, it is not altogether clear why it offered so little compromise.

On the other hand, Israelis have for over a year⁵ been discussing the wisdom of reconquering the Gaza Strip (a prospect that would aid the Fatah side of the Palestinian Authority) and also engage in “preemptive deterrence” or attacks on other states in the region. This could happen at any time if the truce between Israel and HAMAS breaks down, although the risks of any of these enterprises would be high. A potential deal with Syria was also announced by Olmert, similarly, perhaps, to stave off his own resignation, and Syria made a counteroffer.⁶

Turkish-mediated indirect talks were to continue at the time of this writing, though they might be rescheduled.⁷ Support for an Israeli attack on Iran continues to play well in the Israeli media, despite the fact that Israelis argue fiercely about the wisdom of such a course. All of this shows flux in the region, with Israel in its customary strong, but concerned position.

HAMAS emerged as the chief rival to the secularist- nationalist framework of Fatah, the dominant member of the Palestine Liberation Organization (PLO). This occurred as Palestinians rebelled against the worsening conditions they experienced following the Oslo Peace Accords. HAMAS' political and strategic development has been both ignored and misreported in Israeli and Western sources which villainize the group, much as the PLO was once characterized as an anti-Semitic terrorist group.⁸ Relatively few detailed treatments in English counter the media blitz that reduces HAMAS to its early, now defunct, 1988 charter.

Disagreements within the Israeli military and political establishments over the national security objectives of that country reveal HAMAS' placement at the nexus of Israel's domestic, Palestinian, and regional objectives. This process can be traced back to Ariel Sharon's formation of the KADIMA Party and decision to withdraw unilaterally from Gaza without engaging in a peace process with Palestinians. This reflected a new understanding that Arab armies were unlikely to launch any successful attack against Israel, but Israel should focus instead on protecting its Jewish citizens via barrier methods.⁹

This new thinking coexists alongside the longstanding policies described by Yitzhak Shamir as aggressive defense; in other words, offensives aimed at increasing Israel's strategic depth, or attacking potential threats in neighboring countries—as in the raid on the nearly completed nuclear power facility at Osirak, Iraq, in 1981, or the mysterious Operation ORCHARD carried out on a weapons cache in Syria in September 2007, or in the invasions, air, and ground wars (1978, 1982, 2006) in Lebanon.

Israelis considered occupied Palestinian territories valuable in land-for-peace negotiations. During the Oslo process, according to Israelis, Israel was ready to withdraw entirely to obtain peace.¹⁰ Actually, the value of land to trade for peace and costs of maintaining security for the settlers there, as well as containing the uprisings, were complicated equations. Palestinians and others argue that, in fact, Israel offered no more in the various proposed exchanges than the less valuable portion of the western West Bank and Gaza, and refused to deal with outstanding issues such as the fate of Palestinian refugees (4,913,993 Palestinians live outside of Israel¹¹ and the occupied territories; 1,337,388 according to UNRWA¹² — registered refugees—live in camps, and 3,166,781 live outside of camps),¹³ prisoners, water, and the claim of Jerusalem as a capital.

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The Israeli Right, and part of its Left, claimed that the diplomatic collapse, plus Arafat’s government’s corruption, showed there was no “partner to peace.” Another segment of the Israeli Left has continued until this day to argue for land-for-peace and complete withdrawal from the territories.

According to Barry Rubin, the Israeli military felt the Palestinian threat would not increase, and that if settlers could be evacuated and a stronger line of defense erected, they might better defend their citizenry. That defense could not be achieved with suicide attacks ongoing in Israeli population centers. When earlier Israeli strategies had not achieved an end to Palestinian Islamist violence, Israelis had pushed this task onto the Fatah-dominated Palestinian Authority in the 1990s.¹⁴ Pointing to the failures of the Palestinian Authority, the new Israeli “securitist” (*bitchonist*, in Hebrew, or security-focused) strategy moved away from negotiations, and called for further separation and segregation of the Israeli population from Palestinians. Neither a full-blown physical resistance by Palestinians, including suicide attacks, or the missiles launched from Gaza could be dealt with in this manner. The first depended on granting Palestinians rights to partial self-government, and the missile attacks were negotiated in Israel’s June 2008 truce.

Israel claimed significant victories in its war against Palestinians by the use of targeted killings of leadership, boycotts, power cuts, preemptive attacks and detentions, and punishments to militant’s families, relatives, and neighborhoods etc., because its counterterrorism logic is to reduce insurgents’ organizational capability. This particular type of Israeli analysis rejects the idea that counterterrorist violence can spark more resistance and violence,¹⁵ but one proponent also admitted that Israel had not “defeated the will to resistance” [of Palestinians].¹⁶ This admission suggests that the tactics employed might not be indefinitely manageable, and that Palestinians, despite every possible effort made to weaken or incriminate them, to discourage or prevent their Arab non-Palestinian supporters from defending their interests, and to buy the services of collaborators, could edge Israelis back toward comprehensive negotiations, or rise up again against them. Moshe Sharett, Israel’s second Prime Minister, once asked: “Do people consider that when military reactions outstrip in their severity the events that caused them, grave processes are set in motion which widen the gulf and thrust our neighbors into the extremist camp? How can this deterioration be halted?”¹⁷

HAMAS and its new wave of political thought, which had supported armed resistance along with the aim to create an Islamic society, had overtaken Fatah in popularity. Fatah, with substantial U.S. support edged closer to Israeli positions over 2006-07, promising to diminish Palestinian resistance, although President Mahmud Abbas had no means to do so, and could not even ensure Fatah's survival in the West Bank without HAMAS assent, and had been routed from Gaza.

Negotiating solely with the weaker Palestinian party—Fatah—cannot deliver the security Israel requires. This may lead Israel to reconquer the Gaza Strip or the West Bank and continue engaging in “preemptive deterrence” or attacks on other states in the region in the longer term.

The underlying strategies of Israel and HAMAS appear mutually exclusive and did not, prior to the summer of 2008, offer much hope of a solution to the Israeli-Palestinian-Arab conflict. Yet each side is still capable of revising its desired endstate and of necessary concessions to establish and preserve a longterm truce, or even a longer-term peace.

Chapter 2 - On December 27, 2008, Israel launched a major military campaign dubbed “Operation Cast Lead” against the Palestinian Islamist militant group Hamas in the Gaza Strip in order to counter Palestinian rocket fire and, more broadly, to significantly weaken all aspects of Hamas rule in Gaza. On January 3, 2009, Israel began a ground offensive into Gaza intended to eliminate Hamas's willingness or capability to launch rockets at Israeli towns and cities. As of January 14, Israeli bombings and ground forces had reportedly killed over 1,000 Palestinians, while 13 Israelis had been killed by Palestinian rockets and attempts to counter the ground invasion.

Some Israeli observers have suggested that neither toppling the Hamas regime nor permanently ending all rocket attacks is a realistic goal. Nevertheless, by temporarily disabling Hamas's military capacity and slowing its rearmament, Israel could ease the frequency and intensity of Hamas attacks in the months ahead as it prepares to deploy new, more sophisticated anti-rocket defense systems. One complicating factor for Israel is time: the longer Operation Cast Lead runs without a definitive outcome in Israel's favor, the more pressure will grow for a cessation of hostilities.

The unraveling of the six-month *tahdiya* or temporary cease-fire between Israel and Hamas that led to the December 2008 outbreak of violence in and around the Gaza Strip can be linked to several factors—some tactical, some more deeply-rooted. Some commentators have said that giving up on the cease-fire was in both sides' interests.

The world response to the Gaza crisis has been characterized by consistent calls for an end to the violence and by concern over the humanitarian situation in Gaza. Both houses of Congress have passed resolutions supporting Israel's right to defend itself. The crisis has exacerbated tensions between countries in the region with a relatively pro-Western orientation—like Egypt, Jordan, and Saudi Arabia—and other countries and non-state actors—like Iran, Syria, and Hezbollah. Egyptian-facilitated talks aimed at halting the fighting continue after a United Nations Security Council resolution calling for an “immediate, durable and fully respected ceasefire” was passed unanimously on January 8, with the United States abstaining.

U.S. President-elect Barack Obama will likely be compelled to address the Gaza situation directly at the outset of his administration. The incoming 111th Congress may be called upon to increase various forms of assistance to Israel, to the Palestinian Authority headed by President Mahmoud Abbas, and to Palestinian civilians in order to support a sustainable post-conflict order that guarantees Israel's security and attends to the needs of the Palestinian humanitarian situation.

The Gaza crisis constitutes a conundrum for all involved. Israel would like to avoid a drawn-out invasion and occupation of Gaza, but at the same time does not want to abandon the military operation without assurance that the end result will leave Israelis more secure from rocket attacks. Although the ground attack might endanger its rule in Gaza, Hamas may welcome it in the hopes of miring Israeli forces in close-quarters combat to strip away their advantages in technology and firepower and in hopes of heightening perceptions that Palestinians are being victimized. Linking the cessation of violence in and around Gaza with international enforcement of a truce or a broader regional security initiative may be possible, but, at present, no proposed solution appears straightforward. This report will be updated as necessary to reflect further developments.

Chapter 3 - This report analyzes the conflict between Israel and two U.S. State Department-designated Foreign Terrorist Organizations (FTOs), the Lebanese Shiite Muslim group Hezbollah and the radical Palestinian Hamas organization. On July 12, 2006, what had been a localized conflict between Israel and Palestinian militants in the Gaza Strip instantly became a regional conflagration after Hezbollah captured two Israeli soldiers in a surprise attack along the Israeli-Lebanese border. Israel responded by carrying out air strikes against suspected Hezbollah targets in Lebanon, and Hezbollah countered with rocket attacks against cities and towns in northern Israel. In order to push Hezbollah back from its border, Israel launched a full-scale ground operation in Lebanon with the hopes of establishing a security zone free of Hezbollah

militants. Meanwhile, Israeli clashes with Hamas and other Palestinian militants have continued in the Gaza Strip.

A United Nations-brokered cease-fire came into effect on August 14, 2006. Based on United Nations Security Council Resolution 1701 passed a few days earlier, the cease-fire is intended to be monitored by the Lebanese Armed Forces in conjunction with an expanded U.N. peacekeeping force in Lebanon. The international community initially hesitated to contribute troops, though it appears now that enough countries have stepped forward to significantly expand the existing U.N. force (UNIFIL).

On July 18, 2006, the Senate passed S.Res. 534, which, among other things, calls for the release of Israeli soldiers who are being held captive by Hezbollah or Hamas; condemns the governments of Iran and Syria for their continued support for Hezbollah and Hamas; urges all sides to protect innocent civilian life and infrastructure; and strongly supports the use of all diplomatic means available to free the captured Israeli soldiers. On July 20, 2006, the House passed H.Res. 921, which also condemns Hezbollah's attack on Israel and urges the President to bring sanctions against the governments of Syria and Iran for their alleged sponsorship of Hezbollah.

The extension of the Israeli-Palestinian conflict into the Lebanese arena created a multifaceted crisis that cut across a number of U.S. policy issues in the Middle East. This report provides an assessment of the month-long war and its implications for regional stability and other key U.S. policy issues. This report will be updated periodically. A number of CRS analysts have contributed to this report. For additional questions, please contact the individual specialist listed under each section of the report. For more information on the major countries in the current conflict, please see CRS Report RL33476, *Israel: Background and Relations with the United States*; CRS Report RL3 3509, *Lebanon*; CRS Report RL3 3487, *Syria: U.S. Relations and Bilateral Issues*; CRS Report RL32048, *Iran: U.S. Concerns and Policy Responses*; and CRS Report RL33530, *Israeli-Arab Negotiations: Background, Related Developments, and U.S. Policy*.

Chapter 1

HAMAS AND ISRAEL: CONFLICTING STRATEGIES OF GROUP-BASED POLITICS

Sherifa Zuhur

Strategic Studies Institute

SUMMARY

The conflict between Palestinians and Israelis has heightened since 2001, even as any perceived threat to Israel from Egypt, Jordan, Iraq, or even Syria, has declined. Israel, according to Chaim Herzog, Israel's sixth President, had been "born in battle" and would be "obliged to live by the sword."¹ Yet, the Israeli government's conquest and occupation of the West Bank and Gaza brought about a very difficult challenge, although resistance on a mass basis was only taken up years later in the First Intifadha. Israel could not tolerate Palestinian Arabs' resistance of their authority on the legal basis of denial of self-determination,² and eventually preferred to grant some measures of self-determination while continuing to consolidate control of the Occupied Territories, the West Bank, East Jerusalem, and Gaza. However, a comprehensive peace, shimmering in the distance, has eluded all. Inter-Israeli and inter-Palestinian divisions deepened as peace danced closer before retreating.

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government, and the missile attacks were negotiated in Israel's June 2008 truce.

Israel claimed significant victories in its war against Palestinians by the use of targeted killings of leadership, boycotts, power cuts, preemptive attacks and detentions, and punishments to militant's families, relatives, and neighborhoods etc., because its counterterrorism logic is to reduce insurgents' organizational capability. This particular type of Israeli analysis rejects the idea that counterterrorist violence can spark more resistance and violence,¹⁵ but one proponent also admitted that Israel had not "defeated the will to resistance" [of Palestinians].¹⁶ This admission suggests that the tactics employed might not be indefinitely manageable, and that Palestinians, despite every possible effort made to weaken or incriminate them, to discourage or prevent their Arab non-Palestinian supporters from defending their interests, and to buy the services of collaborators, could edge Israelis back toward comprehensive negotiations, or rise up again against them. Moshe Sharett, Israel's second Prime Minister, once asked: "Do people consider that when military reactions outstrip in their severity the events that caused them, grave processes are set in motion which widen the gulf and thrust our neighbors into the extremist camp? How can this deterioration be halted?"¹⁷

HAMAS and its new wave of political thought, which had supported armed resistance along with the aim to create an Islamic society, had overtaken Fatah in popularity. Fatah, with substantial U.S. support edged closer to Israeli positions over 2006-07, promising to diminish Palestinian resistance, although President Mahmud Abbas had no means to do so, and could not even ensure Fatah's survival in the West Bank without HAMAS assent, and had been routed from Gaza.

Negotiating solely with the weaker Palestinian party—Fatah—cannot deliver the security Israel requires. This may lead Israel to reconquer the Gaza Strip or the West Bank and continue engaging in "preemptive deterrence" or attacks on other states in the region in the longer term.

The underlying strategies of Israel and HAMAS appear mutually exclusive and did not, prior to the summer of 2008, offer much hope of a solution to the Israeli-Palestinian-Arab conflict. Yet each side is still capable of revising its desired endstate and of necessary concessions to establish and preserve a longterm truce, or even a longer-term peace.

ENDNOTES – SUMMARY

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- [2] John Quigley, *Palestine and Israel: A Challenge to Justice*, Durham and London: Duke University Press, 1990, pp. 189-197.
 - [3] Many works deal with this issue. A detailed study of the city of Acre is instructive. Rebecca L. Torstrick, *The Limits of Coexistence: Identity Politics in Israel*, Ann Arbor: University of Michigan Press, 2000.
 - [4] Alisa Rubin Peled, *Debating Islam in the Jewish State: The Development of Policy Toward Islamic Institutions in Israel*, Albany: State University of New York Press, 2001.
 - [5] Personal interviews, August 2008. Also see Pierre Razoux, "Mission Report to Israel, May 24-31, 2008," NATO Defense College.
 - [6] *Associated Press*, September 4, 2008.
 - [7] *Jerusalem Post*, September 8, 2008; also see Ramzy Baroud, "The Syria-Israel Peace Gambit," *Pacific Free Press*, September 14, 2008.
 - [8] Ali Abunimeh, "Hamas and the Two-State Solution: Villain, Victim, or Missing Ingredient," *Middle East Policy*, Vol. XV, No. 3, Summer 2008, pp. 15-16.
 - [9] Barry Rubin, "Israel's New Strategy," *Foreign Affairs*, Vol. 85, Issue 4, July/August 2006, pp. 111-112.
 - [10] *Ibid.*
 - [11] Source: PCBS, Mid-year 2004 Estimates, Statistical Abstract, No. 6, 2005.
 - [12] United Nations Relief and Works Agency for Palestine Refugees in the Near East.
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 - [15] Hillel Frisch, "Motivation or Capabilities? Israeli Counterterrorism against Palestinian Suicide Bombings and Violence," *Mideast Security and Policy Studies*, Begin-Sadat Center for Strategic Studies, Bar Ilan University, December 2006. All, and countering Mia Bloom, pp. 1-3.
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INTRODUCTION

The conflict between Palestinians and Israelis has heightened since 2001, while at the same time any major military threat to Israel from Egypt, Jordan, Iraq, or even Syria, has visibly declined. Israel, according to Chaim Herzog,

Israel's sixth President, had been "born in battle," and would be "obliged to live by the sword."¹ Yet, the Israeli government's conquest and occupation of the West Bank and Gaza brought about a very difficult challenge, although resistance on a mass basis was only taken up years later in the First Intifadha. Israel could not tolerate Palestinian Arabs' resistance of their authority on the legal basis of denial of selfdetermination,² and eventually preferred to grant some measures of self-determination while continuing to consolidate control of the territories. However, a comprehensive peace, shimmering in the distance, has eluded all. Inter-Israeli and inter-Palestinian divisions deepened as peace danced closer before retreating.

Israel's stance towards the democratically-elected Palestinian government headed by HAMAS in 2006 has been a major obstacle to substantive peacemaking. The reasons for Israel's position, and HAMAS' continuing verbal support of resistance, even as a fragile truce took hold on June 19, 2008, leads us to examine this relationship.

Since the outset of the Second, or Al-Aqsa, Intifadha in 2000,³ Israeli security forces have killed 4,718 Palestinians and 10 foreign citizens. Palestinians have killed 236 Israeli civilians, 244 Israeli security forces, and 17 foreign citizens.⁴ The numbers of dead and injured would be greatly inflated if we calculated the casualties in all of the Israeli-Arab wars. Another very negative outcome of the conflict that has inhibited Palestinian social and political development is the large numbers of Palestinians detained and imprisoned, more than 700,000 since 1967, and the vast majority were political prisoners. Today, some 8,500 (Israel's figure)⁵ to 11,229 (the Mandela Institute's figure) are in prison, including 375 juveniles, 104 women, and some 870 to 836 (B'tselem's figure) are administrative detainees, in addition to about 3,000 at the time of this writing held by the Palestinian Authority (PA) (who primarily represent HAMAS prisoners of the Fatah- dominated PA in the West Bank). It is difficult to find a Palestinian man, certainly not a HAMAS member of a certain age who has not experienced several temporary detentions and incarcerations. Israel's High Court banned torture in 1999 but still practices isolation, prolonged interrogation, threats to family members, and denial of access to lawyers.

The conflict has moreover become a Muslim cause, and at the same time, remains a national one. To make matters worse, the Palestinian use of suicide attacks increased since their first appearance in the 1990s as a tactic to avenge Israeli killings of Palestinian civilians.⁶ The many suicide attacks, often by self-recruited individuals, that became more frequent since 2000-01, presented a major challenge to Israel's defense of its population centers. The attractions of martyrdom were not a phenomenon that could easily be extinguished by the

Palestinian leadership, particularly when it had nothing concrete to offer its population in its stead, and the condition of that population had worsened, not improved, in the Oslo era. As peace agreements between Israel and Egypt and Jordan had cancelled out the possibility of effective Arab resistance to Israel, only Palestinian bottom-up or popular action remained an option to Palestinians unable to obtain relief through diplomacy or political participation. Nevertheless, Palestinians, and even HAMAS, moved in these latter directions.

The 2006 electoral success, subsequent Western and Israeli boycott of the HAMAS organization, and factional strife among Palestinians are important to an understanding of Islamist movements, counterterrorism, counterinsurgency, and political development.

HAMAS' strategic development will be described more fully below. HAMAS members' internal debate on armed resistance is long-standing. As Dr. Naser El-Din Al-Shaer, former Dean of the Islamic University and Minister of Education until the HAMAS government was "fired" by Abbas, and a moderate who met with former President Jimmy Carter, explained:

If there is any attack on the Israelis, they speak of terrorism and terrorism, and more terrorism. If Hamas and Islamic Jihad and all of these armed groups [such as Al Aqsa Martyrs Brigade] cease attacking Israel, then Israel will say: "Look, they've lost their power; and they can do nothing against us, so we are not going to give them anything."

So by which means will Israel give our land back to us? If we are fully sovereign and we can attack the Israelis, then they identify us as we are terrorists and the whole world is supposed to side with them against us. And if we talk about peace, they said, "look they aren't able to do anything, so look let us give them nothing." So which language do they understand?⁷

CURRENT CONTEXT

HAMAS confronted the dismantling of its educational and social initiatives over all the West Bank one and a half years after it began its struggle to govern. Citizens of West Bank towns were mistreated, brutally beaten, and detained on a nightly basis, not only by the Israeli Defense Force (IDF) but also by Fatah- allied PA security officers.⁸ In just 1 week, Israel made 38 military raids or incursions into the West Bank, killing a child, wounding two others, and abducting 48 civilians (without charge) including juveniles. This included a raid into al-Far`a

refugee camp, responding to children demonstrating at the funeral of the child killed, and a demonstration against the separation Wall at Bil'in.⁹ This was perhaps a typical week in the West Bank, which, according to the Western media, is being peacefully controlled by the PA. Al-Shaer commented on those tortured in PA custody, including a 67-yearold man who had suffered a cerebral hemorrhage from severe beating. PA officers raided and closed the Islamic schools and charities, including one with 1,000 students, in Nablus, Hebron, and Jenin—which have large concentrations of HAMAS supporters—and their institutional boards were reconstituted with Fatah members. This is regarded widely as the PA's efforts to follow Israeli (and perceived American) directions to root out HAMAS' social support structure. Some 2,000 persons were arrested.

Shaer complained that the Abbas-controlled West Bank displayed a policy of "violence, not security," and reported other scandalous types of corruption ongoing in the Fayyad-managed government headed by Abbas. He warned again that the population only sees a choice between continued humiliation and a mass popular resistance, and that it might be impossible to reason against a new Intifadha.¹⁰ Just a day earlier, on August 10, Palestinians had responded to the campaign against HAMAS with a demonstration calling for national unity.¹¹

HAMAS ROOTS IN SHORT

HAMAS was at first a social and educational initiative of certain actors, primarily Shaykh Ahmed Yasin (c. 1937-2004) from within the Palestinian branch of the Muslim Brotherhood movement. Yasin's natal village of al-Jura was destroyed during the 1948 war, and his family fled to Gaza. He became a quadriplegic after an accident at the age of 12, and attended alAzhar University in Cairo, where he was attracted to the Muslim Brotherhood.

HAMAS inherited all the hallmarks of a Muslim Brotherhood organization in its aim to create a more Islamic society out of a conviction that developing the proper structures¹² will bring about a truly moral (but not totalitarian) Islamic society. Further, it has emphasized unity among Muslims and idealizes Palestinian unity, and eschews *takfir* (rejectionism, defining others as false Muslims), a key aspect of the ideology of radical salafis such as Osama bin Ladin. For many years, the Palestinian Muslim Brotherhood had put political activism on hold in Gaza, and focused instead on delivering religious and social services and missionary activity (*da'wa*). This tactical strategy was necessary to ensure the Brotherhood's survival, as a result of the Egyptian government's severe suppression of the Brethren. Even when the Brethren were released from Egyptian jails, it was with

the understanding that the group would not seek legal party status. The group's tactical approach in Gaza was to focus first on creating an Islamic social and political entity, for doing so, the group held, would eventually return Palestine to the Palestinians.¹³

Eventually, the founders of HAMAS developed a wing for militant action, thus breaking with the Palestinian, Egyptian, and Jordanian Muslim Brotherhood's more "movement-oriented" approach. HAMAS was then officially announced shortly after the outbreak of the First Intifadha. It gained support steadily in the population despite the signing of the Oslo Accords which the organization opposed, as did many other Palestinian factions and individuals. The suffering of much of the Palestinian population during the Oslo period, as well as the breakdown of Israeli-Palestinian negotiations, together with Ariel Sharon's incitement of Palestinians by insisting on bringing troops and signaling Israeli authority over the Haram al-Sharif — the compound containing the al-Aqsa Mosque and the Dome of the Rock that Israelis call the Temple Mount (to indicate the ruins of the Second Temple underneath the ground) in Jerusalem—led to the al-Aqsa or Second Intifadha. In this second popular uprising, HAMAS, as well as Fatah-linked organizations, engaged in militancy.

In the 1990s, HAMAS had become a refuge for many of those Palestinians who disagreed with the aims and leadership of the Oslo initiative. A substantial number of members of the Popular Committees of the PLO, the Popular Front for the Liberation of Palestine (PFLP) and the Democratic Front for the Liberation of Palestine (DFLP) also opposed Oslo, but these groups and HAMAS could agree on little other than continued resistance. The main thrust of HAMAS activities was not militant actions against Israel, but rather social, charitable, educational, and political programs aimed at Palestinians.

Civil society organizations delivering services and aid to the population have long been important in Palestinian camps and areas. Those created by the various arms of the PLO rivaled each other, and also to some extent the traditional elites in Palestinian society. HAMAS was also able to draw on the salience of religion in an Islamizing society. The number of mosques in Gaza doubled between 1967 and 1987. The Mujama` Islami model in Gaza established by Shaykh Yassin provided a different type of mosque community than the traditional one, offering affordable services and programs, often located within the mosques themselves.¹⁴

HAMAS also founded the Scientific Medical Association in 1997 which operated medical and dental services and a blood bank.¹⁵ The group established the Association for Science and Culture, and provided education from kindergarten through eighth grade for Gazans. The Islamic Workers Union was set up in 1992. All of these efforts were extremely important, as were the creation

of other educational bodies and the establishment of student blocs of support and organizations of professionals and women's associations which challenged some of the more secular- feminist orientation of other Palestinian groups.¹⁶

Especially after September 11, 2001 (9/11), U.S. advisors argued that a crackdown on HAMAS' charitable activities was of paramount importance. Dennis Ross and Matthew Levitt characterize the group's charitable and educational activities as nefarious efforts at recruitment, or to socialize new suicide bombers,¹⁷ decrying the addition of "Koranic memorization centers" that "mimic in a religious setting the tight clique-like structure of the terrorist cell."¹⁸ American and Israeli targeting of Muslim charitable or social organizations was not a novel policy. Israeli and American pressure had already been put on Arafat who closed more than 20 HAMAS organizations in 1997, and more closures took place in 2001 and 2002.¹⁹ What was new, post-9/11, was an additional series of attacks on organizations thought to provide aid to HAMAS from abroad such as the Holy Land Foundation in the United States which was closed in 2001, but against which the government failed to secure a conviction in the Dallas-based trial which concluded in 2007.²⁰ The logic that the PA could replace the charitable and social services provided by HAMAS was faulty. It did not, but an important aim of HAMAS in 2004-05 was to reinstate some services to which it devotes the majority (something like 95 percent) of its annual budget.

Given the favorable perception of HAMAS, the negative perception of Arafat's clique-like leadership, and chaotic battles between youths loyal to different groups, as well as criminality and corruption, no one should have been surprised by HAMAS' electoral victory in 2006. At the time of this writing, the Israeli military and security sectors are in disaccord over the proper approach to the Palestinian population and HAMAS, despite a fragile truce engineered by external Arab states, which began June 19, 2008.

This monograph suggests that an understanding of the diverging paths of Israeli and HAMAS' strategic thought, along with an overview of HAMAS' development, explains the stand-off. Further, an understanding of the American role in the emergence of a regional security regime is useful. The United States can project power, aid deterrence, provide equipment, elicit cooperation, and provide formal and informal guarantees, thus its role seems essential in any solution to the current deadlock. However, the type of security regime that the United States supports, such as the alliance between Israel and Mahmud Abbas' Fatah elements of the PA, may not necessarily be effective or durable, as Robert Lieber had suggested in a general analysis of the issue in the period following the first Gulf War.²¹

Disagreements within the Israeli military and political establishments over the national security objectives of that country reveal HAMAS' placement at the nexus of Israel's domestic, Palestinian, and regional objectives. This process can be traced back to Ariel Sharon's formation of the KADIMA Party, and the decision to withdraw unilaterally from Gaza without engaging in a peace process with Palestinians.

The reasons for this new strategy were: the assumption that it is unlikely that Arab armies would launch a conventional attack against Israel; fear of vulnerability within Israeli-held areas; and Israeli unwillingness to bargain with key Palestinian leadership (Arafat, the "new" Fatah as represented by imprisoned political figure Marwan Barghouti, or the Hamas leaders). It was now thought that Israel should hold to a defensive line encircling its citizens rather than holding on to Gaza and the West Bank for troop dispersal.²² This new thinking comprised a defensive strategy that did not exactly replace, but stood alongside other Israeli approaches, for instance, that described by Yitzhak Shamir as aggressive defense, in other words, offensives aimed at creating security zones—in the south of Lebanon, notably to extend Israel's strategic depth.

The occupied territories had also been thought of as being valuable in land for peace negotiations, and during the Oslo process, according to one line of Israeli thought, Israel was ready to withdraw entirely in order to obtain peace.²³ Palestinians might argue that, in fact, Israel was never serious about this exchange, and its land-settlement policies during the Oslo period demonstrate this, as hundreds of settlements were established and/or expanded, and settlers were provided with various types of incentives, tax breaks, and other benefits. Settlers' safety, particularly in transit to and from the settlements, is an enormous headache for the Israeli authorities. Their resort to vigilante violence against Palestinians is an aspect of the conflict often overlooked in the Western media. Added to this lack of commitment was the failure of the parties to grapple with final status issues—Palestinian refugees, Jerusalem, etc. The optimism about negotiating and "Oslo expectations" faded with the al-Aqsa Intifadha, and Israelis blamed Palestinians for this failure, leading to claims and frequent statements from the Israeli Right and part of the Israeli Left that there was no "partner to peace."

Another segment of the Israeli Left has continued until this day to argue for land-for-peace and complete withdrawal from the territories. Still others recalculated the main threat as Palestinians who could, and did, threaten Israeli centers of population with suicide bombings, adding to that threat, the Palestinians living inside of Israel (Arab Israelis) who make up 20 percent of the population. Calls for their relocation or repatriation to the West Bank continue, and their employment, and that of Palestinians from the West Bank and Gaza, has been

supplanted, Israeli policies against immigrant workers notwithstanding, by foreign non-Jewish immigrant workers.

According to Barry Rubin, the Israeli military felt the threat posed by Palestinians would not significantly increase, but that if settlers could be evacuated and a stronger line of defense erected, they could better defend their citizenry. That thinking led to the Wall or Security Fence. The remaining threat was missiles launched from Gaza, and indeed these continued. Israel claimed significant victories in its war against Palestinians by the use of targeted killings of leadership, boycotts, power cuts, etc., but also admitted that it had not “defeated the will to resistance.”²⁴ Of course, this sentiment speaks directly to the ultimate challenge of all insurgencies in which the settler, or colonial, or invading power, essentially loses the war, if not specific battles, from the moment the resistance gains popular support.²⁵ And it shows that the situation might not be indefinitely manageable, and that Palestinians, despite every possible effort made to weaken, incriminate, and separate Arab allies from their interests, or pay collaborators, might yet edge Israelis—if they move away from their own politicians’ and military’s thinking—back toward comprehensive negotiations.

In a remarkable sequence of events, Fatah elements of the PA battled HAMAS and, despite the military training provided to them under U.S. auspices, they lost control of Gaza. The fratricidal 4-day conflict resulted in 80 fatalities; some were the settling of old scores, said Hanan Ashrawi, an independent Palestinian politician. Fatah and the al-Aqsa Martyrs Brigades carried out revenge actions, killing some, abducting some 23 persons, and attacking HAMAS-linked institutions in the West Bank. In a confusing move, thought to originate with U.S. advice but also with Israeli stances toward HAMAS in mind,²⁶ Mahmoud Abbas (whose supporters had lost the election, but who had been named to head the government because HAMAS wanted a unity government with Fatah) said he would dissolve his Cabinet, including Prime Minister Ismail Haniyeh of HAMAS, and that he would call for new elections. Haniyeh declared his intent to establish order in Gaza and called Abbas’ decision hasty.²⁷

HAMAS, which keeps only a token force in the West Bank, and does not admit its strength there, did not interfere with Abbas, but as his decision to replace Haniyeh with Salim Fayyad was illegal, Haniyeh is regarded as the Prime Minister of the PA by many Palestinians. The issue was that Abbas could dissolve the Cabinet, but had no constitutional right to appoint a new prime minister, or to dissolve the elected Parliament or call for new elections (which Israelis, Fatah, and perhaps Washington, hoped would undo the HAMAS’ majority).

HAMAS set about restoring order in Gaza, and Abbas refused to recognize the HAMAS government there and, likewise, the Israelis and Americans speak

only with his faction. Palestinians in Gaza then experienced an Israeli, American, and European cutoff of funds, then services, fuel, medicines, and finally food. The boycott on funds appeared to be a somewhat desperate attempt to cause Palestinians to overthrow HAMAS in Gaza in 2007. People began using cooking oil to drive automobiles and taxis, and were severely impacted by the boycott and closure.

Sieges abound in the history of warfare. The names of Jerusalem, Vienna, and Missalonghi come to mind. The idea of provoking a popular uprising has also recurred; unsuccessfully pursued by the British, French, and Israelis in the 1956 Suez (or Tripartite) War. Anthony Eden supposed the Egyptian population would overthrow President Jamal abd al-Nasir. Ironically, the attacks cemented Nasir's popularity and vindicated his claims that the former colonial powers were conspiring with the new Zionist state they had helped establish. This time around, the *Jerusalem Post* trumpeted every action against HAMAS in Gaza and every instance of violence against Fatah, and many articles expressed fear of life in an Islamic state, which the *Post* calls "Hamastan." Yet, the Gazan population did not overthrow their leadership.

All in all, HAMAS, after the initial, very regrettable violence in Gaza, restored order, and though continuing to battle certain powerful clans, earned respect; instituting the first "911" emergency telephone service, and operating more efficiently than expected, considering the boycott and the organized violence directed against it by the above-mentioned clans (like the Dughmush) and Fatah, both with external funding.²⁸ HAMAS discouraged the pro-Al-Qai'da groups operating in Gaza, although they did not have total control over the Islamic Army or Palestinian Islamic Jihad.

In February 2008, almost one-half of the 1.2 million Gazan population breached the Egyptian border to buy food and supplies that they had been denied for months under the Israeli boycott. This created a good deal of stress on the Israeli-Egyptian political relationship. Israel expected Egypt to moderate, even terminate its support for HAMAS; something that the Egyptian government could not do, given the strength of popular Egyptian support for HAMAS and the Palestinians trapped in Gaza. Israel (and also Washington) have maintained since that a condition of allowing the Rafah border to be opened would be for the Egyptians to pressure HAMAS from using the tunnels, allegedly used to bring arms into Gaza, although more recently to bring in food. Egypt agreed to dynamite the tunnels, but they remain an issue. Further, Israel wanted Egypt to pressure HAMAS to release Gilad Shalit. Shalit, an Israeli soldier, was captured in a raid on the Kerem Shalom crossing on June 25, 2006, by three armed groups,

one of which was the Army of Islam. He was eventually transferred to HAMAS' custody, and the movement wants a prisoner exchange.

For months Israel steadfastly rejected diplomacy involving HAMAS and HAMAS' truce appeals as offered by Ismail Haniyeh early in 2008, but after efforts by Saudi Arabia and Qatar to mend the conflict between Fatah and HAMAS and a deal negotiated by Egypt, it entered into a temporary 6-month truce with HAMAS on June 19, 2008.²⁹

Israel's greatest fear has been a united, properly coordinated and prepared Arab and Palestinian attack. Given Israel's rejection of all comprehensive peace offers by the Arabs and its forging and maintenance of separate agreements with Egypt and Jordan, it no longer fears such a coordinated attack by Palestinians and other Arab nations. It also seeks to prevent Palestinian factions from uniting and pursuing a full scale resistance as during the Al Aqsa Intifadha. Then actions coincided, although the factions were far from unified.

It has frequently been predicted that Israel should (and could) reconquer the Gaza strip, a rather futile overturning of its "new strategy," or, as suggested prior to HAMAS' electoral victory, engage the Palestinians in a war over the West Bank, or both. The "conflict-oriented" elements in Israel want it to engage in "preemptive deterrence" or attacks on other states in the region, perhaps Iran,³⁰ Lebanon³¹ (because lack of preparation for the 2006 war was deemed the main issue), or Syria³² in the longer term.

HAMAS' initial strategy of armed resistance and popular uprising against Israel has been tamed as it has instead pursued political participation, accepted the notion of a limited area of an envisioned Palestinian state, and in its calmings and truces which acknowledge (and therefore "recognize") Israel in a *de facto* manner.³³ It was severely criticized for this change in strategy by Ayman Zawahiri. Yet it continues to hold out the threat of popular resistance should negotiations fail and occupation continue, and is struggling militarily and politically against Fatah, its brother organization. Such civil strife is not HAMAS' preferred mode, and it has taken many unwanted steps and actions to seek an end to this strife which is fueled by external actors as well as internal divisions. HAMAS has put its vision of an Islamic state on hold as well as its general political stance of "positive versus negative freedom"³⁴—tolerating, even recommending diversity and representation of other groups, if Palestinian autonomy can be pursued.

The underlying strategies of both Israel and HAMAS do not elicit strong optimism in a solution to the Israeli-Palestinian-Arab conflict, but each is still capable of revising its strategies, or desired end-states and establishing a long-term truce, or better yet, a longer-term peace.

A peaceful resolution to this conflict should remain a primary objective of Israel, the Palestinians, other Arab and Muslim nations, and of the United States. The Arab- Israeli conflict has complicated regional development in myriad ways, and remains a key grievance for a far broader Muslim population who see in it perfidy and hypocrisy by Israel, and that Israel's strongest ally, the United States, has not acted as a fair and neutral broker in affairs of the region.

If the next American president turns his attention to the Israeli-Palestinian conflict in a sustained, methodical, and creative manner together with other Quartet members and perhaps Arab delegates until resolution, then an important co-condition for success in the Global War on Terror will be achieved, as well as an enormous benefit to the citizens, economies, and political development of the region.

SUMMARY OF RECOMMENDATIONS

A better understanding of HAMAS, its history and evolution, the reasons for and level of sympathies from Palestinians and other Muslim and Arab nations for the organization, and its stances on various issues is imperative for policymakers because the Islamist and nationalist base of support for the organization and its essential principles is not likely to disappear.

To the degree that the United States is committed to the establishment of a just and sovereign Palestinian entity, it would also behoove policymakers to consider carefully the ramifications of making alliances selectively with specific groups and actors in any society. The consequences of such alliances forged during the Saddam period with opposition groups can now be seen in Iraq, where the obvious "losers" in the new balance of power, Sunni Arabs, especially those with geographical and political links to the former regime, felt they had no stake in the new government. The Shi'i parties were supposed to include these groups in military and police structures but have not yet done so. In the Palestinian case, the current preferences for dealing with, or restricting U.S. support only to followers of Mahmud Abbas or members of his nonelected government in the West Bank have backfired, given the staying power of HAMAS. It would be best if these elements eventually chose to support a broader Palestinian alliance. Indeed, this is HAMAS' position, but it rests on a shift within the PA.

Meanwhile, more constructive policy avenues such as supporting the building of Palestinian institutions (with appropriate transparency³⁵), aiding reform, and planning for the economic well-being of Palestinian society have taken a backseat to 2006 and 2007 actions intended to strangle HAMAS, all of which were

ineffective, or thus far, destructive. Some similarities with the South African and Irish situations are instructive.³⁶ The violence, while not symmetrical, has gone so far as to injure the moral standing of both parties—Israelis and Palestinians (associated with HAMAS, Palestinian Islamic Jihad [PIJ], and certain other groups) even if national survival is at stake. Yet, in the Irish case, negotiators included the Sinn Fein; and in the South African case, the previously violent actions of the African National Congress were permitted to recede into the past so that a new society, free of racial injustice, could be established.

The first course of action that I had recommended in January 2008 was to accept the offer of Ismail Haniyeh to a restored truce. The temporary truce concluded on June 17, 2008, was therefore an important first step.

A much more significant prisoner exchange needs to take place. Fewer than 500 of the 10,000 Palestinian political prisoners were released in 2006-07. Palestinians should prevail on HAMAS to release Shalit as an act of good faith. HAMAS, however, is adamant that a substantial number of its prisoners be released in the exchange.³⁷ The Israeli and international boycott of the PA government is also supposed to end under the current truce, and this is absolutely essential to restore key services, medicines, foods, and reprovide salaries. HAMAS' and other charitable social services which have been attacked in the West Bank must be put back under professional management. There is no reason for them to operate as Fatah, rather than as HAMAS' entities. However, they can and must do so with the greatest degree of transparency,³⁸ as should town *zakat* committees, which are a very important source of social welfare.

Israel needs to abandon the aspects of its new defensive strategy which are calculated to thwart peace efforts. Reliance on perimeter control as through barriers has, along with years of constricting movement, curfews, and land acquisition policies, led to a terrible apartheid-like separation of the population and threatens any coherence to the West Bank. It may be impossible to convince Israel to dismantle the security fence, known as the Wall. But there would be a great benefit to doing so. The Jewish and Palestinian populations do not need to be herded into separate areas—they need to be reacquainted with each other, as segregation has bred hatred and fear. Further, the Israeli military's desire to engage in limited partial and temporary withdrawals, followed by territorial reconquests is antithetical to conflict resolution as it destroys the prospect of trust.

As a HAMAS spokesperson stated: "We are not against trust or security. We know the Israelis would like to have security. . . but at the same time, we know we cannot live with our own liquidation." To the same degree, when HAMAS reserves the option of reengaging in violent jihad, the trust that must—if there is to be peace—be extended by Israelis is eroded. A long-term truce must be safe for

all, honorable, bring justice, and a remedy to the Palestinians who have been deprived their self-determination and their freedom, but also ensure an end to violence.

The deepest challenge to HAMAS is that, in return for territory, it must abandon the strategy of militant resistance and focus on supplying good governance. It will need to uncouple the dream of martyrdom from nationalist violence, for its own cadres and other youth. That may only be accomplished, given the religious strictures around jihad that HAMAS recognizes through the device of a long-term truce, but that truce would be desirable.

The world community should discourage Israel from enacting further restrictions on Palestinians that will prevent them from working inside of Israel. This has debased both the Israeli national conception of its citizens and further transformed Gaza and the West Bank into Bantustans, confining a population which used to work inside of Israel. An economic and developmental solution needs the input of all parties, in addition to the political/military situation, so that Palestinians do not live in closed areas devoid of sufficient employment, or food and goods, as prompted the flight to Egypt in early 2008. A return to the more hopeful planning of a Palestinian state, as evinced in several studies,³⁹ is required. In the last years, the United States shifted its emphasis toward state-building in the Middle East to Iraq, and secondarily to Afghanistan, necessarily so. However, it has not been wise to diminish its peace efforts to symbolic exchanges of good intent with select factions of the Palestinians and Israelis (while sponsoring a “Contra-like” action against HAMAS under supporters of Muhammad Dahlan and other Fatah elements). U.S. foreign policy in the Middle East would be greatly strengthened with an *entente* between Israel and all of the Palestinians.

While this should eventually determine “final status” compromises, it need not do so at present, as Haim Malka has recommended, but reentering a phase of negotiating—with all parties, including HAMAS — is essential. (Should negotiations falter, he then recommends a unilateral Israeli withdrawal from the West Bank.)⁴⁰ Palestinians, even Ahmed Qurei, and Sari Nusseibeh, have stated that there is a limited window for negotiations now, and each have suggested a return to the notion of a one-state solution, which I believe would be disastrous for the Palestinians.

BACKGROUND

HAMAS, meaning zeal or enthusiasm (an acronym for Harakat al-Muqawama al-Islamiyya or the Movement of the Islamic Resistance), is an

offshoot of the Islamist trend in Palestinian society. HAMAS' origins are with the Palestinian branch of the Muslim Brotherhood movement (referred to as Ikhwan or Brethren) which dates back to the 1940s, and the Egyptian parent branch which dates back to 1928. However, it should also be noted that Fatah (the largest of the four organizations of the PLO) was not exclusively or particularly secularist. Indeed, the founding members of Fatah, with the exception of Yasir Arafat, were all members of the Muslim Brotherhood organization, which later produced HAMAS.

HAMAS' rather late emergence evolved from Israel's antagonism to Palestinians and the necessarily quiescent policies of the Muslim Brotherhood toward both Egypt and Jordan. The Muslim Brotherhood was challenged by the Saraya al-Jihad al-Islami, or Palestinian Islamic Jihad, which emerged in the early 1980s and began to attract the support of Palestinian youth. Clearly, other reasons for popular support for a new type of Palestinian resistance movement can also be traced to the exodus of the PLO leadership to Lebanon from 1967-70 and its forced retreat to Tunis, following the 1982 Israeli invasion of Lebanon. This distant leadership reacted to, rather than led, grassroots developments like the First Intifadha in the Palestinian occupied territories.

Other important reasons for the emergence of HAMAS (and Islamic Jihad and other Islamist actors like the Islamic Movement inside Israel and smaller salafist organizations) were the worsening economic conditions in the territories, and the effect of Israel's counterinsurgent measures taken first against the PLO and later against all other forms of Palestinian political, cultural, intellectual, and militant associations and activities. The heightening of Islamist sentiment in the Middle East as in Palestinian communities in exile has only increased since HAMAS' official establishment in 1987.

Some accounts simply describe HAMAS emerging from the previously-mentioned organization called the Mujama` Islami established by Shaykh Ahmed Yasin, who became an extremely popular preacher and scholar upon his return to Gaza from Egypt. One account links two paramilitary organizations, a Security Section (Jihaz al-Amn) and al-Mujahidun al-Falastiniyun (which included the Izz al-Din Qassam brigades), directly to Shaykh Yasin.⁴¹ In fact, the rationale and preparations for militant activities against the Israeli occupation of the West Bank and Gaza date to the late 1970s as Yasin and others believed that the "jihad as *da'wa*" must be complemented with jihad as armed struggle.

Earlier the Brotherhood had decided not to support Khalil al-Wazir's initial suggestion in 1957 to form a group to liberate Palestine.⁴² Certain individuals went ahead anyway and formed the Palestine National Liberation Movement, Fatah. Fatah's belief was that a national liberation movement would impel the

Arab armies to fight for the Palestinian cause. President Jamal abd al-Nasir of Egypt, a highly popular figure in the Arab world, had suppressed the Muslim Brotherhood following an alleged assassination attempt on him in 1956. Nasir was supported by Palestinians for his commitment to Arab nationalism and unity. Yet, like King Husayn of Jordan, his aims were not identical with Palestinians' guerrilla efforts, which elicited sharp Israeli responses and military attacks.

The 1967 defeat of the Arab armies showed the disappointing result of Palestinian reliance on Arab governments and militaries as far as many were concerned, among them Shaykh Yasin. He was convinced that Palestinians must mount their own resistance, and began focusing on cadre formation, participation in, and organization of demonstrations and strikes. A conference was held in Amman in 1983 at which time a decision was made to support jihad by the Ikhwan in Palestine. Simultaneously, \$70,000 raised by the Kuwaiti branch of the Ikhwan was received by the Palestine Committee (also known as the Inside Committee).⁴³ Various committees were established by Palestinian Ikhwan from Jordan, Saudi Arabia, and other Gulf states to support the resolutions taken in Amman, and within a few years, a body, the Jihaz Falastin (Palestine Apparatus), was in operation.

Meanwhile, Shaykh Yasin began buying arms, mainly from the Israeli black market, but was stung by Israeli collaborators. Those involved were caught, tortured by Israelis, and revealed the network up to Shaykh Yasin, who was arrested and put on trial in 1984.⁴⁴ The Israelis found about half of the weapons purchased; the others were hidden. Yasin was released from jail in the Ahmad Jibril prisoner exchange in 1985.⁴⁵ The entire incident bolstered those Ikhwan, particularly in the West Bank, who had maintained that armed jihad against Israel, as a local initiative, would fail, and that the correct path was to continue working toward an Islamic state.

However, the movement acquired martyrs during a 1986 protest at Bir Zeit University and became increasingly popular and participatory in public events. During the Intifadha, the *`Amn* (or security arm of HAMAS) became active and went after Israeli collaborators in squads known as the Majd. These in turn also embarked on armed actions against the Israelis after the Intifadha began in 1987.

HAMAS was announced shortly after the outbreak of the Intifadha on December 14, 1987, though it made December 8, 1987, its official date of establishment to coincide with the Intifadha.⁴⁶ Its founders included Shaykh Ahmad Yasin; Salah Shahadah, a former student leader who headed the military wing; Muhammad Sha`ah; Abd al-`Aziz Rantisi, a physician at the Islamic University; `Isa al-Nashar; Ibrahim al-Yazuri; Abd al-Fattah Dukhan; and Yahya al-Sinuwwar.

POSTPONEMENT OF MILITANT ISLAMISM?

As explained above, HAMAS and the Islamic trend emerged more belatedly than in other parts of the Muslim world due to Palestinian dislocation and the struggle against Israel. When those secular Palestinians committed to armed resistance were essentially neutralized with their exile from Lebanon and moved towards negotiation, other ordinary Palestinians were greatly disappointed by the peace negotiation process. They instead arrived at a new commitment to armed resistance so long as Israel opposed the return of territory and sovereignty to Palestinians. This elided with the populism and support for resistance that was expressed in the Intifadha.

Decades earlier, a small militant Palestinian Islamist group was led by `Izz al-Din al-Qassam (1882-1935) who was killed in Jenin by the British, although his followers, the Qassamiyun, continued to fight in the Great Uprising of 1936-39.⁴⁷ HAMAS named its own military wing after this proto-revolutionary movement.

A transregional emergence of similar groups in the region appeared by the late 1970s. However, the growth of viable political institutions in general was inhibited among Palestinians because of their status as a people without a state and the tight security controls imposed by Israel on the population. These, on the one hand, meant close surveillance and frequent detentions or arrests of Palestinians. At the same time, Israel's attacks on Palestinians, land policies, and extreme restrictions on movements, communications, publication, education, and all aspects of normal life which were intended to protect the Israeli population inspired first the guerrilla-style attacks of the *fida'iyyin* and the more secular nationalist PLO.

The Muslim Brotherhood referred to above was established in Egypt in 1928 by Hasan al-Banna, a schoolteacher who believed that Muslims, particularly their youth, required a force for unity, aid, development, and education, and should take a direction other than that proposed by nationalist elites. The Brethren (Ikhwan) set up branches in Syria, the Sudan, Libya, the Gulf states, Jordan (which influenced the West Bank), and Gaza. From 1948 through the 1950s, military rule over the Palestinians was sufficiently repressive, and the Brothers both there and within Egypt were under siege, either underground or put in prison by the Nasir regime, or in exile. For 2 decades, the Palestinian Muslim Brotherhood focused on its religious, educational, and social missions, and was quiescent politically. That changed with the 1987 (First) Intifadha also known as the *intifadha* of stones, because the Palestinians were primarily reacting to Israeli force in demonstrations by throwing stones and burning tires. However, the outburst of popular resistance even in the face of constant and numerous arrests,

collective punishments, destruction of property, and other punitive actions, and Israel's use of live ammunition against children armed with stones, along with the new use of videos, made Israel subject to international condemnation. This sort of condemnation, emanating more strongly from Europe than the United States, was unlike any it had faced in countering militant attacks of the Palestinian fighters over the border in Lebanon, or as the target of terrorist aircraft hijackings in the period from 1969 to about 1974.

The Muslim Brotherhood had advocated *da`wa*, which is the reform and Islamization of society and thought; *`adala* (social justice); and an emphasis on *hakimiyya* (the sovereignty of God, as opposed to temporal rule). Due to the severe repression of the Muslim Brotherhood in both Egypt and Jordan, the Palestinian Ikhwan were influenced, or even restrained by the parent organization, to support *da`wa* rather than militant jihad (or jihad by the sword⁴⁸). HAMAS broke with the previous tactical thinking of the Palestinian Muslim Brotherhood in an important way when it turned to armed resistance against Israel.

ISLAMIC JIHAD

The Ikhwan were at first sidelined both by the spontaneous activism of Palestinians of various backgrounds (PLO and other) and by Islamic Jihad which had accelerated its operations in 1986 and 1987. *Harakat al-Jihad al-Islami fi Filas tin* (The Movement of Islamic Jihad in Palestine, known as PIJ) was established by Fathi Shiqaqi, Shaykh `Abd al-`Aziz al`Awda, and others, including current director general Ramadan Abdullah Shallah, in the Gaza Strip in the 1970s following their acceptance in Egypt of an Islamist vision similar to the Egyptian Muslim Brotherhood. However, these Palestinians distinguished themselves from secular nationalists and antinationalist Islamists in calling for grassroots organization and armed jihad to liberate Palestine as part of the Islamic solution.⁴⁹ The PIJ military apparatus known as Saraya al-Quds (Jerusalem Brigades) was operative by 1985, and attacked Israeli military at an induction ceremony in 1986 known as the Gate of Moors operation. Palestinian youth, who were both territorially and generationally neglected by the PLO leadership that had been forcibly moved to Tunis, admired the militance of this group.

HAMAS' GROWTH

Yasin's successful institutionalization through the Mujama' Islami, fundraising and *da'wa* via the earlier established Jam'iyah Islamiyah (1967) funded HAMAS' growth. In Gaza, where the Muslim Brothers had less prestige in some ways than other Palestinian thinkers, Yasin reprinted the last volume of Sayyid Qutb's monumental *Fi Dhilal al-Qur'an*, a nontraditional *tafsir*, or explanation and interpretation of the "art" of the Quran, with funds from the Jam'iyah. In this way, he was able to introduce Qutb (d. 1966) now known in the West primarily as a "radical" martyr, executed by Egypt's President Nasir, as a "revolutionary fighting for justice and as a scholar of the highest standing"⁵⁰ because of the subject matter (the study of the Qur'an) and his sophisticated treatment. The Mujama'/ mosque-building/charitable phase of HAMAS was also successful due to its international connections.

The Muslim Brotherhood in Jordan was able to deliver aid from Arab countries and scholarships for promising students.⁵¹ While the Israelis were cracking down on the PLO, religious and charitable organizations in the occupied territories encountered somewhat less interference until 1977. The number of mosques under Ikhwan authority doubled and offered kindergartens, Qur'an classes, and free circumcisions on certain days. The Ikhwan paid for the accompanying celebrations for circumcisions, and mobile medical units provided low cost or free services.⁵² As described above, HAMAS moved actively into the areas of labor representation, education, professional associations, and throughout all sectors of Palestinian society in Gaza and also in the West Bank.

Various figures and their connections with the Ikhwan in Egypt were key to HAMAS' emergence, and so, too, was the degree of repression inside Israeli jails. Israeli journalist Amira Hass writes that "tens of thousands of Palestinians came to know Israelis through the experience of prisons and detention camps."⁵³ Palestinians were often held for 2 to 4 months or more without being charged, and were subjected to harsh interrogations, including torture.⁵⁴ As prisoners tried to unite to obtain radios, legally mandated visits, and then later other concessions by going on hunger strikes since 1971, the Israeli authorities first physically separated them in different locations, and, later, more effectively divided them by providing employment within prison to some but not others. The Islamization of Palestinian society ongoing outside of the prison walls began to be replicated inside as well.

The impetus to opposition was fostered in a different way by the nationalist-religious Israeli coalition in power from 1977. This government promoted settlement activity in the West Bank among which a Jewish group with extreme

messianic views, the Gush Emunim, were important. One focus of such right wing groups was on symbols of Judaism, and new sources of conflict erupted where these symbols conflicted with Muslim claims, for instance at the Haram al-Sharif, or Temple Mount site in Jerusalem; the Haram al-Ibrahimi mosque in Hebron; and elsewhere. Two Muslims were killed in 1982 at the Haram al-Sharif, and a group tried to blow up the site in 1984. Another Jewish group threatened to destroy other Muslim shrines, and two students were murdered at the Islamic University of Hebron.⁵⁵ This caused more identification with religious-nationalist causes, certainly seen later after the massacre of Muslims at the al-Ibrahimi mosque, which sparked HAMAS' first suicide attacks, and when Ariel Sharon brought troops onto the Haram al-Sharif.

The Palestinian diaspora was also affected by the growth of the new Islamist thinking. The Palestinian Ikhwan student movement in Kuwait was inspired by such non-Ikhwan figures as Shaykh Hasan Ayyub.⁵⁶ Palestinian politics have played out in student movements featuring strong factionalism between Fatah and the Popular Committees, for instance, and it was in this period that the Islamic trend emerged, no longer tolerating suppression by Fatah supporters.

The General Union of Palestinian Students (GUPS) was represented at Kuwait University. GUPS had been wholly Fatah in orientation (not only because Fatah's formative body came from Kuwait). Nonetheless, a student group formed under the name al-Haqq, which included Khalid Mish'al, tried to influence GUPS concerning the impact of President Sadat's visit to Israel and the Lebanese civil war's impact on Palestinians.⁵⁷ The students saw these events to be crucial in that Israel was successfully forcing a wedge between the Palestinians and portions of their Arab support. Al-Haqq eventually went its own way as the Islamic Association of Palestinian Students. Similar organizations in the United Kingdom (UK) and the United States formed in the early 1980s.

Another important nucleus for HAMAS was at the Islamic University in Gaza, founded mostly by Ikhwan members associated with Shaykh Yasin's al-Mujam'a al-Islami in 1978. The University, backed by Arafat, enabled the Ikhwan in mobilization as the institution educated thousands of Palestinians from an Islamic viewpoint. It became even more important with the outbreak of the First Intifadha.

POINTS OF DOCTRINE

When HAMAS was established, it defined its mission as the liberation of Palestinians and cessation of Israeli aggression against them. That is to say, its goal is **not** the destruction of Israel,⁵⁸ as is commonly asserted by the American and Israel media, and certainly HAMAS does not possess the military means to attain that goal.

In February 1988, the Brotherhood granted formal recognition to HAMAS as a result of a key meeting in Amman, Jordan, involving the spiritual guide of the Jordanian Muslim Brotherhood, Shaykh Abd alRahman al-Khalifa; Ibrahim Ghosheh, the HAMAS spokesperson and Jordanian representative; Mahmud Zahar, a surgeon; al-Rantisi, a West Bank representative; Jordanian parliament members; and the hospital director. In 1988, HAMAS issued its now infamous Charter, which it no longer cites or refers to. This document condemns world Zionism and the efforts to isolate Palestine, and has been exhaustively discussed by scholar Andrea Nüsse along with HAMAS' ideas as expressed in *Filastin al-Muslima*, a journal produced outside of the territories.⁵⁹ Another important source of HAMAS' positions and ideas is to be found in its *bayanat* (bayans or official announcements) which, unlike the journal, come from within the occupied territories and illustrate the centrality of the First Intifadha to the emerging HAMAS. Other earlier comprehensive presentations of HAMAS' ideas are explained in academic publications. Some of HAMAS' earlier ideas which remain relevant have now undergone significant change or nuance. These are:

- HAMAS will bring about a return to the true Islam. (This implies an evolution carried out by Islamists rather than the “return” to the past.) However, the nationalist struggle for the fatherland (*watan*) is an integral part of the path toward the true Islam. An Islamic state in Palestine will be a victory for the entire Muslim *umma*.⁶⁰
- HAMAS is the true heir of the historic Islamist Shaykh Qassam movement because it is populist (and militant), in contrast with the ineffective, compromising politics of the Palestinian elite.⁶¹
- Israel was entrenching itself and its land- grabbing policies with the wave of Soviet immigration that brought about one million new Jewish immigrants to Israel.⁶²
- HAMAS, despite the claim of brotherhood in the nationalist struggle, disputed the PLO's right to solely represent the Palestinian people. It adopted an argument made by many, including Ziad Abu Amr, that

indicts the hierarchical PLO leadership and its disconnect with the territories.⁶³

The Charter, which was the first written effort to express HAMAS' goals, was issued in 1988 and has been sharply criticized for its anti-Jewish and anti-Zionist statements. It incorporates Hasan al-Banna's statement that Israel would eventually be swept away (as other nations have risen and fallen before it).

Khalid Mish'al, the current leader of HAMAS, claims that the Charter "should not be regarded as the fundamental ideological frame of reference from which the movement takes its positions."⁶⁴ And another important HAMAS leader, Ibrahim Ghosheh, has explained that the Charter is "not sacred," its articles are "subject to review."⁶⁵ More important than the Charter to our analysis might be the HAMAS document, "This is What We Struggle For,"⁶⁶ or the document, *The Islamic Resistance Movement* issued in 2000.⁶⁷

The latter traces HAMAS' history, expressing the view that the Palestinian people's role, particularly a military role, is central to the struggle. In contrast, the role of Arab governments has decreased ever since the defeat of their armies in 1967. The past experiences of the Ikhwan both in military and *da'wa* activities are outlined, along with the historical phases of HAMAS. The movement has rejected negotiation with Israel (in contrast to the PLO) and garnered opposition in the post-Oslo period as it retaliated against Israel for that country's assassination of Yahya Ayash. Yet HAMAS has adapted strategically and politically.

Its defined enemy is the Zionist Project (not Jews), and it believes that liberation of Palestine depends on a Palestinian, Arab, and Islamic circle.⁶⁸ That liberation will be accomplished by military means, but "civilian Zionists" are not targets, only "military Zionists" are. However, civilians might "inadvertently be hit or may be targeted only in retaliation for the enemy's targeting of Palestinian civilians."⁶⁹

HAMAS also expressed ambiguity toward the West generally, and the United States because of its unquestioning and seemingly unconditional support to Israel. For some years, HAMAS' journal also included articles about Western fears of Islam (what is now called Islamophobia). These, they maintained, had arisen from a certain historical arrogance whereby the West rejected the idea that Islam formed the basis for Western civilization.⁷⁰ At one time, it would not have been necessary to explain that Islamic civilization expressed a commitment religiously and legally to the monotheism shared with "the West" (Christianity and Judaism); political ideas of the perfect society and form of rule inspired by Plato; and that it was a well of synthesis, in which Hellenic, Byzantine, Arab, Persian, Indian, and other intellectual, cultural, artistic, scientific, mathematical, and medical progress

was made while Europe was in the “Dark Ages.” It was transmitted “back” to the West in translations of the Arabic works of Avicenna (Ibn Sina, who influenced St. Thomas Aquinas) and Averroes (Ibn Rushd). This idea, by the way, is not an Islamist eccentricity; the great historian Marshall Hodgson wrote that in conceptualizing world history, one could divide the world into four parts, and that Europe, or the West, and the Middle East were closest in their philosophical influences, monotheism, and culture (the Muslim scholars developed and gone beyond the Hellenic and Indic legacies).⁷¹

Islamists have long accepted the principles of the French Revolution,⁷² but view the West’s lack of support for democratization where Islamists were strong, or prevailed as in Algeria, Egypt, and Palestine after 2006, as hypocritical. HAMAS, then and now, denies the clash of civilization thesis that became more well-known through Samuel Huntington, and also—importantly—the Al-Qa’idist proposal that Muslims must wage jihad against the West.

HAMAS has also been accused of seeking to impose an Islamic order in which Arab Christians would be second-class citizens, as would women. Clashes concerning behavior, and what we could call a vigilante reaction by HAMAS cadres, did take place against bars and wine shops owned by Christians and, years previously, in attacks by youth on women not wearing hijab or when in April 2005 gunmen killed a woman in her fiancé’s car and beat him, which greatly “embarrassed the HAMAS leadership,” which decried these incidents.⁷³ These actions undercut the leadership’s position that it respected and protected women and minorities, its argument that Palestinian Christians are as poorly treated by Israelis as Palestinian Muslims,⁷⁴ and that Palestinian unity is required.

By 2004, lower-level cadres’ fervor against bars and wine shops had been replaced with a policy of actively protecting Christian residents of Ramallah, and including them on HAMAS political lists.⁷⁵ After HAMAS’ take-over of Gaza, order was imposed on salafist groups who had more extreme views, like the Army of Islam.

With HAMAS’ electoral victory, media interest in Christian and women’s reactions was kindled, and showed that some prominent Palestinian Christians are justifiably uncomfortable with the historical concept of the *ahl al-dhimma*, the protected minorities under an Islamic state,⁷⁶ or with Islamist stances on public virtue and morality. But HAMAS’ constant assertion is that Islamic rule will not be forced on Palestinians.⁷⁷ Christians were supported by HAMAS in Ramallah, for example. And although the *hijab* is ubiquitous in Gaza, some women claim they feel secure moving around without it.

The only woman in the HAMAS’ formed cabinet was, predictably, the Minister of Women’s Affairs, Myriam Saleh, who has stated:

We assure all women that we will not force anybody to wear the hijab ... we only present our ideas by suggestion and with good intention. The majority of Palestinian women wear the hijab with full conviction and without coercion from anyone.⁷⁸

Much more could be said about the competition between HAMAS-sponsored women's organizations and those that emerged from the other "secularist" or Left elements of the PLO. However, HAMAS and its female representatives have produced a more mature discourse as time has gone on,⁷⁹ in a way not dissimilar to Hizbullah's approach to women's issues.

RELATIONS WITH THE PLO-FATAH AND THE PEACE PROCESSES

During the course of the first Intifadha, more Palestinians than ever before severed ties with Israel to the degree that they could. This went along with a call for self-sufficiency as with "Intifadha farms," raising produce, chickens, and dairy cows, and boycotting Israeli products, refusing to pay taxes, and in merchants' closing of their stores. HAMAS' pragmatism in limiting some of these demands on the population was paralleled in its limited and calculated use of jihad. As the Madrid peace conference of 1991 was held, HAMAS' military activity increased. This reoccurred when Israelis killed Palestinian civilians (the circumstance that HAMAS rationalizes as *fard 'ayn*; that is, when jihad becomes a requisite individual duty) and when, to punish HAMAS for kidnapping and killing a border policemen, Israeli officials deported 415 HAMAS and Islamic Jihad activists to Lebanon in December 1992, including leaders like Abd al-Aziz Rantisi.

Israel had wanted to decrease HAMAS' recruitment successes within the prison system by exiling these prisoners, and it hoped to do so permanently. The move backfired, as it brought world attention to the violation of international law and the human rights of the activists, who were stranded on the southern Lebanese hillside of Marj al-Zuhur. There, instead of being isolated in Israeli prisons, they received visits from journalists, dignitaries, and Fatah representatives.⁸⁰ The deportation also sparked HAMAS' leaders in Jordan to carry out attacks, and more activity centered in the West Bank.

According to some, the deportation followed an agreement between HAMAS and Iran.⁸¹ The Iranians were unhappy with Arafat's détente with Israel and had, in fact, attacked the PLO offices in Tehran. However, the degree of any Iranian relationship with HAMAS is greatly disputed. Israelis claim large-scale Iranian

military and material support for HAMAS from Iran, but others point only to visits to Iran by HAMAS and expressions of solidarity.

OSLO

When the news of the Oslo Agreements broke, which essentially ended the first Intifadha, the situation became much more difficult for HAMAS. Their principles stated that the PLO could not any more claim to be the sole representative of the Palestinian people, and thus had no right to enter into negotiations with Israel without an indicator of the popular will. Further, they, like Khalid Mish'al, hold that it is not up to Israel or the United States to force Palestinians to recognize and submit to occupation via a "recognition" of Israel which amounted to an acceptance of Zionism.⁸² HAMAS tried unsuccessfully to unify those opposed to Oslo and determined to continue its jihad. That meant both dissension and negotiation with the PLO as it took on the PA and was pressed by Israel to contain violence.

Over time, especially as the peace process faltered, there was increasing strife between Fatah and HAMAS. At the same time, ordinary Palestinians began to support HAMAS more strongly as the PA failed to provide substantive and positive gains to show for the trading of land and principles.

By January 2006, HAMAS won a majority in the PA's general legislative elections. This advent brought condemnation from Israel and ensued in a power struggle carried out in several stages with PA President Mahmud Abbas and the Fatah party. The United States, which has included HAMAS on an official list of terrorist organizations for some years, and the European Union (EU) boycotted the PA even though HAMAS established a power-sharing government with Fatah by accepting Abbas' presidency. The Palestinian population and government were cut off from much-needed funds and services like electricity which are paid and distributed through Israel. Meanwhile, various Fatah leaders, like Muhammad Dahlan, were funded and supported to engage in violence against HAMAS.⁸³ Restrictions were placed on travel by HAMAS' leaders like Isma'il Haniya, who had toured Arab and world capitals and raised funds in the postelection period. Haniya was forced to leave all the funds he had raised behind at the Egyptian border when he returned to Gaza. Israeli military attacks continued on Gaza, despite its status of "disengagement." HAMAS had to confront Dahlan, this force, and other PA fighters, the government went without salaries, and the population was cut off from aid.

A media campaign that continues to the present was waged against HAMAS in the West and in the Israeli press. Israel's hope was that the resulting chaos would reestablish Fatah's control over leadership. But apparently more than media efforts were waged against HAMAS. It appears that a "soft coup" was planned, and that forces loyal to President Mahmoud Abbas were to be strengthened at the same time as HAMAS was to be weakened. News of this plan appeared in the Arab press at the end of April 2007 in a disputed document implicating a faction within the U.S. administration and "Arabs (Egyptian and Jordanian)" who plotted to bolster Abbas to the detriment of HAMAS in the wake of the Mecca Agreement, forged between HAMAS and Fatah, and its breakdown.⁸⁴ This supported the Arab view that the United States had opposed Saudi Arabia's initiative taken to end fratricide between HAMAS and Fatah.

Finally, these events led to HAMAS' decision to preempt Dahlan's and Abbas' efforts, in which it routed the Fatah forces in Gaza in battles fought on June 13-14, 2007. Battles also took place in the West Bank. Forgotten was the fact that HAMAS had been legitimately elected but had agreed to a national unity government. To punish them, Abbas "fired" HAMAS' prime minister, declaring his intent to install a new (Fatah) government instead of the 3-month-old national unity government.⁸⁵ The result was two governments, one HAMAS-run in Gaza, and the other under Abbas in the West Bank, although HAMAS is strong enough to challenge Fatah's authority in the West Bank should it wish to do so. HAMAS' position was that it would seek national unity despite the unfair policies against it.

Ziad Abu Amr explained the struggle in this way: "If you have two brothers, put them into a cage, and deprive them of basic essential needs for life; they will fight."⁸⁶ The struggle has in some ways simplified, but in other ways complicated, Israel's approach to HAMAS. It refuses categorically to negotiate with HAMAS and meets exclusively with Abbas' Fatah-drawn government. But this situation cannot continue if there is to be any successful negotiation of the broader conflict.

REVOLUTIONARY RESISTANCE VS. OVERWHELMING FORCE (MEANS)

Israeli aircraft bombed the building where Ahmad Yasin was staying in September 2003, and 6 months later on March 22, 2004, an Israeli helicopter gunship fired air-to-ground *Hellfire* missiles at him as he was being wheeled out of an early morning prayer service, killing eight others, and injuring another dozen people. The international community condemned the assassination; however, Ariel Sharon had directly approved the orders to kill Yasin. Thousands

protested;⁸⁷ however, the policy of targeted killings continued with alRantisi's death on April 17, 2004, and with the deaths of other HAMAS leaders.

Israeli authorities did not distinguish between HAMAS' carefully separated political and military wings, consequently many HAMAS moderates were killed or jailed along with those who could be caught in the secret military wing. However, it was well-known that the political and military wings of HAMAS had long since been separated and were sufficiently independent of each other as to adopt very different political positions. For example, they clashed over the benefit of political participation when the opportunity first presented itself in 1996, and some HAMAS figures ran as independents.⁸⁸

HAMAS' use of violence is its response to what it sees as state terror on the part of Israel. For that reason, it allowed attacks on Israeli military, but not on civilians in acts of revenge. This principle fell apart with the advent of suicide bombings, often an individual, self-recruited action. HAMAS has disallowed such actions during truces, although some other Palestinian groups have enacted them.

In summary, what is needed is to alter both the means employed and the ends sought of both sides in the conflict.

ENDS

Neither Israel nor the Palestinians have a unified position towards the other. Each group is socialized in particular ways, through the educational system, employment experiences; and for Israelis, in the military, in political parties, families, and bureaucracies. To understand the divergent views of the conflict and how each "side" views its goals or ends, one must look more deeply within the two communities.

According to Israeli sociologist Baruch Kimmerling, Israelis had an image of themselves as a unified society under an earlier Zionist self-sacrificing, land-working vision. This vision is no longer accurate, and today he describes seven cultures, all of which have been impacted by the increasing role of religion and militarism. These seven cultures are: "the previously hegemonic secular Askhenazi upper middle class, the national religious [ultra-religious who are nationalists], the traditionalist Mizrahim (Orientals) [meaning Jews from the broader Middle East, Central Asia, India], the Orthodox religious, the Arabs, the new Russian immigrants, and the Ethiopians."⁸⁹ A cultural code of Jewishness (ranging from very devout to atheistic) and a nonsecular system are the only commonality for six of these groupings, and there are distinct limits to Israel's

democracy as Arabs have no real legitimacy in this schema. Security, Kimmerling contends, has become a civil religion in Israel, signaling the subordination of the nonmilitary to the military. And within the six Jewish cultures, he sees three different orientations to the “enemy” (Arabs and Muslims), these being securitist (*bitchonist*), conflict-oriented, and compromise or peace-oriented.⁹⁰

The securitist view is that Israel would be doomed by a major military defeat. The state owes the Israeli people security from this fate. Both war- and peacemaking are functions belonging to the military, according to this way of thinking. The conflict-oriented (who differ slightly from the *bitchonistim*) aim to retain as much land as possible of historic/Biblical Israel for moral and religious, and not just security reasons. These groups include those who want a complete elimination of a Palestinian threat, whether by permanent conquest and deportation, relocation, or other dispersal of Palestinians living where, in their view, Jews should live. But securitists also include those who can conceive of a PA which accepts Israel’s security needs. To both securitists and the conflict-oriented, “security” refers to demographic challenge as much as violence. Compromise-oriented Israelis see that a peace in which Israel was accepted in the region would provide security. Hence, Israel’s desired end-state(s): free of enemies, free of non-Jews, democratic yet halakhic (following Jewish law) are all but unachievable, and are disputed between the three security orientations that cut across its polyglot culture. Of the three, it is the compromise-oriented who are most willing to, or who have already called for, dialogue with HAMAS.

All of this means that the Israeli security culture is not exactly like that in the United States, nor is the Palestinian “security culture” if we can hypothesize one under occupation, and without sovereignty. When the United States seemingly borrows from Israeli military and counterterrorist policies, as it has been accused of doing in Iraq,⁹¹ there are nevertheless certain qualitatively different assumptions that hold, even if the defensive framework (a defense against global terror) takes shape in policies that break with, for instance, the notion of “clean arms” or not attacking civilians.⁹² Mira Sucharov has shown how Israel has developed a defensive security ethic (part of its security culture) but continuously pursued an offensive security doctrine.⁹³ If this is not a paradox, then it may not be so difficult to perceive HAMAS’ intention of defending Muslims, through the means of jihad if necessary, even though this is not a symmetrical struggle or exact mirror image.

HAMAS’ goal is the liberation of Palestine (not destruction of the Jews), and its “frame of reference” is Islam.⁹⁴ HAMAS does aim to create a more Islamic society, but that goal is subordinate to its nationalist or political agenda. Its leaders have differentiated the creation of an Islamic society from the goal of an

Islamic state,⁹⁵ since they state it lacks the means to do so, and must ascertain the will of the people.

It appeals to various segments of Palestinian society which is also polyglot, riven by its division between those who remained in their original homes, or fled within Palestine, and refugees. The refugees outside of the West Bank and Syria comprise a very large number, have supported both the trends of armed conflict and negotiation, and live in varying circumstances. They are treated as citizens in Jordan, but not in Lebanon or Syria. HAMAS has refused to exclude them from the issue, as was essentially forced on other Palestinians attempting to negotiate with Israel. Within Gaza and West Bank, the camp issue and developmental needs of society mean greater public support for whatever political entity appears most effective, which has been HAMAS in recent years. As with Israelis, each sector of society—professionals, workers, camp refugees, students, members of the historic elites, and unemployed or underemployed youth—are divided in their views about their historical experience and future. Individuals' life-histories reveal that many of the young men involved in militance since the Second Intifadha are torn between what they see as the primacy of the conflict and normal desires for stability and their family needs.⁹⁶ Among youth, there is a distinct difference between Israelis who live with, it is true, an existential threat imparted through their society, and high school and military training, but who do not live, as Palestinian youth often do, in such a stressful state of emergency.⁹⁷ Stories of those Palestinians so traumatized that they cannot leave their apartments or homes are not limited only to HAMAS' members or their families. Palestinians' frequent imprisonment places a lot of stress on families.

One al-Aqsa commander I interviewed had been fighting since the age of 13. He was on the run, eluding PA security who had tortured and imprisoned his men, and he spoke to me of the brevity of his visits with his wife who, along with her family members, is hearing-impaired, and he would like to find software to help her.⁹⁸ In fact, HAMAS provided aid to numerous female family members during the chaotic and corrupt 2004-05 period, when women were harassed when they came to collect prisoners' stipends from PA officials.

One can point to diverse "hard-liners" who think that militaristic Israel can only understand force. Alongside them are professionals and others who have tried to use the new global connectivity—the media, internet, messaging—to their advantage, and believe in negotiation but who are worn down by the endless cycles of negotiating and dialoging that seem never to erode Israeli inflexibility and paranoia. For Palestinians, their Arab, Muslim, and Palestinian identities all carry negative weight and instant stereotyping in any interaction with Israel. The Arab and Palestinian parts of their identities were recovered and honored through

political activism. HAMAS has allowed them to express their Muslim identity as well. Being outside the fractious pro- and anti-Arafatist struggle, the socialist-Arab, or Arab-nationalist versus others dynamic, and the conflict between Tunisian returnees versus Territory-based operatives of Fatah, also lent credence to HAMAS, whose leaders have earned their reputation for decency, practicality, and hard work in public service.

RECOGNITION

It is frequently stated that Israel or the United States cannot “meet” with HAMAS (although meeting is not illegal; materially aiding terrorism is, if proven) because the latter will not “recognize Israel.” In contrast, the PLO has “recognized” Israel’s right to exist and agreed in principle to bargain for significantly less land than the entire West Bank and Gaza Strip, and it is not clear that Israel has ever agreed to accept a Palestinian state. The recognition of Israel did not bring an end to violence, as wings of various factions of the PLO did fight Israelis, especially at the height of the Second (alAqsa) Intifadha.

Recognition of Israel by HAMAS, in the way that it is described in the Western media, cannot serve as a formula for peace. HAMAS moderates have, however, signaled that it implicitly recognizes Israel, and that even a *tahdiya* (calming, minor truce) or a *hudna*, a longer-term truce, obviously implies recognition.⁹⁹ Khalid Mish’al states, “We are realists,” and there “is an entity called Israel,” but “realism does not mean that you have to recognize the legitimacy of the occupation.”¹⁰⁰

The issue is fraught with tension for HAMAS. Tension came to the fore when observers interpreted HAMAS’ participation and signing of the so-called Prisoner’s Document (*National Conciliation Document of the Prisoners*) in 2006 (second version June 28, 2006),¹⁰¹ which suggests just this implicit interpretation of recognition of Israel. Due to that popular perception, HAMAS removed its signature; however, the document has been the basis of various sets of negotiations, as in Qatari Shaykh Hamad’s 2006 initiative.

TWO STATES

HAMAS has come to accept a two-state vision, even with the contradiction in terms between this aim and the rights of historic Palestine. Mish’al was asked,

Do you accept a solution based on two states, an Israeli and a Palestinian, according to President George Bush's vision?

[Mish'al] As a Palestinian, I am concerned with the establishment of a Palestinian state and not concerned with the occupation state. Why is the Palestinian being asked and the establishment of two states becomes one of his objectives and principles? The Zionist state exists. I am talking about my absent Palestinian state. I was the one deprived of my state, sovereignty, independence, freedom and self-determination. Therefore we ought to concentrate on how to achieve our rights. I am concerned with the establishment of my state.

[Humaydi (interviewer)] Do you agree with Prime Minister Isma'il Haniyah's remarks: A Palestinian state within the 1967 territories and a truce?

[Mish'al] This is a stand in the movement and it was adopted inside it. The movement accepts a state within the 1967 borders and a truce.¹⁰²

MISTAKES

Excesses in attacks, particularly suicide attacks, on civilians are not acknowledged as crimes or tactical errors by HAMAS, but it is defensive when discussing this issue even when the "martyrs" are not HAMAS members. I have suggested in this monograph that HAMAS' use of violence, and potential relinquishing of violence, is best analyzed at the level of the group, or social movement, and not at the level of the individual. However, much of the literature on radicalization and deradicalization published since 9/11 provides analysis at the individual level. In the Palestinian case, some proffer the most negative insights on repression in Arab society which is supposed to produce violence, and that the glorification of the martyr is a part of ongoing Arab and Palestinian socialization. All of this may be true, but it does not deal with either the facts of occupation which result in direct harm, and human and material loss to Palestinians. Nor does this analysis help us understand the tactical use of violence, and how it can either decrease or increase.

Because they contradicted HAMAS' creed of Palestinian brotherhood, excesses in the fighting with Fatah and revenge activities, especially by lower level cadres in Gaza, were hard for HAMAS to live down, yet seemed to be fairly unavoidable, given the specific factionalization and identification of the strong Gaza clans.¹⁰³ Older secularists, various sectors of Arab Israelis, and those committed to any one of the other four parties of the PLO are not necessarily

comfortable with HAMAS' dominance or vision, but can envision compromise, in which each respects the limitations of the other.¹⁰⁴

HAMAS AND ARAB POLITICAL CURRENTS

The Ikhwan (Muslim Brotherhood) as a broader movement had garnered a great deal of support by championing the Palestinian cause, fighting in 1948 against Israel. But later, as the Ikhwan of Palestine turned towards missionary activity and away from armed resistance, it was the militant PLO that captured popular imagination and allegiances.

HAMAS turned the Ikhwan's survival equation on its head, asserting that the liberation of Palestine is an essential task for the *ummah*, or Muslim community, that rather than waiting for an Islamic society. Enacting the liberation of Palestine will bring about an Islamic way of life. Through this evolution, a certain amount of inter-Ikhwan and Ikhwan-HAMAS tensions emerged, especially in Jordan. These may take a new form, particularly if HAMAS begins negotiations with Israel which would possibly force a shift in the Brotherhood's position toward Israel, thus impacting Egypt and Jordan.

HAMAS' relations vis-à-vis the more secular nationalist movement also represents a dynamic forged over time. The PLO was eventually composed of three "progressive" groups, the Popular Front for the Liberation of Palestine (PFLP), the Democratic Front for the Liberation of Palestine (DFLP), and the Communist Party, along with the much larger organization, Fatah. Since all of Fatah's founders with the exception of Yasir Arafat had been members of the Ikhwan, Islamism was reflected in Fatah and appears in some of the discourse of the al-Aqsa Brigades which emerged from it.

Israel's decision to counter the results of the 2006 Palestinian election by boycotting HAMAS, withholding funds to the PA, and encouraging Mahmud Abbas to create his own nonelected government, have been described as a choice to support a "secular nationalist" movement as opposed to an Islamist nationalist movement which would not recognize Israel in the style demanded by that state. Supporting secularists versus Islamists is not the key to the issue. After all, Israel denied recognition of the PLO for years, likewise treating it as a terrorist movement.

The issue is the fundamentally altered relationship between the stronger Israel and the weak PA, given the PA's acceptance of negotiations and recognition of Israel through the Oslo process through which Israel thought it had solved its "internal Arab" dilemma. That change was threatened by both Intifadhas and then

by HAMAS. HAMAS' transition from violence to political participation to a desire for negotiation really demonstrates a similar pattern, but HAMAS is holding back from formal recognition of Israel on the grounds that it must represent Palestinian popular will (or the will of its constituents).

Israel's interaction with HAMAS is an excellent example of the various lessons of asymmetric conflict that are highly instructive in the broader Middle East. The current situation is also a reflection of weaknesses or failings within Palestinian politics and society that include the aim of the PLO to serve as the sole representative of the Palestinian people, when, in fact, no party or government can ever maintain itself in such a hegemonic position indefinitely.

HAMAS' TROUBLES WITH JORDAN

HAMAS has had a mixed experience in Jordan which reflects the jockeying of Palestinian versus Jordanian interests and changes over time. In September 1997, four Israeli MOSSAD agents attempted to assassinate Khalid Mish'al, HAMAS' spokesman in Jordan, with electronically-delivered poison.¹⁰⁵ He was taken to the hospital, and when King Husayn was informed of the attack, he asked President Bill Clinton to force Israel to reveal the nature of the poison, and brought in a specialist from the Mayo Clinic. Husayn was infuriated by Israel's assumption that it could act freely in Jordan, despite (or possibly because of) the peace treaty, so he then called for the release of Ahmad Yasin.¹⁰⁶

Since King Husayn's 1999 death, it is assumed that more American and Israeli pressure has been brought to bear on King Abdullah, his successor. The GID in Jordan waited for HAMAS officials to leave the country, as they knew the officials were to visit the Islamic Republic of Iran in 1999, and then raided and closed their offices and the offices of their publication and issued charges against them. Other leaders were forced underground. The Jordanian Ikhwan were divided as to the proper response, preferring not to have a break with the government.¹⁰⁷ This forced a transfer of HAMAS officials to Syria, including those who have taken more moderate positions on certain issues.

When Ibrahim Ghosheh left Qatar where he was in exile in 2001 and returned to Jordan, he was ordered to "freeze" his status in HAMAS and, if he did so, he could visit the Kingdom.¹⁰⁸ The Jordanians postponed an official visit by Mahmoud Zahar in April 2006 after the discovery of a weapons cache attributed to HAMAS,¹⁰⁹ which included Iranian-made Katyushas. Whereas Mahmoud Abbas accepted the Jordanian claims, HAMAS rejected them and saw Jordan as playing into the Israeli-inspired dispute with Fatah. HAMAS' defense was that it

has never been interested in fighting any battles (with other Arab entities) but only for Palestine.

HAMAS IN SYRIA

Syria has hosted Palestinian groups since 1967, and at times encouraged tensions with the mainstream of the PLO through its sponsorship of particular factions, its own Palestinian forces, and various forms of interference. Syrian and Palestinian actors in Syria were involved in the rebellion against Yasir Arafat, and the two factions conducted operations against each other though tensions have risen and waned. The Syrians were furious with Arafat when the Oslo Accords were announced. HAMAS, as well as Islamic Jihad, have offices in Damascus, publish there, and reportedly conduct training and planning there.

Khalid Mish'al (the unofficial leader of HAMAS today) and Musa Abu Marzuq (the deputy political leader) are located in Syria due to the practical need to maintain leadership "outside" of Palestinian territory and in light of changed circumstances in Jordan. Periodically U.S. statements appear indicating that Syria will have to rein in its support of "terrorist movements" to qualify for participation in peace negotiations with Israel—this message was conveyed by Speaker of the House Nancy Pelosi — or to be treated more cordially by the United States. Former U.S. President Jimmy Carter met with Marzuq, Mish'al, and Muhammad Nazzal for more than 4 hours in Damascus on April 18, 2008, and Carter urged that peace talks include both HAMAS and Syria.¹¹⁰

In June 2008, Syria's foreign minister, Walid Muellem, announced his country's support for the truce between HAMAS and Israel.¹¹¹ Despite the current excitement over a possible Israeli-Syrian détente and Syria's strong interest in recovering the Golan Heights, HAMAS officials were certain that the Syrian government would not abandon it, not even to clinch a peace deal, said Khalid Mish'al.¹¹² Bouthaina Shaaban, the Syrian Expatriate Minister, confirmed Syria's position that it will not abandon Hizbullah or HAMAS, and that such a demand in return for peace negotiations is like "asking the United States to shake off Israel."¹¹³

HAMAS AND SAUDI ARABIA

HAMAS receives a certain amount of support from Saudi Arabia. The United States has criticized the Kingdom for doing so, and in March 2006, a HAMAS delegation visited Riyadh where the Saudis made it clear that they attached no preconditions to support for the new government, and their aid to the poverty-stricken Palestinians is “humanitarian assistance.”¹¹⁴ Saudi funds were delivered to Palestinians by the Saudi Committee for the Support of the Al Quds Intifadha from 2000 to about 2006, thereafter by the Saudi Committee for the Relief of the Palestinian People, and will thereafter be under a monitored commission. The Committee partners with United Nations (UN) agencies such as the UN Educational, Scientific, and Cultural Organization (UNESCO) to provide scholarships, and the government recently promised funds to rebuild destroyed homes in Gaza and the West Bank. HAMAS is likewise very concerned about its effective community and charitable efforts, and the attacks on these institutions in the West Bank¹¹⁵ from August into September 2008 must concern Saudi Arabia.

PRACTICING RELIGION

HAMAS’ Islamist orientation is alive to the challenges Palestinians faced as Muslims. They lost control over their system of religious education and the appointment of clerics (which fell to Israel, Egypt, and Jordan). They could not visit numerous holy places, mosques, and tombs, many of which were closed. Palestinians in one area are blocked from travel to another, thereby preventing visits to religious sites or persons. They could not travel within the Arab world via Israel, and Palestinians who live in Israel are essentially cut off from the Arab world, except in very recent years when it is far easier for certain categories of Palestinians to travel to Jordan.

Palestinians have historically faced obstacles in performing the *hajj* (pilgrimage) to Mecca, one of the five basic requirements of Muslims. In 2002 Israel prevented all Palestinians under 35 from going on *hajj*. In November 2003, a large number of Palestinians (including women and elderly persons) were denied permission to go on the *‘umrah* (the lesser pilgrimage) during Ramadan. In August 2007, 3,000 pilgrims were stranded at the crossing into Egypt. In late December 2007, over a thousand persons were not allowed entrance back into Gaza from Egypt. Egypt had allowed them into its territory to perform *hajj*, but Israel had closed the border to punish HAMAS and, despite its promotion of

Mahmoud Abbas, gave him no authority to solve the problem. This created a diplomatic headache for Egypt as Israeli Foreign Minister Tzipi Livni took Egyptians to task.¹¹⁶

Israel arrested certain Palestinian pilgrims, namely those thought to be HAMAS members, when reentering, which further illustrates their lack of sovereignty and Israel's willingness to embarrass Egypt and force it to pressure HAMAS by calling attention to the matters of the Gazan-Egyptian tunnels, Gilad Shalit, and other issues.

These problems—like the closure of mosques or blocking of Palestinian visitation to the Haram alSharif in Jerusalem in addition to summary detentions, individual and collective punishments, such as homerazings — fund the Muslim claim that Palestinians are being denied the rights to ordinary life and to practice their religion. This, Yusuf al-Qaradawi, the extremely popular Egyptian preacher watched avidly on AlJazeera, asserts is the reason that they may participate in individual or defensive *jihad*, which had been expressed through suicide attacks and other armed actions.

POLITICAL AND MILITARY STRUCTURE

HAMAS is headed by a political bureau with representatives for military affairs, foreign affairs, finance, propaganda, and internal security. An Advisory Council, or Majlis al-Shura, is linked to the political bureau, which is also connected with all Palestinian communities, to HAMAS' social and charitable groups, HAMAS' elected members, district committees, and the leadership in Israeli prisons.

Major attacks against Israel have been carried out by the Izz al-Din al-Qassam Squads of HAMAS. They also developed the Qassam rocket used to attack Israeli settlements and towns in the Negev desert. However, much of HAMAS' activity during the First Intifadha consisted of its participation within more broadly-based popular demonstrations and locally coordinated efforts at resistance, or countering Israeli raids, enforcing opening of businesses, and the like.

HAMAS protested the autonomy agreement between the Israelis and the PLO in Jericho and the Gaza Strip as too limited a gain. This put it into a more direct type of political confrontation with the PLO, and by the time of the first elections for the PA's Council in 1996, HAMAS was caught in a dilemma. It had gained popularity as a resistance organization, but the entire trajectory of PLO activities in Oslo 1 and Oslo 2 (the Taba Accord of September 28, 1995) were meant to end the Intifadha. The elections would further strengthen the PLO. However, if

HAMAS boycotted the elections and most people voted, then it would be even more isolated. HAMAS' leadership rejected participation in those elections but without ruling it out in the future, and this gave the organization the ability to continue protesting Oslo and build up its political support. HAMAS presence in the universities, high schools, and professional groupings were important to it, and it even established women's organizations which rivaled and challenged the positions of Palestinian feminist groups in this era.¹¹⁷

When suicide attacks were launched to protest Israeli violence against Palestinians, HAMAS was blamed for inspiring or organizing the suicide bombers, whether or not its own operatives or those of the more radical Islamic Jihad were involved. In fact, HAMAS observed a 3-year moratorium on suicide attacks, which was then reestablished for a year, and possibly broken in a January 2008 attack in Dimona which may have been carried out by HAMAS or by other actors.

Suicide attacks are a terrorist tactic that multiplies the impact of a smaller force in an asymmetric struggle. They were first employed by the Tamil Tigers in Sri Lanka in the contemporary period, then in Syria against Syrian government targets, and in Lebanon against Israeli targets, and have spread in recent years to Iraq, Afghanistan, Jordan, Egypt, and Palestine although they were not a typical form of attack prior to this period, as suicide is not allowed in Islam. HAMAS operatives first utilized suicide attacks in 1994, after an American-born Israeli settler, Baruch Goldstein, fired on and threw hand grenades at unarmed worshippers in the al-Haram al-Ibrahimi mosque in Hebron on February 25, killing 29.¹¹⁸ It was thought that Goldstein had attained entry with assistance of Israeli troops. Until that date, HAMAS' only targets were Israeli military. It ceased such attacks, which were very controversial with other Palestinians in 1995, and reintroduced them after the "targeted killing" of HAMAS leader Yahya Ayyash. Israeli sources aggrandized the themes of martyrdom to be found in Islamic history, and blamed much of contemporary Islamic radicalism and Palestinian psychology with its "culture of death."

HAMAS' leaders are defensive about the tactic, even though Palestinians appeared to support its use. The Norwegian group, Fafo, found that 69 percent of those Palestinians polled in 2005 agreed that attacks on Israeli targets were legitimate responses to the political situation. Thus it is clear that ordinary Palestinians see these attacks as being strategic, although they additionally expressed desperation.¹¹⁹ HAMAS, like other Palestinian groups, argue that Israel has killed many more Palestinians than the other way around, and statistics show this to be true. From December 1987 to April 2006, Israel killed 5,050 Palestinians whereas Palestinians killed 1,426 Israelis.¹²⁰ It is clear that Israelis of

lower economic means are more vulnerable to suicide attacks as these have frequently targeted buses.

Declarations of a *tahdiya* (calming) arranged by Alastair Crooke to end such attacks were made in 2002 and 2003. Crooke was the former Security Advisor to Javier Solana, the European Union High Representative. Crooke now heads Conflict Forum which advocates negotiating with HAMAS. Another *tahdiya* was held from March 2005, but the first two were broken when Israelis assassinated HAMAS leaders. Under the current truce, no attacks are being launched by HAMAS on Israel.

A *hudna*, or longer-term truce, (first offered by Shaykh Yasin) would be more encompassing and is conditional on cessation of attacks on civilians, a stop to settlement activities, and withdrawal from the Occupied Territories (the West Bank and Gaza).

ZAKAT AND COMMUNITY

HAMAS' extensive array of social services are aimed at ameliorating the plight of the Palestinians. It provides funding for hospitals, schools, mosques, orphanages, food distribution, and aid to the families of Palestinian prisoners who, numbering more than 10,000 in these years, constituted an important political force. Given the PA's frequent inability to provide for such needs, HAMAS stepped into the breach.

Until its electoral triumph in January 2006, HAMAS received funding from a number of sources. Palestinians living abroad provided money, as did a number of private donors in the wealthy Arab oil states such as Saudi Arabia, Bahrain, and Kuwait, as well as those in the West. Much aid directed to renovation of the Palestinian territories was badly needed, but, unfortunately, a great deal of that rebuilding was destroyed in the Israeli campaign in the West Bank in 2002, which, in turn, was intended to combat the suicide bombings and the al-Agsa Intifadha.

Over the years the IDF has carried out "targeted eliminations" of a number of HAMAS leaders. These include Shaykh Yasin (March 22, 2004); Salah Shihada (July 23, 2002); Dr. Abd al-Aziz al-Rantisi (April 17, 2004); Dr. Ibrahim Al-Makadma (August 3, 2003); and Isma'il Abu Shanab (August 21, 2003). HAMAS has had to develop a capacity to replace leaders who were killed by Israel, and to recover damage to the organization. Beyond the previously mentioned HAMAS activities in Jordan and Syria, there also has been HAMAS activity in Palestinian refugee camps in Lebanon.

When United States cut off \$420 million and the EU cut off \$600 million in aid to the PA's HAMAS-led government, ordinary Palestinians experienced grave difficulties; food, medical supplies, gasoline, and energy were all impacted. Gaza had been impacted by poverty and high unemployment, with about 87.7 percent of all households living in income poverty by mid-2006, and about 61.5 percent said then that they lacked money for daily needs.¹²¹

To prevent total collapse, the United States and the EU promised relief funds, but these were hampered for a lengthy period. Gazans wrote about their difficulties; and the decision was made to risk blowing up in cabs running on cooking oil or simply to walk and to try to run aid activities without supplies or simply leave.

The latest attacks on charitable organizations in the West Bank must cease but that depends on an inter- Palestinian negotiation.

HOSTAGES

On March 12, 2007, the Army of Islam, a group with an al-Qa'ida-like orientation, under the protection of the Gazan Daghmush clan, kidnapped Scottish BBC correspondent Alan Johnston. They held him for 114 days, apparently thinking that Britain would agree to a trade for imprisoned leader Abu Qatada. HAMAS arranged Johnston's release after he was handed over to them in July.¹²²

On July 25, 2006, IDF Corporal Gilad Shalit was captured by fighters who were variously announced as being from the Islamic Army, or fighters from that group, the Al-Aqsa Martyrs Brigade, and an umbrella group including HAMAS. HAMAS obtained custody of Shalit and could negotiate his release, but wanted concessions for doing so, namely a prisoner exchange and probably an opening to the Rafah border. Negotiations took place after the truce began, but stalled even though a prisoner exchange with Hizbullah was concluded. At the time of this writing, senior HAMAS official Ahmed Yousef had announced that there would be a prisoner exchange for Shalit by the end of Ramadan on October 1, 2008, possibly involving the return of HAMAS leaders from Syria to Gaza.

HAMAS' THREAT VALUE

Security analysts frequently exaggerate the threat of political organizations. What is the true threat of HAMAS? Its forces were estimated in Gaza at only

5,000 to 6,000 fighters, which were just a fraction of the 168,000 of the IDF. In the summer of 2007, HAMAS vowed to double its numbers to 12,000. It may now be closer to 10,000 fighters, or other security analysts' figures of 15,000 fighters. In other words, we cannot accurately gauge its threat, except to say it is a much smaller force than the mighty IDF, even though its capacity goes beyond conventional fighting to small numbers who can engage in terrorist attacks. The Fatah Presidential Guard under Abbas numbered only about 3,700, and Abbas hoped to expand this by 1,000 with \$86 million promised by the U.S. Government. That the Bush administration would provide \$86 million to strengthen security forces loyal to Abbas, was reported in the world press.¹²³

In March 2005, Shaul Mofaz accused HAMAS of obtaining *Strela* (SA-7) shoulder-fired anti-aircraft missiles.¹²⁴ Charges that HAMAS is gaining and stockpiling weapons in Gaza, including anti-aircraft missiles, are periodically reprinted in the Israeli press, with no ascertainable accuracy. However, the Qassam rockets that fell periodically on Sderot and surrounding Negev towns were real. Some American analysts also support the idea of an Israel reconquest of Gaza, with the justification that the group was building its strength and weapons capacity.¹²⁵ This argument makes sense only if one would also call for a new Israeli invasion of Lebanon, or for requiring an action by a UN force to disarm Hizbullah. None of these actions will lead to peace or security, and will not result in an end to HAMAS or Hizbullah.

The PA was authorized to have a police force and not an army. The dysfunctionality of that force stems from the PA's lack of sovereignty and the absence of a political solution with Israel, as much as technical deficiencies or problems of corruption.¹²⁶

A future compromise will have to address Palestinian sovereignty. If Israel can never accept a Palestinian army but expects Palestinian self-policing to provide Israel security, one can only expect a large force that will be an employer to the many young men who have known nothing but armed resistance to Israel—as in, for example, the al-Aqsa Martyr's Brigades, which have operated under independent leadership varying by city or town.

HAMAS, THE WEST, AND THE UNITED STATES

HAMAS shares an acceptance of the scientific rational traditions of the West along with moderate Islamist groups like the Muslim Brotherhood. (The fact that both groups are castigated as highly “fundamentalist” and Taliban-like is a great irritant to HAMAS.) HAMAS accepts the legitimacy of the nation-state, as

opposed to bin Ladin and Zawahiri's emphasis on the Islamic nation. The Western training or Western-style education of most HAMAS leaders has much to do with the organization's stances.¹²⁷

The United States had not initially labeled HAMAS a terrorist organization. The State Department acknowledged meetings with HAMAS representatives until March 1993¹²⁸ when Israelis protested. It was aware of Palestinians worldwide, who were either associated with the Ikhwan, or later, HAMAS. Palestinian organizations that were part of the PLO like the PFLP remained on the terrorist list, but practically speaking, the secular nationalist Palestinian groups were legitimated after Oslo despite certain factions' rejection of Oslo. HAMAS, which rejected Oslo but took a neutral stance toward the PA at the time, was increasingly treated as a dangerous terrorist threat in U.S. media from that point up to its victories in the 2006 and 2007 elections.

As a result of U.S. hostility to HAMAS, the organization increasingly regards the U.S. administration, although not the American people, as an enemy. However, HAMAS is not interested in a global jihad like al-Qa'ida, and maintains that its only foe is Israel, hoping that better communications with the United States will emerge, and recognizing that its officials' inability to travel and speak with Americans have damaged its image.¹²⁹

The United States and Israel lobbied the EU to reject HAMAS. Under this pressure, the EU decided to reject the military wing of HAMAS, but not the organization as a whole; until 2003 and even later, certain European countries maintained ties with HAMAS.¹³⁰ Overall, the government-oriented or North Atlantic Treaty Organization (NATO)-oriented security analysts have taken a hard line toward HAMAS and seem slow to realize that backing President Abbas is a losing course.

RECOMMENDATIONS

1. Let HAMAS fulfill its electoral promise to the Palestinians. The International Crisis Group recommended in the summer of 2006 that HAMAS be allowed to govern and should cease hostilities against Israel. Further, the boycott should end,¹³¹ as it has caused terrible hardship for Palestinians.
2. The truce planned for 6 months and embarked on June 19, 2008, could be extended through diplomatic efforts. HAMAS wants Israel to cease military strikes and incursions into Gaza. Israel requires rocket and mortar fire from Gaza into towns like Sderot to cease.¹³² HAMAS needs

to show evidence of substantial positive movement towards sovereignty, prisoner releases or other concrete benefits of the truce to its population, so U.S. policymakers and DoD should strongly support the use of this period for negotiations, as international obligations should not “be undertaken symbolically to rally support for an idea without furthering its attainment.”¹³³

3. HAMAS did not capture Corporal Gilad Shalit but acquired custody of him. (This should alert the international and the U.S. defense audience to the presence of far less controlled, and more extreme entities than HAMAS who might well create chaos in its absence.) While HAMAS held out in late September 2008 for a more significant prisoner exchange, it clearly aimed to redress the damage to its capabilities and the situation of a symbolically substantial number of prisoners. While some Americans have criticized the Israelis for negotiating for hostages, Yoram Schweitzer alludes to Israel’s counter-aim of proving to its citizens that it will not fail in efforts to rescue them¹³⁴ given the military service needs of the state. Similarly, joint doctrine holds that diplomatic means, including negotiations, treaties or truces are possible ways to recover personnel.¹³⁵ HAMAS position is that the more than 11,000 Palestinian prisoners are, in essence, hostages. However, it must prevent its members and other groups from future hostage-taking. The increase in this tactic, like that of suicide attacks could foreseeably continue. Hence U.S. policymakers or representatives acting in concert with Arab and European allies should do everything in their power to discourage the use of this tactic by Palestinians, and not only HAMAS, while convincing Israelis to release prisoners, particularly those of the political category.
4. Israel and the United States need to abandon their policies of non-negotiation and non-communication with HAMAS. A new American President should initiate a much more vigorous and dedicated program in which parties will agree to a sustained process which may take several years to complete, but which is decidedly preferable to the enormous social and economic cost of militaristic group politics that have burdened the Middle East for 6 decades.
5. U.S. policymakers and senior DoD leaders should heed certain lessons in the Palestinian-Israeli example as well as analytical failures of Israeli and Palestinian leadership. It is wrong to summarily replicate the Israeli strategy of seizing territories and enclaves and defending perimeters in other contexts, namely Iraq. Such “clear and hold” policies may appear to work in the short term, but will never produce the true security needed for

nation-building. Just so Israel has asserted its authority over, and oppressed a people whose will to resist could not be quelled, no matter what military, counterterrorist, or collaborator-buying actions were pursued, as their effort lacked legitimacy.

Chaim Herzog characterized Israel as having a “civilian army” with inspired leadership in its first two wars (David Ben Gurion, Moshe Dayan), which “outgeneraled” the Arabs, utilizing the indirect approach, improvisation and flexibility. He acknowledges the IDF’s resulting overconfidence, and Egypt’s brilliant use of deception in the 1973 War. But Herzog completely underestimates the Palestinian people in his summary of the insubstantial threat posed by the PLO in this same work, *The Arab-Israeli Wars*,¹³⁶ missing the very lesson that was oblivious to the French in Algeria, and which another Israeli leader, Ariel Sharon, vowed to get right. Characterizing popular resistance merely as terrorism, or the “long war,”¹³⁷ and facing it down with counterterrorist and barrier-based measures will not succeed in the long run. Locking up the Palestinians in their enclaves will only lead to another outburst of popular resistance, and has not protected the Israeli enclaves, just as no Green Zone, no *cordon sanitaire* can expect to be indefinitely secure.

6. Thus, the EU, the United States, Russia, and the UN should aid the conflicting parties in devising a new approach¹³⁸ to negotiations. This is important, for rather than standing shoulder-to-shoulder to the United States in postponing negotiations, the world’s diplomatic practice needs ample revision, so that the third Intifadha and the seventh Arab-Israeli War need never be fought. The benefits of abandoning silence, boycotts, and secret coups would extend beyond the Arab-Israeli conflict to the issue of nuclear weapons and Iran and other rapprochements necessary to win the war on terror.
7. Moderates on both sides must be strengthened, but not under the selective and factionalizing methods recommended by the Quartet and Israel to date. Instead of just one specific final-solution oriented peace process, a whole variety of forums must be opened between Israelis and Palestinians, including HAMAS, with direct and indirect components that tap into the existing or past dialogue functions held in neutral locations so that, when negotiations are well underway, peacemaking, state-building, and economic plans will also be actualized.
8. The parties could consider an internationalization of Jerusalem with specific reference to the holy places there. The Palestinian and Israeli positions are far apart on the issue, but it is worth noting that in terms of

international law, East Jerusalem was a part of the West Bank until its conquest and occupation in June 1967 under the Regulations of the Fourth Hague Convention of 1907, Articles 42 and 43; the Fourth Geneva Convention of 1949, Articles 1 and 2 (which Israel ratified in 1951); the First Protocol of 1977, Part 1; and UN Resolutions 2253 and 2254 and Security Council Resolution 252, which treats Israel's unification of Jerusalem as an illegal act.¹³⁹ This is the reason that other nations do not recognize Jerusalem as the capital of Israel and locate their embassies in Tel Aviv.

9. Jerusalem may be a more emotional issue than the matter of Palestinian refugees—except to the Palestinians, their refugees, and their descendents. HAMAS' position is that they must be considered and offered rights of return because those are the rights possessed by all Jews in the world today. HAMAS' officials have added, as do others, that it is very likely that not many would return, and that a staged process granting a set number per year could be established, thereby alleviating certain other longstanding situations in Lebanon and Syria, for example. A related solution is reparations for refugees, or both. These issues cannot be dealt with immediately, but should not be put off as in the Oslo process, or ignored or denigrated by Israelis to the extent that Palestinians lose trust in the other side.
10. Dismantling the settlements in the West Bank, and the corporate seizures and Israeli usage of land in the Jordan Valley which actually carves off a huge section of the West Bank, is essential to a resolution of the crisis.
11. The solution to the armed fighter presence in Palestinian society is to absorb HAMAS like other groups within the Palestinian security apparatus, but that rests on the acquisition of a national-unity government healing the HAMAS-Fatah rift as the Saudi government had attempted in Mecca and a successful settlement as discussed. The dissolution of the al-Aqsa Brigades in the West Bank shows this can be done, even though there were serious rifts between Fatah-proper and the Brigades.

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ENDNOTES

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- ² John Quigley. *Palestine and Israel: A Challenge to Justice*, Durham and London: Duke University Press, 1990, 189-197.
- ³ I spent 11 months of this period in Israel/Palestine. So many aspects of the conflict appeared differently on the ground than as reported in Egypt or the U.S. However, I was especially struck by the predominant Israeli inertia towards peace, those who accepted the status quo and knew few, if any, "Arabs," and feared them. In contrast, I also encountered not insubstantial

numbers of Israelis who opposed their government's positions and were working actively to make or maintain connections with Palestinians. See Zuhur, *An Outsider in Israel*, Institute of Middle Eastern, Islamic, and Diasporic Studies, in press.

4 B'tselem, The Israeli Center for Human Rights in the Occupied Territories, Statistics, www.btselem.org.

5 *Ibid.*

6 Whereas Palestinians suffered deaths and injuries in a far higher ratio than Israelis throughout the conflict, Israel was particularly concerned by deaths and injuries as a result of terrorist actions such as suicide bombings. In 2005 alone, there were 479 incidents, with 302 injuries and 74 fatalities, far more incidents than in Pakistan, Afghanistan, India, Thailand or Nepal for that year, however, with much lower incidences of death and injury. Source: *MIPT Terrorism Knowledge Base*, 2005.

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- 54 *Ibid*, 208-217.
- 55 Sela and Mishal, 26.
- 56 Tamimi, 30.
- 57 *Ibid*, 33.
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- 61 Nels Johnson, *Islam and the Politics of Meaning in Palestinian Nationalism*, London: 1982, 31.
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- 63 *Ibid.*, January 1990.
- 64 Khalid Mish’al in interview with Azzam Tamimi, Damascus, August 14, 2003; see Tamimi, 149.
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- 66 Tamimi, 265-270.
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- 69 *Ibid.*, 280.
- 70 *Falastin al-Muslima*, March 1990, 10.
- 71 Nikki Keddie, “ Autobiographical Interview,” in *Women in the Middle East: Past and Present*, Princeton: Princeton University Press, 2007, 343.
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- ⁷⁷ Hroub, *Hamas for Beginners*, 73.
- ⁷⁸ *Ibid.*, 78.
- ⁷⁹ Islah Jad, "Between Religion and Secularism: Islamist Women of Hamas," Fereshteh Nourai-Simone, ed., *On Shifting Ground: Muslim Women in the Global Era*, New York: Feminist Press, 2005.
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- ⁸⁷ Larry Derfner, "The Assassination of Sheikh Yassin: Sharon Opens the 'Gates of Hell'; Fear and Loathing in Israel," *Washington Report on Middle East Affairs*, Vol. 23, No. 4, 2004, 12-15.
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- ⁸⁹ Baruch Kimmerling, *The Invention and Decline of Israeliness: State, Society, and the Military*, Berkeley: University of California Press, 2.
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- ¹²⁹ Hroub, *Hamas*, 112; author's personal interview with Hasan Yousef, August 2005; author's personal interviews with Naser el-Din al-Shaer and Hatem Rabah Qafishah, August 2007.
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- ¹³¹ Gareth Evens and Robert Malley, "How to Curb the Tension in Gaza," *Financial Times*, July 6, 2006. Similar views to those expressed by William Arkin, August 7, 2006, blog.washingtonpost.com/earlywarning/2006/08/let_hezbollah_and_HAMAS_govern.html, were found throughout the Middle Eastern press.
- ¹³² *New York Times*, June 18, 2008.
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¹³⁵ U.S. Department of Defense *Joint Publication* 3-50, 1-3.

¹³⁶ Herzog, *The Arab-Israeli Wars*, 362-368.

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Chapter 2

ISRAEL AND HAMAS: CONFLICT IN GAZA (2008-2009)

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SUMMARY

On December 27, 2008, Israel launched a major military campaign dubbed “Operation Cast Lead” against the Palestinian Islamist militant group Hamas in the Gaza Strip in order to counter Palestinian rocket fire and, more broadly, to significantly weaken all aspects of Hamas rule in Gaza. On January 3, 2009, Israel began a ground offensive into Gaza intended to eliminate Hamas’s willingness or capability to launch rockets at Israeli towns and cities. As of January 14, Israeli bombings and ground forces had reportedly killed over 1,000 Palestinians, while 13 Israelis had been killed by Palestinian rockets and attempts to counter the ground invasion.

Some Israeli observers have suggested that neither toppling the Hamas regime nor permanently ending all rocket attacks is a realistic goal. Nevertheless, by temporarily disabling Hamas’s military capacity and slowing its rearmament, Israel could ease the frequency and intensity of

Hamas attacks in the months ahead as it prepares to deploy new, more sophisticated anti-rocket defense systems. One complicating factor for Israel is time: the longer Operation Cast Lead runs without a definitive outcome in Israel's favor, the more pressure will grow for a cessation of hostilities.

The unraveling of the six-month *tahdiya* or temporary cease-fire between Israel and Hamas that led to the December 2008 outbreak of violence in and around the Gaza Strip can be linked to several factors—some tactical, some more deeply-rooted. Some commentators have said that giving up on the cease-fire was in both sides' interests.

The world response to the Gaza crisis has been characterized by consistent calls for an end to the violence and by concern over the humanitarian situation in Gaza. Both houses of Congress have passed resolutions supporting Israel's right to defend itself. The crisis has exacerbated tensions between countries in the region with a relatively pro-Western orientation—like Egypt, Jordan, and Saudi Arabia—and other countries and non-state actors—like Iran, Syria, and Hezbollah. Egyptian-facilitated talks aimed at halting the fighting continue after a United Nations Security Council resolution calling for an “immediate, durable and fully respected ceasefire” was passed unanimously on January 8, with the United States abstaining.

U.S. President-elect Barack Obama will likely be compelled to address the Gaza situation directly at the outset of his administration. The incoming 111th Congress may be called upon to increase various forms of assistance to Israel, to the Palestinian Authority headed by President Mahmoud Abbas, and to Palestinian civilians in order to support a sustainable post-conflict order that guarantees Israel's security and attends to the needs of the Palestinian humanitarian situation.

The Gaza crisis constitutes a conundrum for all involved. Israel would like to avoid a drawn-out invasion and occupation of Gaza, but at the same time does not want to abandon the military operation without assurance that the end result will leave Israelis more secure from rocket attacks. Although the ground attack might endanger its rule in Gaza, Hamas may welcome it in the hopes of miring Israeli forces in close-quarters combat to strip away their advantages in technology and firepower and in hopes of heightening perceptions that Palestinians are being victimized. Linking the cessation of violence in and around Gaza with international enforcement of a truce or a broader regional security initiative may be possible, but, at present, no proposed solution appears straightforward. This report will be updated as necessary to reflect further developments.

INTRODUCTION: ISRAEL'S 2008-2009 GAZA CAMPAIGN¹

Overview of the Conflict

On December 27, 2008, Israel launched an extensive military campaign dubbed "Operation Cast Lead" against the Palestinian Islamist militant group Hamas in the Gaza Strip in order to counter Palestinian rocket fire into southern Israel and, more broadly, to significantly weaken all aspects of Hamas rule in Gaza. Initially, coordinated Israeli air strikes against pre-selected targets took Hamas by surprise, as the operation commenced in full daylight (Hamas expected any attack to come at night) and was timed to coincide with a meeting of Hamas's leadership as well as a graduation ceremony of hundreds of new Gazan police cadets. In addition to Hamas weapons caches and military facilities, Israel has targeted other elements of Gaza's infrastructure that it believes support Hamas's military objectives, including mosques, the Islamic University of Gaza, Hamas's Al Aqsa television station, the homes of Hamas militants and government officials, a wide range of government buildings, and a network of smugglers' tunnels along the border with Egypt. Israeli air strikes have reportedly killed senior Hamas officials and militants, including Hamas interior minister Said Siam (who was responsible for various security apparatuses in Gaza, was a key security liaison between Hamas's political and military wings, and was known as an extremist among Hamas's top leadership ranks in Gaza), Salah Abu Shraikh (head of Hamas's general security service), and Mahmoud Watfah and Shaykh Nizar Rayyan (influential figures within Hamas's military wing (the Izz al Din al Qassam Brigades)).²

On January 3, 2009, Israel expanded its operations by beginning a ground offensive—sending thousands of troops over Gaza's northern border, along with tanks, armored personnel carriers, and artillery divisions. Observers presume that the ground operation began in the north largely to disable Palestinian rocket launch sites that took advantage of the area's relative proximity to targets in southern Israel. Palestinian rocket attacks on southern Israel have continued (see the inset section "Palestinian Rocket Attacks from Gaza: Threat Assessment and Israeli Responses" below), although their frequency appears to have gradually diminished as the fighting has endured. Hamas and other allied Palestinian militant groups have reportedly moved more rocket-launching operations into densely-populated sectors of Gaza City and to areas further south that are less endangered by Israeli forces.

As of January 14, Israeli air and naval strikes and ground forces had reportedly killed over 1,000 Palestinians, including hundreds of Hamas gunmen

but also hundreds of Palestinian civilians (civilians represent at least half of the total deaths, according to reports), while 13 Israelis had been killed—four from Palestinian rocket fire and nine from other fighting. For a more detailed breakdown of casualties and internal displacement, see “Impact on Civilians” below. Israeli officials also have said that several Hamas fighters have been taken into Israeli custody.

Having captured military targets in the northern sector of Gaza (e.g., weapons caches, rocket launch sites, bunkers), the Israeli forces positioned themselves around Gaza City during the week of January 5 after taking control of Gaza’s main north-south highway, and there has been close-quarters fighting between Israeli forces and Hamas gunmen in various Gaza City neighborhoods and in towns in the immediate vicinity such as Jabalia. By cutting off northward access and effectively stopping all tunneling from Egypt, Israeli forces are seeking to prevent Hamas from supplying their fighters with weapons from the south of Gaza.

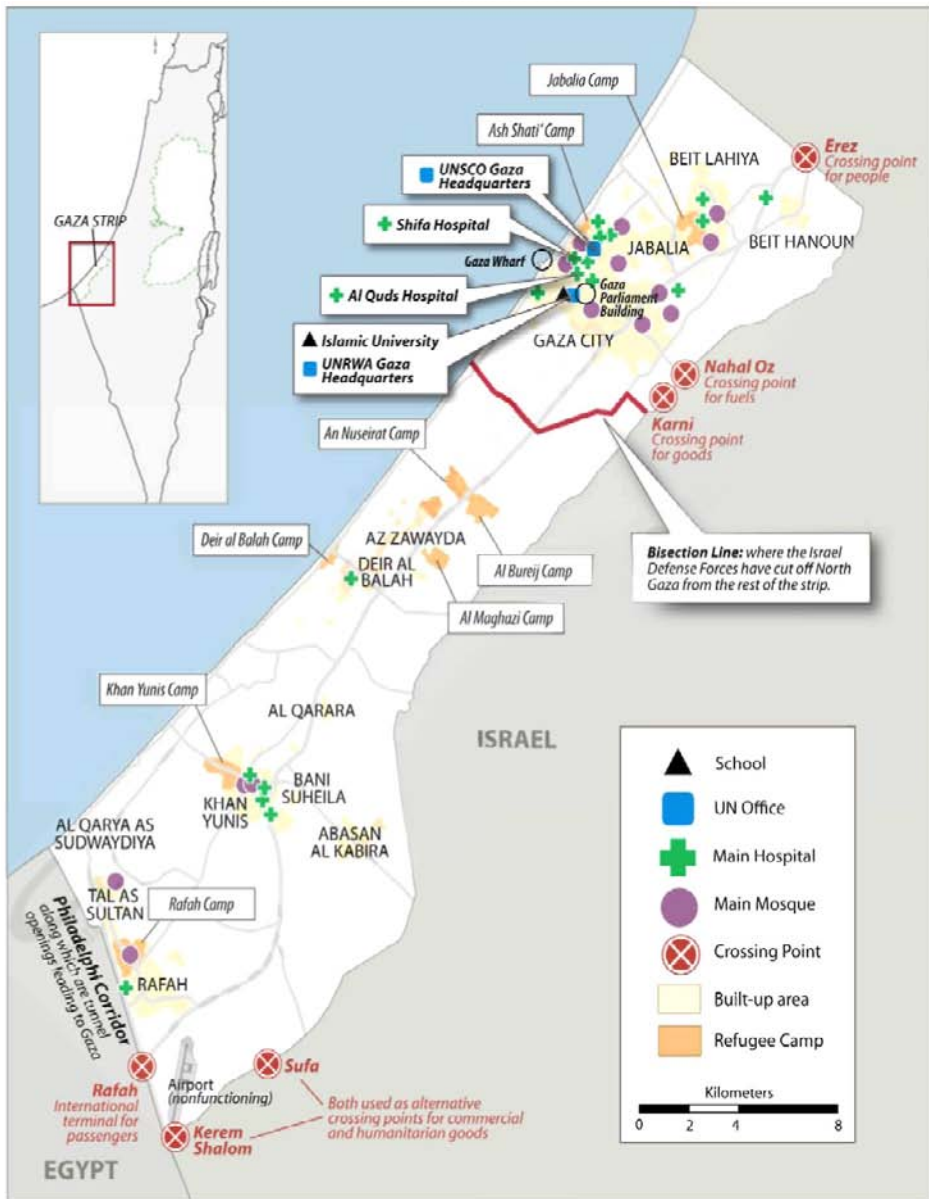
Israeli officials allege that Hamas’s guerrilla warfare tactics of deception (fighting in civilian clothes, using tunnels and bunkers, and using civilian buildings for military purposes) are based on Iranian training and on methods used by Hezbollah (the Lebanese Shia militant group whose summer 2006 war with Israel is regularly compared by observers to the conflict in Gaza).³ According to Yuval Diskin, the head of Israel’s Shin Bet (internal security service), senior Hamas leaders have even used Gaza’s main medical center, Shifa Hospital (see location on **Figure 1**), as a hideout (see “Impact on Palestinian Civilians” below). Despite Hamas’s use of these tactics, Israeli ground forces do not appear to have met lasting formidable resistance from Hamas fighters or prepared positions. Israel has reportedly gained valuable intelligence from Gazans it has detained, from captured maps and plans, and from subterfuge. Israel’s decision to have its troops go in “heavy,” using armored vehicles and firepower even in urban environments and warning civilians to leave ahead of time, is also thought to have kept Israeli casualties low, perhaps at the price of greater threats posed to Gazan civilians.

According to Israeli Defense Minister Ehud Barak, Israel’s attacks were intended to deal Hamas a “severe blow,” ending its willingness and capability to launch rockets at Israeli towns and cities. As the third week of fighting began, Prime Minister Ehud Olmert said that Israel was “getting close to achieving the goals it set for itself but that “more patience, determination and effort are still demanded.” There are reports that Israel believes that the Gaza-based leadership of Hamas is inclined to accept a cease-fire, given the setbacks it has suffered in the fighting and its seemingly weakened military capacity. The Gaza leadership’s

views may be at odds with the proclaimed stance of Damascus-based Hamas political chief Khaled Meshaal, who reportedly has been conferring with Iranian and Syrian leaders throughout the conflict and has demanded that Israel end its assault and open all border crossings before agreeing to a cease-fire. As the week of January 12 began, Israeli Defense Ministry official Amos Gilad and representatives from Hamas were talking separately with Egyptian facilitators regarding a possible end to the fighting.

U.S. and Israeli media sources report an ongoing debate among Olmert, Barak and Israeli Foreign Minister Tzipi Livni over how the war should end and whether Israel should seek a cease-fire with Hamas or unilaterally declare victory at some point.⁴ Thus far, significant domestic public approval has accompanied Israel's military operations. An Israeli announcement on January 11 that its reservists have entered the fighting alongside its regular army divisions could signal the beginning of a "third phase" to the conflict, in which Israel may engage more directly in urban warfare in an attempt to further weaken and pressure Hamas militants and leaders, may seek to seize the strip of Gazan land immediately bordering Egypt to gain control of the smuggling routes, and may even try to end Hamas rule in Gaza.⁵

As of January 15, Israeli forces were reportedly thrusting further into Gaza City. The Gaza headquarters of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and Al Quds Hospital have both sustained damage (see the locations of both sites on **Figure 1**; also see "Impact on Palestinian Civilians" below). After U.N. Secretary-General Ban Ki-Moon (who had just arrived in Israel to try to facilitate an end to the fighting—see "United Nations" below) said that Barak had apologized to him for the damage inflicted on the UNRWA building (which has injured three UNRWA staff members and may have involved incendiary white phosphorus shells) and had called the incident a "grave mistake,"⁶ Olmert— while expressing regret—told Ban that Israel fired in response to Hamas attacks from the UNRWA compound.⁷



Sources: U.N. Office for the Coordination of Humanitarian Affairs (including for the Bisection Line) and UNOSAT, with additional data from UNRWA; adapted by CRS. Note: All locations are approximate.

Figure 1. Map of the Gaza Strip in the 2008-2009 Conflict

Major Developments — Military, Diplomatic, and Humanitarian⁸

The intensification of Israeli military operations has led to heightened international pressure for an end to hostilities. As the second week of fighting neared its end, the United Nations Security Council passed Resolution 1860 on January 8, which called for an “immediate, durable and fully respected ceasefire leading to the withdrawal of Israeli forces from Gaza.” Diplomatic attention centered around a joint Egyptian-French proposal to end hostilities and establish a sustainable post-conflict order, but both Israel and Hamas have thus far refused to halt the conflict. Resistance by Egypt to allowing greater international authority over smuggling prevention efforts from its side of the border, along with disagreements over which parties might be assigned responsibility for the crossings from the Gaza side of the border, may have made a compromise elusive.

Getting updates on developments in the Gaza Strip has been made more difficult due to Israel’s barring of the international media from entering the territory independently (only a small group has been permitted into Gaza, accompanied by Israeli troops), even though the Israeli Supreme Court issued an order during the first week of the conflict requiring that some journalists be admitted. Asked to explain the continuing embargo, Daniel Seaman of Israel’s Government Press Office said, “Any journalist who enters Gaza becomes a fig leaf and front for the Hamas terror organization, and I see no reason why we should help that.”⁹

Many have called attention to what they characterize as a humanitarian crisis for the people of Gaza, although Israel insists that it is not targeting Gaza’s population at large—only Hamas. Starting on January 7, Israel instituted (and Hamas has generally reciprocally observed) what it calls a “humanitarian corridor”—a lull in violence for three hours every day—in order to allow medical assistance in conflict areas and to allow trucks to bring needed goods and supplies to Gazan civilians. Some, however, insist that this measure does not sufficiently address the situation. There is also evidence that Israeli forces may have accidentally shelled a residential site in the Zeitoun neighborhood south of Gaza City to which some Israeli troops had previously gathered about 110 civilians, killing about 30 and injuring dozens more, and that the Israelis kept the site and a broader area of the neighborhood off-limits to international rescue and health care providers for up to four days. For more information on the humanitarian situation in Gaza, see “Impact on Civilians” below.

One of the most controversial events of the ground offensive to date has been the January 6 shelling by Israeli forces of a school in Jabalia (just north of Gaza City) operated by UNRWA. When the school was hit—killing approximately 40

Palestinians and wounding dozens more—it was being used as a civilian shelter. Israeli officials have vacillated in their public statements regarding whether Palestinian militants were firing from the U.N. school grounds or from an adjacent area, while U.N. officials have maintained that no firing came from the school grounds and have called for an independent investigation. Reported Israeli strikes on two other U.N. schools (one in Jabalia, one in Gaza City) and on two U.N. humanitarian aid convoys (which killed one U.N. worker and injured two others), despite the United Nations' insistence that its buildings and vehicles were clearly marked and their locations provided to Israeli officials, have led to condemnation by U.N. Secretary-General Ban Ki-Moon of Israel's actions vis-à-vis the convoys and to a one-day suspension of U.N. food delivery operations (see "Impact on Palestinian Civilians" below). An Israeli military spokesman claimed that Hamas was attacking humanitarian convoys and blaming the attacks on Israel.¹⁰

Another notable occurrence was the firing of at least two Katyusha rockets on January 8 from southern Lebanon into northern Israel (near the town of Nahariya). The rockets did not cause fatalities, but did lead to two injuries at a senior care facility that was hit. Israel fired back at the location from which the rockets came, but did not retaliate further. The timing of the firing initially led Israel and many observers to wonder whether Hezbollah was attempting to open a second front in the conflict, but subsequent indications are that Hezbollah was not directly responsible, and the Israeli government has expressed its belief that the rocket fire was an isolated incident. Nonetheless, some analysts believe that Hezbollah and/or Iran may have orchestrated or at least consented to the firing to cause confusion in Israel and to portray themselves as defenders of the Palestinian cause, and that the indirect, low-level nature of the attack may have been intentionally calibrated to avoid a major Israel reprisal. These suspicions grew on January 14 when another volley of three or four Katyusha rockets was fired into northern Israel from southern Lebanon (and shortly thereafter, three more Grad-style rockets that were set to be fired were reportedly discovered and dismantled by Lebanese troops), once again triggering return fire from Israel aimed at the source.

The Conflict's Origins

Prior to the start of Israel's campaign, experts warned that a full-scale resumption of Israeli-Palestinian violence was imminent, as Egyptian mediation failed to extend the six-month ceasefire (*tahdiya* or calm) that expired on December 19, 2008. Each party felt as though the other was violating the terms of

the original cease-fire. Hamas demanded—unsuccessfully—that Israel lift its economic blockade of Gaza, while Israel demanded—also unsuccessfully—a full end to rocket fire and progress on the release of Gilad Shalit, an Israeli corporal who has been in Hamas’s captivity for more than two years.

Violence had already resumed in the waning days of the cease-fire. After an Israeli raid on November 4 (ostensibly aimed at preventing Hamas’s use of tunnels to abduct Israeli soldiers), rocket fire on Israel from Hamas and other Palestinian militant groups in Gaza resumed with greater intensity (see the inset section “Palestinian Rocket Attacks from Gaza: Threat Assessment and Israeli Responses” below). Some analysts speculated that the cross-border skirmishes and rocket fire that continued into December represented jockeying by both parties for more favorable renegotiating positions as the cease-fire’s December 19 expiration approached.¹¹ On the 19th, Hamas issued a statement on its website that “The cease-fire is over and there will not be a renewal because the Zionist enemy has not respected its conditions.” On December 24, approximately 88 rockets were fired into southern Israel from Gaza, followed by another 44 on December 25.¹² The magnitude of this violation of Israeli airspace and territory—although it did not cause casualties—apparently prompted the Israeli leadership’s decision to launch the December 27 air strike and larger offensive.

Palestinian Rocket Attacks from Gaza: Threat Assessment and Israeli Responses¹³

Since 2001, several Palestinian terrorist groups based in the Gaza Strip have attacked communities in southern and coastal areas of Israel with thousands of indiscriminately fired rockets and mortars. During the second Palestinian intifada or uprising in 2001, Hamas militia members and others fired homemade mortars at Israeli settlements in the Gaza Strip and launched the first locally produced “Qassam” rockets, named after the early 20th century militant leader Shaykh Izz al Din al Qassam. Widely-available household ingredients, such as fertilizer, sugar, alcohol, and fuel oil, serve as propellants for the low-cost Qassam rockets, which are fabricated locally from scrap metal and pipes and armed with smuggled explosives. Teams of engineers, chemists, and machinists have improved the range and payload of the Qassam series rockets over time, and several individuals and facilities associated with rocket research and production operations have been targeted in Israeli military raids.

(Continued)

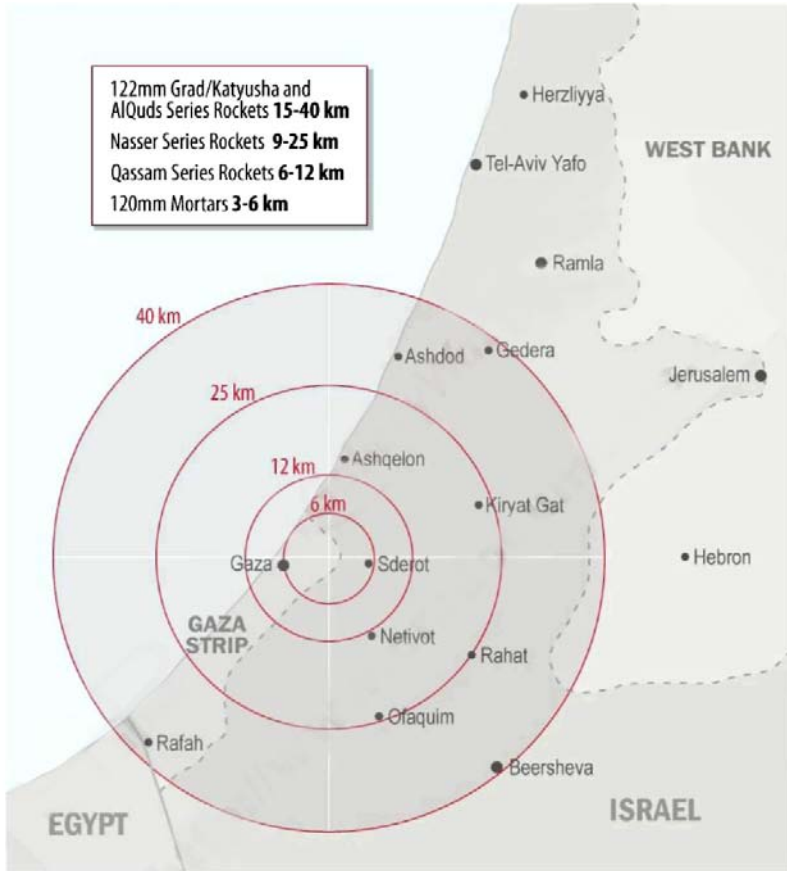
Since 2006, longer-range 122mm Grad rockets and 122mm Grad-style copies, often referred to as Katyushas, have expanded the range of Hamas and its allies beyond relatively small Israeli communities near the Gaza border, such as the town of Sderot (population est. 24,000), to the larger coastal cities of Ashqelon (population est. 120,000) and Ashdod (population est. 200,000) and to the Negev city of Beersheva (population est. 185,000). Similar mid-range rockets have been fired by Palestinian Islamic Jihad (Al Quds series) and the Popular Resistance Committees (Nasser series). A map showing the approximate range of various Gaza-based rockets and mortars appears as **Figure 2** on the next page.

Press reports allege that some 122mm rockets fired against Israel have been Grad-style copies made in Iran, while others have been Eastern-bloc editions modified to expand their range and lethality. The longer range Grad rockets are believed to be smuggled into the Gaza Strip via tunnels from Egypt. The approximately 7,000 rockets and mortars fired by Palestinians since 2001 have killed at least 18 Israelis and wounded dozens, while the persistent threat of rocket fire has had a broader negative psychological effect on Israelis living in targeted communities.¹⁴ Some observers estimate that Palestinian militants in Gaza may have had as many as 10,000 rockets at their disposal at the outset of the conflict, up to a third of which may have been Grad-style rockets.

In response to ongoing rocket attacks, Israel has invested millions of dollars in both passive and active defense measures, including an advance warning alert system known as ‘Color Red’, safe room construction programs in residential areas near Gaza, and the deployment of a new counter-rocket defense system known as ‘Iron Dome’. In December 2008, the Israeli cabinet issued final approval for a three-stage plan to build reinforced security rooms in all 8,500 housing units within 2.8 miles of the Gaza Strip. The cost of the program is estimated to be over \$200 million.¹⁵ Reports suggest that Israel has budgeted \$230 million for the development and procurement of the Iron Dome system; its rocket interceptor costs are estimated at \$45,000 each, with a total annual system deployment cost in areas around Gaza estimated at \$25 million. Some Israeli military officials and public figures reportedly favor the deployment of a less mobile, but potentially more cost effective directed laser system, based on the work of the joint Israeli-U.S. Tactical High Energy Laser (THEL) research program that was terminated in 2004.¹⁶ For more detailed information on Israeli rocket defense measures, see “Defense Budget Appropriations for U.S.-Israeli Missile Defense Programs” below.

Although it appears that the timing of the conflict’s outbreak was driven primarily by the end of the cease-fire, the fact that it occurred during the U.S. presidential transition and on the eve of Israeli elections scheduled for February 2009 (not to mention just two weeks before the possible, although disputed, expiration of Abbas’s PA presidential term on January 9, 2009¹⁷) has led some observers to speculate that these political factors had at least partial influence on

Israel's and Hamas's actions. In any event, it now appears likely that the fighting in and around Gaza could impact near-term political developments.¹⁸



Source: Map Resources, adapted by CRS. Data based on reporting by *Jane's Missiles and Rockets* and Israeli government statements to international media outlets.

Note: All ranges listed for weapons are approximate and may vary based on launch sites and the characteristics of individual rockets, most of which are locally produced and some of which are modified from their original foreign designs.

Figure 2. Range of Selected Rockets and Mortars Fired from the Gaza Strip.

Can Israel Achieve Its Goals?¹⁹

Operation Cast Lead appears to have been planned well in advance. Some Israeli observers have suggested that although the military has unleashed a devastating series of bombings, neither toppling the Hamas regime nor permanently ending all rocket attacks is a realistic goal—even with the ground forces that have been inserted. Instead, observers suggest that Operation Cast Lead seeks to severely cripple all aspects of Hamas's presence in Gaza—military, economic, and cultural—so that it would take several years of rebuilding for Hamas to return to its pre-December 2008 strength. By temporarily disabling Hamas's military capacity, Israel could substantially ease the frequency and intensity of Hamas attacks in the months ahead as it prepares to deploy new, more sophisticated anti-rocket defense systems. With Gaza blockaded by land and sea, Israel has calculated that it would take Hamas significantly longer to rearm and rebuild than it took for Hezbollah after its war with Israel in 2006 (see the inset section "Palestinian Rocket Attacks from Gaza: Threat Assessment and Israeli Responses" above).

Some military experts have suggested that survival is Hamas's main goal, as the organization may try to retain some rocket capability until the fighting wanes. One complicating factor for Israel is time: the longer Operation Cast Lead runs without a definitive outcome in Israel's favor, the more pressure, both internal and external, will grow for a cessation of hostilities. Furthermore, the risk of unintended regional escalation, though it remains low, is always a possibility.

A weakened Hamas may be more susceptible to accepting terms of reconciliation offered by its Palestinian rival Fatah (the political movement currently headed by Mahmoud Abbas, who is both President of the Palestinian Authority (PA) and Chairman of the Executive Committee of the Palestine Liberation Organization (PLO)), which has been bolstered by international assistance and Israeli engagement over the past year. The prospects for reconciliation between Hamas and Fatah, which many believe to be integral to effective Israeli-Palestinian peace negotiations, may be undermined by the selective targeting of Hamas and the passive acceptance of the Israeli offensive by Fatah, the PA, and the PLO that many observers claim is apparent despite statements of opposition.²⁰

THE UNRAVELING OF THE ISRAEL-HAMAS CEASE-FIRE²¹

The unraveling of the *tahdiya* or temporary cease-fire between Israel and Hamas that led to the December 2008 outbreak of violence in and around the Gaza Strip was not only a result of short-term tactical considerations by Israel and Hamas (see “The Conflict’s Origins” above), but reflective of the deeply-rooted dilemma posed by Hamas’s steady rise in influence over Israeli-Palestinian relations during the last 20 years and more recently in Gaza proper. Because of its militant, anti-Israel ideology and its acts of terrorism, Hamas has been politically and financially isolated by Israel, the United States, and other international actors—making any engagement with the organization, even through third parties, extremely difficult. Israel has repeatedly asserted that Hamas will remain in isolation until it renounces violence and, more importantly, recognizes Israel’s right to exist as a nation-state.

Background of Hamas in the Gaza Strip

Since Hamas’s inception, it has maintained its primary base of support and particularly strong influence in the Gaza Strip, even though its current political headquarters is in Damascus, Syria. Hamas’s politicization and militarization can be traced to the *intifada* (“uprising”) that began in the Gaza Strip in 1987 in resistance to the Israeli occupation. Hamas refuses to recognize the right of Israel to exist, refuses to renounce the use of violence, and refuses to consider itself bound by previous agreements reached by the PLO with Israel. For these reasons, the United States designated it as a Foreign Terrorist Organization in 1997, and U.S. aid to Palestinians has been tailored to bypass Hamas and Hamas-controlled entities.

Hamas’s victory in January 2006 Palestinian legislative elections set in motion a chain of events that has led to the current crisis. The refusal of the United States, the European Union, and much of the rest of the world to have direct dealings with or to give financial assistance to a Hamas-dominated PA cabinet led to a tense standoff that was only temporarily averted by a February 2007 Hamas-Fatah “unity agreement” brokered by Saudi Arabia. These tensions contributed to the factional fighting between Hamas and Fatah that led to Hamas’s forcible takeover of the Gaza Strip in June 2007. In response to the Hamas takeover, PA President Abbas dissolved the Hamas-led cabinet and appointed a “caretaker” technocratic PA government in the West Bank, leading to renewed

U.S. and international assistance for the PA in the West Bank that prompted Hamas to tighten its grip on Gaza even further.

The Cease-Fire and Its End

As the vulnerability of Israeli cities and towns near the Gaza border to mortar and rocket fire from an Hamas-controlled Gaza became clearer, Israel and Hamas indirectly agreed (via Egyptian mediation) to the six-month cease-fire in June 2008. In return for a moratorium on attacks, Hamas understood that Israel would open the Gaza border crossings to allow a flow of workers and goods. One ostensible aim of the cease-fire was to facilitate a prisoner exchange agreement—Israel's release of a number of Palestinian prisoners in exchange for Hamas's release of Israeli corporal Gilad Shalit. Yet, as discussed earlier in this report (see "The Conflict's Origins" above), no such agreement was achieved.

For the first five months, the cease-fire held relatively well. Some rockets were fired into Israel, but most were attributed to non-Hamas militant groups, and, progressively, Hamas appeared increasingly able and willing to suppress even these attacks. No casualties were reported (only minor property damage was incurred), and Israel refrained from retaliation.

Nevertheless, Israel cited the sporadic rocket fire as justification for keeping the border crossings and Gaza's seaport closed to nearly everything but basic humanitarian supplies. Hamas, other Arab leaders, and international organizations involved in aiding Gazan civilians complained that Israel was reneging on its promises under the agreement. Some in Israel believed that the pressure applied through a blockade on Gaza could squeeze Hamas from power by turning Gazans against the Islamist group, while other observers asserted the exact opposite—that confining economically desperate people in Gaza would likely increase their dependence on Hamas. The nearly complete shutdown of the highly export-dependent Gazan economy²² left Israel and its supporters open to charges that they were knowingly worsening the already-precarious situation of Gaza's population—one of the most densely concentrated (Gaza's 1.5 million people live within the territory's 146 square miles) and poorest in the world. The United Nations estimates that at least 80% of Gazans live below the poverty line.

Many believe that, all along, both sides considered the temporary cease-fire to be merely an opportunity to prepare more fully for eventual conflict. Accounts of Hamas's military buildup and its use of tunnels from Egypt's Sinai Peninsula for smuggling weapons, and reports describing how Israel devised plans for the Gaza offensive, support this argument. Some commentators have said that giving up on

the cease-fire was in both sides' interests—asserting that Hamas wanted to reclaim the mantle of “heroic resister” in order to reverse recent erosions in its popularity among Palestinians since its takeover of Gaza, while Israeli leaders wanted to prove their ability to defend Israeli citizens on the eve of national elections.²³

IMPACT ON CIVILIANS²⁴

The fighting in Gaza and southern Israel during this conflict has affected both Palestinian and Israeli civilians. Questions have been raised over who is a legitimate target. Rockets from Palestinian militants in Gaza are almost exclusively fired with the aim of killing and terrorizing Israeli civilians. Israel's bombing campaign and ground offensive has targeted Hamas, but some have charged that Israel's targeting of cultural, residential, and governmental sites has disproportionately impacted Gaza's civilian population despite Israel's insistence that these sites are inextricably linked with Hamas's military operations.²⁵ Israeli officials and media have alleged that Hamas has virtually or actually used Gaza civilians as “human shields,” citing Hamas's use of homes, mosques, schools, and hospitals for military purposes and its militants' immersion in densely-populated areas. The toll exacted goes beyond civilians' immediate well-being to possible implications for regional politics (see “International Response,” “The General Palestinian Response,” and “Conclusion: Strategizing an Exit and a Future” below) and post-conflict reconstruction (see “Humanitarian Aid (Including to UNRWA) and Other Economic Assistance to Palestinians” below), including concerns over further radicalization on either or both sides.

Impact on Palestinian Civilians

In spite of periodic humanitarian relief shipments allowed by Israel, ongoing fighting has further deteriorated the already dire humanitarian situation in the Gaza Strip. While casualty and injury figures are difficult to verify, the U.N. Office for the Coordination of Humanitarian Affairs (OCHA) estimates that, as of January 14, 1,013 Palestinians have been killed, including 322 children and 76 women, and 4,560 have been injured in the fighting (but OCHA estimated the number of critical injuries to be slightly more than 10% of total injuries as of January 11). The number of displaced persons is estimated between 80,000 and 90,000, including up to 50,000 children. The United Nations Relief and Works

Agency (UNRWA) is operating 41 shelters housing 37,937 people in the Gaza Strip. Shelters are overcrowded and it is problematic to open new shelters due to security concerns.²⁶

Access to food, potable water, and services such as electricity and sanitation also are extremely limited. The January 11 OCHA report states that approximately 500,000 of Gaza's 1.5 million residents have no access to running water and that infrastructure damage has raised concerns about contamination of existing water supplies. On January 10, the Gaza City Wastewater treatment plant was reportedly hit by Israeli fire and the extent of the damage is yet unknown. According to U.N. reports, shortages of fuel and food have compounded humanitarian concerns and the functions of relief agencies have been limited because of security concerns. Hospitals are reportedly running on backup generators and, due to shelling, only an estimated 35 of 58 primary health care clinics are open. Health care supplies and staff are also in short supply.

The United Nations temporarily suspended deliveries into Gaza on January 8 due to personnel casualties, which U.N. representatives claim occurred despite the scheduled lulls in the fighting intended to facilitate the flow of relief aid and despite coordination with Israeli officials and the IDF.²⁷ The International Committee of the Red Cross (ICRC) also suspended deliveries into Gaza for a limited time on January 8 out of concerns for its workers' safety. At the same time, the ICRC issued an unusually direct statement claiming that the Israeli military had not met its obligations under international humanitarian law in allowing for the care and evacuation of the wounded in connection with shelling damage mentioned above in the Zeitoun neighborhood of Gaza City (see "Major Developments—Military, Diplomatic, and Humanitarian"). The January 15 reports of damage sustained by UNRWA's Gaza headquarters and Al Quds Hospital in Gaza City (see "Overview of the Conflict" above) are likely to intensify concerns that the Israeli military is not distinguishing between military targets and civilian areas with sufficient precision.²⁸

As mentioned above (see "Overview of the Conflict"), a recent Israeli report alleges that senior Hamas leaders in Gaza are "hiding" in the basement of Shifa Hospital, Gaza's flagship medical facility (see location on **Figure 1**). This further fuels allegations that Hamas leaders are willing to endanger civilians to protect themselves, while also raising concerns about a military strike against the facility, which could potentially cause large numbers of civilian casualties and damage or destroy the hospital—further exacerbating the humanitarian crisis.²⁹

Impact on Israeli Civilians

As of January 14, an estimated 13 Israelis have been killed (four from rocket fire), including four civilians, and approximately 58 civilians have been injured (not counting those treated for shock).³⁰ Over 600 rocket attacks have been launched by Hamas into southern Israel since the official expiration of the cease-fire on December 19, 2008—according to Israel’s Shin Bet, some 565 (plus some 200 mortars) since the beginning of the Israeli offensive on December 27.³¹ Hamas and other Palestinian militant groups firing rockets and mortars target Israeli civilians specifically, and some observers argue that the arbitrary nature of these attacks compound the physical danger they represent with severe psychological repercussions that cannot be quantified.³² The siren alert system used to warn civilians of incoming attacks provides only momentary warning time for Israelis to head to shelters, and because the rockets are fired indiscriminately, virtually no place can be safely ruled out as a target—further contributing to Israeli anxieties.

Since Operation Cast Lead started on December 27, 2008, Hamas rockets have hit a school, open markets, homes, and other sites in Sderot, Gedera, Ashdod, Ashqelon, Beersheva, and elsewhere in southern Israel. As mentioned above (see “Major Developments—Military, Diplomatic, and Humanitarian”), northern Israel has also been hit by rockets originating from Lebanon on January 8 and January 14, prompting concerns among Israelis in the north that they might have to be on indefinite alert. The government of Israel has stated that it is the right of its people to feel safe in their homes, and other analysts have alluded to the “expectation of normal life.”³³

INTERNATIONAL RESPONSE³⁴

The worldwide response to the Gaza crisis has been characterized by consistent calls for an end to the violence and by concern over the humanitarian situation in Gaza. Protests broke out in numerous Middle Eastern and other international capitals, and the Arab media have continuously aired footage of casualties in Gaza. The crisis also has exacerbated existing tensions between countries in the region with a relatively pro-Western orientation—like Egypt, Jordan, and Saudi Arabia—and other countries and non-state actors—like Iran, Syria, and Hezbollah. European and other Western countries have generally faulted Hamas for starting the crisis but some, including France, also have criticized the Israeli response as disproportionate.

International Community

Much of the international community outside the Middle East has expressed concerns about the humanitarian situation in Gaza but has generally placed the blame for the current violence squarely with Hamas. Nevertheless, all parties have called for an end to or, at the very least, a de-escalation of the violence.

On January 6, Egyptian President Hosni Mubarak, with support from France and Turkey, put forth a proposed initiative to address the situation in Gaza. While some specifics of the proposal are still ambiguous, the initiative included a call for an immediate cease-fire to facilitate the delivery of humanitarian supplies and an “urgent meeting” between Israelis and Palestinians to agree on specific arrangements to ensure a durable cease-fire, secure Gaza’s borders from arms shipments, and reopen all crossing points into Gaza. Delegations from both Hamas and Israel were scheduled to meet separately with Egyptian officials in Cairo during the week of January 12 to discuss the proposal.

United nations

Libya, a United Nations Security Council (UNSC) member, called for a special session of the UNSC after the Israeli air strikes began. The UNSC met on December 28 and issued a statement expressing “serious concern” over the situation in Gaza and calling for an “immediate halt to all violence.” The statement also included a call for expanded humanitarian assistance to the people in Gaza. According to the *Washington Post*, a stronger UNSC statement urging an immediate cease-fire was blocked on January 4 by the United States.³⁵

As the fighting wore on for a second week, the UNSC convened on January 8 and adopted Resolution 1860 by a vote of 14-0 with one abstention (the United States). Resolution 1860 calls for an “immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza” and: 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; and in this regard, welcomes the Egyptian initiative, and other regional and international efforts that are under way.³⁶

In a January 12 speech in Ashqelon, Israeli Prime Minister Olmert claimed that his personal intervention with President Bush was responsible for changing the U.S. vote on Resolution 1860 from a “yes” to an abstention:

In the night between Thursday and Friday, when the secretary of state [Condoleezza Rice] wanted to lead the vote on a ceasefire at the Security Council, we did not want her to vote in favour. I said 'get me President Bush on the phone.' They said he was in the middle of giving a speech in Philadelphia. I said I didn't care. 'I need to talk to him now.' He got off the podium and spoke to me. I told him the United States could not vote in favour. It cannot vote in favour of such a resolution. He immediately called the secretary of state and told her not to vote in favour.... [Secretary Rice] was left shamed. A resolution that she prepared and arranged, and in the end she did not vote in favour.³⁷

A State Department official has denied Olmert's claim, stating that the abstention was planned and that "The government of Israel does not make US policy."³⁸ After the vote, Secretary Rice explained the U.S. abstention by stating that the United States thought it important to see the outcomes of the Egyptian mediation efforts in order to "see what this resolution might have been supporting."³⁹

Both Israel and Hamas rejected the call for an immediate ceasefire; Israel responded by calling Resolution 1860 "unworkable" and fighting continued. Both sides also expressed concerns about the Egyptian proposal. As Israel intensified its ground operation on January 10-11, reports circulated that Israel was planning to use the Egyptian-facilitated talks during the week of January 12 to demand an end to smuggling along the Philadelphi Corridor at the Gaza-Egypt border.⁴⁰

Hamas representatives complained that they were not initially consulted about the specifics of the Egyptian proposal, and Hamas spokesman Usamah Hamdan said that the initiative "contains points which do not meet the expectations of the Palestinian people," but did not reject it altogether.⁴¹ U.N. Secretary-General Ban Ki-Moon is visiting the region during the week of January 12 in hopes that he can help facilitate an end to the fighting.

United states

The United States has joined the international community in calls for a ceasefire but maintains that Israel is justified in retaliating against Hamas's attacks. In a State Department press release, Secretary Condoleezza Puce said that the United States "strongly condemns" rocket attacks against Israel and "holds Hamas responsible" for breaking the truce and for the renewal of violence. The statement also called upon all concerned to address the humanitarian needs of the people in Gaza. President Bush has echoed this statement in his remarks since.

Members of Congress have expressed support for Israel's operations in Gaza. S.Res. 10, passed by unanimous consent in the Senate on January 8, recognizes

the “right of Israel to defend itself against attacks from Gaza and reaffirm[s] the United States’s strong support for Israel in its battle with Hamas, and supports] the Israeli-Palestinian peace process.” A similar resolution, H.Res. 34, passed the House on January 9 by a vote of 390-5, with 22 voting present.

Middle East

Regional responses to the conflict have consistently condemned the Israeli air campaign and ground invasion as “disproportionate” and tantamount to a “massacre” of Palestinians in Gaza. Governments as well as other regional leaders have issued statements criticizing the attack. For example, Grand Ayatollah Ali al Sistani, the prominent Iraqi Shia cleric, condemned the attacks as “barbaric.” Iranian President Mahmoud Ahmadinejad and Syrian President Bashar al Asad called the Israeli campaign “outrageous aggression.”⁴² Near the end of the second week of fighting, Al Qaeda second-in-command Ayman al Zawahiri said that the Israeli offensive was a “Zionist-Crusader campaign” against Islam and Barack Obama’s “gift” to the Palestinian people before he takes office. Zawahiri called on Muslims around the world to respond by hitting “Zionist and Crusader” targets around the world and by all available means.⁴³ Osama bin Laden followed Zawahiri’s statement with an unauthenticated audiotaped message—bin Laden’s first public statement since May 2008—that circulated on Islamist websites on January 14, exhorting Muslims to wage holy war on Israel and criticizing Israel’s “Arab allies.”⁴⁴

There were more moderate reactions. In a joint press conference, the Egyptian and Turkish foreign ministers urged both parties to stop attacks and called for Palestinian reconciliation. They also focused attention on humanitarian needs in Gaza. Contrary to the views of its own citizenry and some of its parliament members, the Jordanian government also has taken a more tempered position, though King Abdullah II has condemned the attacks and called on Israel to halt all military actions in Gaza. As the conflict continues and the humanitarian toll grows on both sides, moderate responses have given way to outrage reflected both in leaders’ statements and in public opinion.⁴⁵

In addition to condemning Israel, some regional voices are criticizing certain Arab governments. These criticisms reflect existing intra-Arab and Sunni-Shia fault-lines. As protests have broken out across the region and as Arab media outlets have run footage from Gaza, Al Qaeda, Hezbollah, Syria, and Iran have charged moderate Arab governments of complicity in the attacks because of their inaction. In particular, the Egyptian government faces increasing criticism for its

refusal to open the Rafah border crossing (which links Egypt with Gaza) for humanitarian aid. See “Mounting Pressure on Egypt” for a more detailed discussion of the criticism against Egypt.⁴⁶

POSSIBLE CONSEQUENCES OF THE GAZA CAMPAIGN⁴⁷

Effect on the Arab-Israeli Peace Process

Some observers maintain that the impact of the fighting in and around Gaza and the resulting casualties, damage to infrastructure, loss of goodwill, and regional uncertainty could change the dynamics on which the Arab-Israeli peace process have been based, making progress at best unpredictable and at worst indefinitely unattainable.⁴⁸ Although the Israeli-PLO negotiations formally initiated by the U.S.-sponsored Annapolis Conference in November 2007 did not meet the conference’s goal of a peace agreement by the end of 2008, prior to the outbreak of major violence in December many observers speculated that the incoming administration of Barack Obama might seek to capitalize on the momentum from Annapolis to encourage further Israeli peace negotiations with both the PLO and Syria. Among the determinants of the amenability of a post-conflict situation to a reprise of the peace process, the most important may be: how long the conflict lasts and how it ends, its intensity, the degree to which the respective parties are characterized as aggressors, and the positions of various regional and international actors during and after the conflict (including in relation to post-conflict reconstruction in Gaza).

Prospects for an israeli-palestinian two-state solution

As anticipation built that no final-status peace agreement would be forthcoming in the months prior to the end of President Bush’s tenure in office, there was widespread speculation among Israeli, Palestinian, and international actors over the possibility that the Oslo process concept of a two-state solution involving the establishment of a Palestinian state alongside Israel might not be tenable for much longer. Before the conflict in Gaza, several interested parties on both sides had advanced possible alternatives to a two-state endgame, but many observers believed that each of these parties’ intentions was primarily tactical—aimed at improving its side’s bargaining position in final-status negotiations.⁴⁹

Now, however, it appears that some observers are genuinely pessimistic that an end to the violence in Gaza would allow for a resumption of the peace process. Some doubt that international efforts to broker a peace settlement can succeed

given that many Israelis and Palestinians appear to believe that fighting is the better option. They point to changes in the regional environment from the Oslo period of the 1990s (immediately following the Cold War) to a more charged post-9/11 era featuring a U.S./Sunni Arab/Israeli rivalry with Iran. They also point to regional trends signaling the political ascendancy of nationalist movements featuring Islamist elements at the expense of those featuring secular and/or pan-Arab elements. This leads them to believe that the official PLO position of peaceful engagement with Israel may vanish with the decline of Abbas's secular Fatah movement and the continuing rise of Hamas and other Islamists, especially if Hamas's control of the Gaza Strip survives the conflict and the continued gulf between Gaza and West Bank Palestinians fuels further cultural and political separation.⁵⁰ Hamas's opportunity to broaden its appeal may rest on its success at convincing Palestinians that the Abbas strategy of peaceful engagement plays into the hands of an Israel that seeks to weaken the Palestinians by sowing division through the false hope of a future state.⁵¹

Others maintain that the conditions for peace have not fundamentally changed and that, although the conflict in Gaza may set back negotiations for a while, the parties are likely to resume talks at some point, just as they did following previous cycles of violence. Some might argue that the weakening of Hamas in Gaza as a result of the fighting may actually bolster Abbas, the PA, and the PLO—even possibly returning them to some form of control or joint control with Hamas in Gaza—and confer greater legitimacy on them to negotiate authoritatively with Israel on behalf of Palestinians. Some might assert that the post-conflict situation could lead to a heightened sense of urgency among the parties and the international community to resolve the conflict once and for all.

A syria-israel peace deal: still in the cards?⁵²

Over the past year, speculation has been widespread over the prospect of a renewed Syria-Israel peace track, though it would appear that the latest round of fighting has tempered expectations for the short term. Syria has said that Israel's December attack on Gaza "closed the door on the Syrian-Israeli indirect talks," which had been brokered by Turkey over the last several months.⁵³ With an incoming Obama Administration perceived as amenable to sponsoring Syria-Israel peace talks, some observers had hoped for a resumption in direct bilateral negotiations in 2009. Outgoing Prime Minister Ehud Olmert had recently traveled to Turkey to discuss the Syria track and, during Olmert's trip, Syrian President Bashar al Asad held a press conference where he stated that Syria and Israel are "now laying the foundations" for peace through their indirect talks. Nonetheless, most observers believe that, ultimately, the results of Israel's February elections

will determine the direction of Syria-Israel peace talks. Should the more hawkish Likud party score a decisive victory in February, its rise to power and the tense climate over Gaza may combine to stall negotiations for the near term.

Mounting Pressure on Egypt⁵⁴

Outside the immediate theater of war, the Gaza conflict has posed a challenge for Egypt's policy toward Hamas. Egypt's northern Rafah border crossing to Gaza remains mostly sealed, thereby directly reinforcing Israel's own closure of the Gaza Strip.⁵⁵ As mentioned briefly earlier in this report (see the "Middle East" subsection under "International Response" above), Palestinians, the wider Arab world, and Egyptian citizens themselves all have accused the Mubarak government of colluding with Israel to the detriment of Palestinian civilians. On December 28, Hezbollah chief Hassan Nasrallah said:

We are facing a partnership [with Israel and the USA] by some Arab states, and complicity by some other Arab states concerning the events in our region.... go out to the streets...open this [Egypt-Gaza] crossing [at Rafah] with your bare chests.... I am for the generals and the officers to go to the political leadership, saying: the honor of our military uniform.... does not allow us to see our kinsfolk in Gaza being slain while we guard the borders with Israel."⁵⁶

The Egyptian government has responded by asserting that Hamas itself is to blame for the failed cease-fire, as one pro-government editorial suggested that "If you can't kill the wolf, don't pull its tail."⁵⁷ Although Egypt has officially called on Israel to stop, not to widen, its military operations, President Hosni Mubarak stated that the Rafah border will remain closed until Palestinian Authority forces loyal to PA President Mahmoud Abbas, not Hamas, can be deployed along the Egypt-Gaza border. Egypt's state-owned media have responded vigorously to the charges of collusion with Israel, simultaneously condemning Israel for its attacks and chastising Hamas for irrationality and for the death of an Egyptian border guard in armed clashes with Palestinians.⁵⁸

Since Israel's withdrawal from Gaza in 2005, Egypt has been placed in a difficult position vis-avis Hamas. On the one hand, it has attempted to serve as an intermediary between Hamas and Israel and to broker Hamas-Fatah unity negotiations. On the other hand, the Mubarak government, unlike many of its own citizens, does not sympathize with Hamas and wants to keep it isolated but,

because of domestic political considerations, is sensitive to accusations that Egyptian policy is tantamount to the collective punishment of Gazan civilians. In addition, the secular Mubarak regime is opposed to Islamists wielding real political power, and it fears that Hamas could serve as a model for Egyptian Muslim Brotherhood activists who may yearn for an Iranian-style revolution in Egypt.

Impact of Conflict on Israeli Election⁵⁹

Israel is scheduled to hold a national election on February 10, 2009. Along with Prime Minister Ehud Olmert, Foreign Minister Tzipi Livni and Defense Minister Ehud Barak decided to launch Operation Cast Lead against Hamas. Livni and Barak also are heading the Kadima and Labor party lists, respectively, in the election and, therefore, are candidates to succeed Olmert as prime minister.

In the run-up to the election before the Gaza conflict, Likud—led by opposition leader, former Prime Minister, and peace process skeptic Benjamin Netanyahu—held a decisive lead in most public opinion polls. Kadima was a close second and Labor was trailing badly, with some polls suggesting that it could sink to fifth place in the multi-party field. Some analysts maintain that the decision to launch the Gaza offensive was motivated by Israeli officials' election calculus, while others say that the election merely provided the context for the decision. Those who contend that the election was determinative suggest that Livni needed to burnish her leadership and security credentials before the election because she is perceived as a security novice. A barrage of negative Likud campaign advertisements had emphasized her inexperience by describing Livni as "out of her league," and her supporters' only response was that Likud was "sexist." At the same time, in order to revive Labor as a viable contender, Barak, a former chief of staff of the Israel Defense Forces (IDF) and former prime minister, needed to overcome public antipathy to his personality and a widespread perception that he had failed as prime minister.⁶⁰

After the first week of the Gaza campaign, some polls indicated that the electoral race may have changed, with Kadima in first place or tied with Likud, and Labor registering a sharp rise to third place.⁶¹ Other, perhaps less prominent polls continued to predict a large Likud victory and a major Labor loss.⁶²

Even if the election were not the primary reason for the assault on Gaza, the Gaza situation will greatly influence the election outcome. There still is fluidity in the electorate's preferences. A successful military campaign could boost the election prospects of Livni and Barak. Both have been in the forefront of media

attention and their conduct may affect voters. Livni has sought to appear strong and decisive, unyielding to international interlocutors seeking a rapid cease-fire and calling for the eventual toppling of Hamas. She has said that Israel cannot exist next to a "terrorist state." Livni also is known to have been skeptical of the previous cease-fire, arguing that it simply enabled Hamas to rearm. Meanwhile, Barak generally has seemed pragmatic, cautious, and strong, often limiting his stated goal to ensuring security for Israelis living in southern Israel. He will get much of the credit if Operation Cast Lead is successful because of his role in rebuilding the IDF, which had been shaken by the 2006 war against Hezbollah, and as the planner of a victorious military operation against Hamas.

Nonetheless, Netanyahu still may become prime minister. He is certainly set to revive Likud's political fortunes and the party undoubtedly will post major gains over its disappointing showing in the 2006 election. Netanyahu blames the government for the rising threat from Hamas since Israel's August 2005 withdrawal from Gaza, over which he had resigned from former Prime Minister Ariel Sharon's cabinet. After that withdrawal, he repeatedly called for action against Hamas and demanded its toppling. During the current crisis, Netanyahu has patriotically supported the government's action. Netanyahu, fluent in "American" English and a master of media, even has acted as a spokesman for the government and defended the Gaza operation to foreign news outlets at Olmert's request. Likud has shelved its negative campaign against Livni at least temporarily in favor of a patriotic, unifying theme: "Strong Together - the Likud with the IDF and the Residents of the South." In the end, Netanyahu may be able to withstand the electoral challenges from Livni and Barak if the government appears to be following his policy prescriptions. Moreover, some in Likud suggest that Labor's rise would be more at the expense of Kadima than of Likud.

There is a consensus that Likud, Kadima, and Labor have gained during the crisis from the prominence of their leaders in the public eye and the many smaller political parties have lost. The latter have been overshadowed and unable to gain attention. All parties have ceased campaigning until Israel's Gaza military operations end so as not to appear unpatriotic.

At this time, none of the polls or analyses may accurately predict the election results as the vote is likely to turn on the outcome of the conflict and on the Israeli voters' perception of Israel's success or failure. If Hamas continues to be a threat by retaining or regaining the ability to continue to launch rockets into southern Israel and/or if the terms of a cease-fire are not seen to favor Israel, then the public probably will conclude that Israel had been defeated and an overwhelming Likud victory is probable. That victory could be followed by the formation of a right-wing coalition government opposed to territorial concessions to both the

Palestinians and Syria in a peace process.⁶³ If the Hamas threat is diminished or controlled, then Kadima and Labor may be able to withstand a right-wing tide and cobble together a centrist coalition. Such a government might proceed with a peace process on all tracks (Palestinian, Syrian, Lebanese) that could result in significant Israeli territorial concessions.

The election may take place as scheduled on February 10. Alternatively, it could be postponed, depending on how long the conflict continues and the extent to which it may impede voters in southern Israel from voting. As of the second week in January, only smaller parties were calling for a delay. The 1973 Israeli-Arab war provides a precedent for rescheduling. At that time, a previously scheduled national election was postponed from October to December.⁶⁴

The General Palestinian Response

Questions remain over how Palestinians in Gaza and the West Bank will react to the Gaza conflict, both in the short term and in the long term. Although a third *intifada* has been called for by Damascus-based Hamas political chief Khaled Meshaal and endorsed by Lebanese Hezbollah leader Hassan Nasrallah, the response in Gaza (where the general population is mainly concerned with survival) and the West Bank has been relatively muted. Although anti-Israel demonstrations have taken place in the West Bank, some analysts believe that Palestinian confusion or hesitancy over whether to side with Hamas against the PA and other Arab countries and general weariness and/or despair over current circumstances may have lessened the demonstrations' potential to lead to violent uprisings. Although the possibility of an uprising—ranging from political demonstrations and civil disobedience to suicide and rocket attacks—may be minor, it remains as long as there is the potential for anti-Israel outrage at mounting civilian casualties and damage to cultural and civic institutions in Gaza.

IMPLICATIONS FOR U.S. POLICY AND THE IIITH CONGRESS⁶⁵

The Incoming Obama Administration

From proactive to reactive?

During his campaign and presidential transition, U.S. President-elect Barack Obama and his foreign policy advisors have indicated an interest in proactively engaging in the Arab-Israeli peace process as part of a strategy to advance U.S.

interests and improve stability throughout the Middle East. The Israeli offensive in Gaza, however, could put Obama's incoming administration in a more reactive position.

Obama and his advisors will likely be compelled to address the Gaza situation directly, either in connection with efforts to bring an end to the violence or to provide a sustainable post-conflict order that guarantees Israel's security, deals with Palestinian political realities (including the role of Hamas), and attends to the needs of the population in Gaza. Possible approaches to this situation are discussed below (see "Conclusion: Strategizing an Exit and a Future").

Public diplomacy challenges

Many have anticipated that Obama's skills at communicating could help improve the U.S.'s image abroad, particularly among Middle Eastern Muslims. One of Obama's much-noted plans is to give a speech in the Muslim world early in his presidency to help—in his words—"reboot" U.S. relations with the Arab and Muslim worlds by speaking of shared interests and values.⁶⁶

The fighting in and around Gaza, however, may have preempted Obama's public diplomacy plans to some degree. Veteran U.S. Middle East peace negotiator Aaron David Miller has asserted that the violence would speak louder to many Muslims about the United States "than any words Obama could utter."⁶⁷ Moreover, the Israeli leadership has used Obama's own words to imply approval of Israel's actions. While describing the objectives of the Gaza offensive in a December 29 address before the Knesset, Israeli Defense Minister Ehud Barak reminded his listeners that during Obama's campaign trip to the southern Israeli city of Sderot—one of the prime targets for rockets from Gaza—he said that "if rockets were being fired at his home while his two daughters were sleeping, he would do everything he could to prevent it."

Obama has not spoken at length about the conflict. On January 7, he expressed "deep concern" at the loss of civilian lives on both sides and made the following statement:

I am doing everything that we have to do to make sure that the day that I take office we are prepared to engage immediately in trying to deal with the situation there. Not only the short-term situation but building a process whereby we can achieve a more lasting peace in the region.⁶⁸

In a January 11 interview with ABC's *This Week*, Obama added that seeing civilians harmed makes him "much more determined to try to break a deadlock that has gone on for decades now."

Despite possible difficulties posed for U.S. public diplomacy, the worldwide attention the Gaza conflict has attracted could present an opportunity for the new administration to rally support for its desired approach to Israeli-Palestinian issues. In his first weeks and months in office, Obama will probably deliver at least three speeches of potential worldwide import (his inaugural, his first State of the Union, and the Muslim world address) in which he may clarify U.S. intentions regarding the situation and frame his approach. Obama's challenge will be to enunciate his approach clearly and to make the larger case that the approach is in the best interests of the American public and of interested stakeholders in the Middle East and worldwide. Doing so might compel Obama to explain the interests he seeks to prioritize and the assumptions underlying his priorities. On the other hand, he might choose to downplay the peace process entirely, calculating that the Israeli-Palestinian conflict is too intractable for his incoming administration to overcome.

Possible Options for the Incoming IIIth Congress

Defense budget appropriations for U.S.-israeli missile defense programs⁶⁹

Although Israel's Operation Cast Lead is designed to thwart Palestinian rocket fire, over the long term, Israel has recognized that it will require new missile defense systems capable of knocking out short range projectiles. The Israeli government has sought U.S. assistance not only in countering long-range ballistic missile threats, but also in co-developing short-range missile defense systems to thwart rockets fired by non-state groups, such as Hamas and Hezbollah (see the inset section "Palestinian Rocket Attacks from Gaza: Threat Assessment and Israeli Responses" above).

Congress and successive administrations have shown strong support for joint U.S.-Israeli missile defense projects. U.S.-Israeli missile defense cooperation has perennially been authorized and appropriated in the defense authorization and appropriations bills. PL. 110-329, the FY2009 Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, provides a total of \$177.2 million for U.S.-Israeli missile defense programs, a \$58 million increase over the President's FY2009 request.

Iron Dome

As mentioned earlier, Israel is currently developing a short-range system, dubbed "Iron Dome," to destroy crude, Palestinian-made rockets fired by Palestinian militants in the Gaza Strip.⁷⁰ Iron Dome, which is expected to be

deployed in 2010 at a development cost of \$215 million, is designed to intercept very short-range threats up to 40 kilometers in all-weather situations. It is being developed by Rafael Advanced Defense Systems.

Reportedly, the Israeli government may be seeking U.S. assistance in financing the Iron Dome system. According to one Israeli defense official, “We’re not just looking for funding assistance, although that is extremely important for us. We’ve offered the Americans to join as full participants and to use the system to defend their troops and assets around the world.... We’re hopeful that after careful examination of the data and the system’s capabilities, that they’ll decide to join the program.”⁷¹

David's Sling

David’s Sling (a.k.a. Magic Wand) is a short/medium-range system designed to counter long-range rockets and cruise missiles, such as those possessed by Hezbollah in Lebanon, fired at ranges from 40 km to 300 km. It is being jointly developed by Israel’s Rafael Advanced Defense Systems and Raytheon. The system is expected to be operable by 2010. RL 110-329 provides \$72.8 million for a short-range missile defense program.

In August 2008, Israel and the United States officially signed a “project agreement” to co-develop the David’s Sling system. According to Lt. Gen. Henry Obering, director of the U.S. Missile Defense Agency, “We wanted a truly co-managed program because the United States will be very interested in this for our own purposes.... The agreement we just signed allows us to work through specific cost-sharing arrangements and other program parameters.”⁷²

Table 1. Defense Budget Appropriations for U.S.-Israeli Short-Range Missile Defense: FY2006-FY2009

		\$ in millions			
Program	FY2006	FY2007	FY2008	FY2009	Total
David’s Sling	\$10.0	\$20.4	\$37.0	\$72.895	\$140.295

Oversight of U.S. Arms Sales to Israel⁷³

Israel may have used weapons platforms and munitions purchased from the United States in its military operations in Gaza, reportedly including, among others, F-15 and F-16 aircraft, Apache helicopters, and, according to Israeli press reports, GBU-39 small diameter guided bombs approved for sale by the 110th Congress following notification in September 2008.⁷⁴

The transfer by sale of U.S. defense articles or services to Israel and all other foreign countries is authorized subject to the provisions of the Arms Export Control Act (AECA) and the regulations promulgated to implement it. Sales are made through contracts outlining the terms and conditions of the sale and the use and management of defense articles or services by the recipient country. Section 3 of the AECA stipulates that in order to remain eligible to purchase U.S. defense articles, training, and services, foreign governments must agree not to use purchased items and/or training for purposes other than those permitted by the act without the prior consent of the President. Section 4 of the AECA states that sales are authorized to friendly countries solely for specific purposes, including, but not limited to, “internal security” and “legitimate self-defense.” These terms are not defined in the AECA, in its predecessors, or in subsequent amendments. To date, the President and Members of Congress have chosen to interpret the terms on a case-by-case basis.

The AECA requires the President to report to Congress promptly when the President has received information that a “substantial violation” of an agreement made pursuant to the AECA “may have occurred.” Such a report is not required to reach a conclusion as to whether a substantial violation of an agreement has or has not occurred. If the President were to submit a written report to Congress stating that a substantial violation had occurred or in the event that Congress were to pass and have enacted a joint resolution containing such a finding, then the recipient country in question would become ineligible for purchases of U.S. defense articles or services. Such a joint resolution or any other legislation seeking to restrict or condition sales of defense articles and services to specific countries would be subject to presidential veto.

Sales of U.S. defense articles and services to Israel are made subject to the terms of the July 23, 1952 Mutual Defense Assistance Agreement between the United States and Israel (TIAS 2675). The 1952 agreement states:

The Government of Israel assures the United States Government that such equipment, materials, or services as may be acquired from the United States ... are required for and will be used solely to maintain its internal security, its legitimate self-defense ... and that it will not undertake any act of aggression against any other state.

To date, Israeli leaders and officials have publicly described recent Israel Defense Forces (IDF) military operations in Gaza as defensive actions taken in response to rocket attacks on Israeli towns, cities, and civilians by Hamas, which is a U.S.-designated Foreign Terrorist Organization, and other Palestinians in

Gaza. Some Palestinian groups and other Arab and international governments have characterized Israel's military operations in Gaza as acts of aggression. President Bush stated on January 5, 2009 that "the situation now taking place in Gaza was caused by Hamas," and added that "Israel has obviously decided to protect herself and her people."⁷⁵ As mentioned above (see the "United States" subsection within the "International Response" section), the Senate and the House overwhelmingly passed resolutions during the week of January 5 in connection with the Gaza conflict that supported Israel's right to defend itself.⁷⁶

On January 6, 2009, Representative Dennis Kucinich submitted a letter to Secretary of State Condoleezza Rice requesting that the Administration submit a report examining "Israel's compliance with the provisions of the Arms Export Control Act" in relation to ongoing Israeli military operations in Gaza. The letter expresses support for "Israel's security and its right to exist in peace, without the fear of rocket attacks from Hamas," while arguing that "Israel's most recent attacks neither further internal security nor do they constitute 'legitimate' acts of self-defense."

As mentioned above, a report issued by the Administration in response to the question of whether or not a "substantial violation" of a sales agreement with Israel made pursuant to the AECA "may have occurred" may, but need not, definitively determine whether a violation has occurred. Any determination that a violation has occurred must be based on definitive proof that U.S.-sold equipment has been used in specific acts that violate a sales agreement with the United States pursuant to the AECA.

In the past, the Bush Administration and some of its predecessors have transmitted reports to Congress stating that "substantial violations" of agreements between the United States and Israel regarding arms sales "may have occurred." The most recent report of this type was transmitted in January 2007 in relation to concerns about Israel's use of U.S.-supplied cluster munitions during military operations in Lebanon during 2006.⁷⁷ Other examples include findings issued in 1978, 1979, and 1982 with regard to Israel's military operations in Lebanon and Israel's air strike on Iraq's nuclear reactor complex at Osirak in 1981. The Reagan Administration suspended the delivery of cluster munitions to Israel from 1982 to 1988 based on concerns about Israel's use of U.S. supplied cluster munitions in Lebanon. The Reagan Administration also briefly delayed a scheduled shipment of F-15 and F-16 aircraft to Israel following Israel's 1981 strike on Iraq.

While it appears unlikely that the Bush Administration or President-elect Obama are presently inclined to characterize Israel's military operations in Gaza as anything but defensive measures, heightened congressional or public concern could lead the current or incoming Administration to seek renewed assurances

from Israel about the nature of its use of defense articles and services purchased from the United States.

Humanitarian aid (including to UNRWA) and other economic assistance to palestinians⁷⁸

The United States is the largest single-state donor to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), which provides food, shelter, medical care, and education for many of the original refugees from the 1947-1949 Arab-Israeli war and their families—now comprising approximately one million Palestinians in the Gaza Strip (two thirds of the total Gaza population) and three million other Palestinians in the West Bank, Jordan, Syria, and Lebanon. On December 30, the State Department announced an initial 2009 contribution of \$85 million to UNRWA—\$5 million to a special Gaza “flash appeal” fund related to the conflict, \$20 million to the emergency appeal fund for the West Bank and Gaza, and \$60 million to the general fund. The United States contributed \$185 million to UNRWA in 2008.

Table 2. U.S. Appropriated Funds Directed to Palestinians (June 2007-December 2008).

\$ in millions	
Budgetary Aid to Palestinian Authority	\$300.0
Other Economic & Development Assistance	\$267.5
Security Assistance to PA Forces	\$161.3
TOTAL	\$728.8

Source: U.S. Department of State.

Notes: Amounts used for security assistance were appropriated or reprogrammed to the International Narcotics Control and Law Enforcement account; all other amounts were appropriated to the Economic Support Fund account; contributions to UNRWA (which come from the Migration and Refugee Assistance and Emergency Refugee and Migration Assistance accounts) are not included; all amounts are approximate.

Depending on the damage incurred from the fighting in Gaza, Congress could face additional requests for FY2009 appropriations to the State Department accounts from which UNRWA contributions are made to accommodate the humanitarian needs of the refugee-heavy Gaza population. A proposal for continued or increased aid to UNRWA could meet with increased scrutiny if there is a perception that resources from UNRWA or other international organizations

were used (with or without organizational complicity) to strengthen Hamas or to repel Israeli military operations in Gaza.⁷⁹

Independent from its UNRWA contributions, the United States has provided substantial economic and development assistance to the West Bank and Gaza (approximately \$239.5 million in FY2008). Authorized under a continuing resolution to provide assistance at FY2008 levels through March 31, 2009, the State Department was in the process, as of January 9, of providing approximately \$4 million in aid to meet humanitarian needs in Gaza. According to the U.S. Agency for International Development (USAID), \$1.75 million of this aid is in the form of grants to approved local non-governmental organizations (CARE International, Mercy Corps, American Near East Refugee Aid, Cooperative Housing Foundation (CHF International), Relief International, and Catholic Relief Services), \$1.6 million is in the form of food aid through the World Food Programme, and the remainder is in the form of direct deliveries of food items, medical supplies, blankets, and plastic sheeting. The United States might be asked to increase this assistance and to aid post-conflict reconstruction and development in Gaza—the projected scope of which has grown as the fighting has continued. Secretary of State Rice has anticipated the possibility of an international donors conference to this end, which raises questions over which Palestinian groups might be in a position to receive and to utilize aid for reconstruction. Currently, economic assistance to the West Bank and Gaza is subject to prohibitions on aid to Hamas or Hamas-affiliated organizations.

Additionally, the United States has transferred \$300 million directly to the West Bank-based Palestinian Authority in the past calendar year in order to help the PA meet its budgetary obligations to pay employee salaries—the primary engine for an economy that boasts of little private sector activity or foreign investment. Current law forbids the PA to use U.S. budgetary transfers for the payment of PA salaries in Gaza. If the PA regains control over Gaza in the aftermath of the current conflict, however, there might be calls for Congress to lift this restriction and perhaps increase direct budgetary aid to the PA to accommodate the increased expenses the PA may incur as it reestablishes itself in Gaza. Conversely, if the PA's control slips in the West Bank or it is seen as participating in or endorsing violence from the West Bank against Israel as a result of popular discontent from the current fighting in and around Gaza, there could be calls for Congress to cut or cease aid to the PA and further limit economic assistance to the West Bank and Gaza.

U.S. security assistance to the palestinian authority

The outcome of the fighting in and around Gaza could be crucial in determining the future of current U.S.- and internationally-sponsored programs to help recruit, train, equip, house, manage, and reform PA security forces. Congress might ask whether the assumptions that justified security assistance to the PA in the West Bank before the conflict remain operative in its aftermath. How the PA security forces perform throughout the conflict (whether they handle their public order duties competently and refrain from aggravating factional conflict and from attacking Israelis) could be particularly relevant, as could the words and actions of Abbas and other PA leaders. A senior Western official in the region has told CRS that, thus far, the forces “have performed exceptionally. They have been tough while still allowing non-violent rallies and demonstrations.”⁸⁰

Another important factor could be whether the Israelis remain open to the concept of gradually increasing the PA forces’ freedoms of movement and of action that appear to be pivotal to the forces’ continued development and assumption of responsibility over Palestinian-administered areas. If the conflict leads to renewed Israeli distrust of the PA forces, expectations for what is achievable with the forces could diminish from the earlier levels that led to \$161.3 million in U.S. appropriations since mid-2007.

On the other hand, if the PA forces acquit themselves well during the Gaza conflict and/or find themselves entrusted with establishing and/or improving security in Gaza as well as in the West Bank, support from Israel and the Obama Administration for significantly expanded appropriations for the U.S. security assistance program could be forthcoming. A concern in that case may be whether U.S. involvement in Palestinian affairs is enhancing the legitimacy of Abbas and the PA or detracting from it by allowing Hamas and others to argue that the PA is too beholden to the United States. This could lead to a discussion of ways to advance the U.S. interest in strengthening Palestinian moderates while at the same reducing the U.S. “footprint.”

CONCLUSION: STRATEGIZING AN EXIT AND A FUTURE⁸¹

Conundrums

Bringing an end to the conflict and constructing a sustainable order in its aftermath are major challenges with implications for the Gaza Strip’s population and infrastructure, Israel’s security, and the future Palestinian polity—including the role of Hamas.

The crisis presents a conundrum for all involved. The desperate economic circumstances and living conditions of Gaza's 1.5 million residents—exacerbated by the sealing of border crossings and the sea blockade—arguably have provided a fertile breeding ground for Hamas and its militant anti-Israel Islamist ideology. The Israeli government launched Operation Cast Lead to end or minimize the threat from Hamas to its southern residents. Even if it felt threatened, Hamas may have welcomed the Israeli ground offensive at first, hoping to entrap the Israel Defense Forces in built-up urban terrain in order to strip away their technological and firepower advantages and to heighten perceptions that Palestinians were being victimized. Moreover, the toll of civilian casualties might shield Hamas from blame for the plight of Gazans, deepen Palestinian and regional resentment of Israel, and ultimately strengthen Hamas.

Israeli officials may wish to avoid a “third phase” of the offensive or a broadening of the ground invasion. Yet, they do not want to abandon the military campaign without assurance that the end result will leave Israelis more secure from rocket attacks—mainly because it is seen as the first responsibility of any government to provide for the security of its people and partly because of the domestic political ramifications of a perceived “defeat” just prior to a scheduled national election. They are also reluctant to accept a cease-fire or truce that strengthens Hamas by giving it the “victory” of having border crossings opened. This is despite some observers' view that open border crossings would facilitate commercial opportunities for Gazans, decrease their dependence on Hamas, weaken the group, and thereby contribute to the longer term potential for an end to violence.⁸²

Many questions linger. Can Israel achieve deterrence by reducing or eliminating Hamas's ability and/or motivation to launch rockets and smuggle weapons? What might prompt Israel to go beyond its stated objective of ending the threat to residents of the south and seek to topple Hamas from its rule in Gaza? If Israel ousts Hamas, who would take over—Israel, the Palestinian Authority, some internationally-mandated authority, or might there be a chaotic power struggle? Assuming Israel does not oust Hamas, how do the two reach accommodation that allows each to save face given that they do not recognize each other's legitimacy? How can Gaza's economy be rebuilt without crediting and enabling Hamas?

The most problematic issue is how Israel, the Quartet, the PA, other Arab/Muslim states, and the wider international community might deal with Hamas without granting it state-like legitimacy and undermining the PA and President Mahmoud Abbas.⁸³ Thus far, U.S. and most European leaders have attempted to isolate Hamas, not to engage it. This has led them and Israel to seek

third-party Arab/Muslim intermediaries, pre-eminently Egypt, to facilitate coexistence arrangements with Hamas. However, Hamas's relationship with Egypt has deteriorated because of the collapse of Hamas-Fatah unity talks in November 2008 and the Gaza conflict, and this level of mistrust might preclude or delay its acceding to a new arrangement under Egypt's aegis. Other Western-allied Arab states, such as Saudi Arabia and Jordan, appear wary of getting too involved because of their mistrust of both Israel and Hamas and fear of losing credibility with their own citizens. Egypt vehemently rejects the view of some that it might provide the solution to Israel's Gaza problem by assuming primary responsibility for Gaza, with international support, and insists that only the creation of an independent Palestinian state is the answer. The emergence of Turkey and Qatar as regional interlocutors may present additional options going forward. At present, Egypt (despite the deterioration of its relationship with Hamas) and France, with considerable U.S. backing, have taken the lead in the search for an end to the current crisis.

Ways of Reaching and Sustaining a Truce

The United States has proposed a three-point cease fire: (1) halting rocket fire into Israel, (2) reopening border crossings, and (3) ending the use of tunnels for arms smuggling. The keys to controlling Gaza's borders are monitoring and enforcement. From 2005 until Hamas took control of Gaza in June 2007, European Union (EU) monitors were stationed at the Rafah border crossing between Egypt and Gaza and Israel remotely observed PA-supervised border traffic there via off-site closed circuit television.⁸⁴ The EU reportedly is willing to resume monitoring at Rafah and to station additional monitors at crossings between Gaza and Israel.⁸⁵ Since it took control of Gaza, however, Hamas has uncompromisingly demanded a role at the crossing—which the other parties did not accept. It also has preemptively rejected the deployment of an international peacekeeping force in Gaza modeled on the United Nations Interim Force in Lebanon (UNIFIL), whose presence and duties in southern Lebanon increased after the 2006 war between Israel and Hezbollah. Hamas argues that such a force would only protect Israel and not the Palestinian people. For its part, Israel has been frustrated by UNIFIL's inability or unwillingness to prevent the smuggling of weapons to Hezbollah and is wary of giving the U.N. responsibility on another of its borders. It is unclear how Hamas and Israel could be made to accept international monitors and/or peacekeepers.⁸⁶

Furthermore, Israel now wants more than what it perceives as “toothless” border monitors. It seeks a muscular force that could forcefully prevent the reconstruction of tunnels and arms smuggling from Egypt to Gaza and destroy any new tunnels that might be built. In particular, it seeks to have the entire Philadelphi Corridor (the border area between Gaza and Egypt), not just the Rafah crossing, effectively monitored. As of January 7, the United States, France, Britain, and Egypt reportedly were discussing the possible deployment of an international force of combat engineers and other troops to assist Egypt in fulfilling its responsibilities to prevent smuggling along the Philadelphi Corridor.⁸⁷ Egypt would retain the main responsibility for preventing smuggling and the others would assist, permitting Egypt to escape allegations that it is not competent to handle the task. Thus far, however, Egypt has been unwilling to have an international force deployed on its side or the crossing. As of this date, Egypt and Israel want an international force stationed on the Palestinian side; Hamas does not. This and other sensitive subjects regarding how such an international force would interact with Egyptian, PA, and possibly Hamas authorities and forces would need to be clarified in order to finalize any arrangement.

Some experts also have recommended the construction of a barrier all along the Philadelphi Corridor similar to the one the Israel is constructing in the West Bank, but deeper to impede tunnels. A barrier would require Egypt’s cooperation as it would constitute a clear and physical infringement of its territorial sovereignty. Egypt has long sought to deploy additional military forces along the border, but Israel has rejected these augmentation proposals.⁸⁸ Even if an agreement on a barrier could be achieved, questions concerning funding for a barrier and the border patrols would remain.

In the end, only a final-status peace agreement between Israelis and Palestinians is likely to prevent the repeated relapse into violence. In the aftermath of the current crisis, it may be possible to organize yet another broad initiative to provide greater impetus for the Israeli-Palestinian peace process. A more vigorous effort (which probably would involve a U.S. special envoy) might include shuttle diplomacy and/or a conference or dialogue among relevant actors. Parallel to this, the international community would need to address reconstruction of Gaza and related humanitarian issues. The participation of Hamas as a group, or of some of its leaders who might be considered by some to be moderate, is likely to be the subject of heated debate. Unless it is irreparably weakened in the aftermath of the current conflict, Hamas may embrace every opportunity to sabotage a revived peace process, particularly if it is excluded.

ENDNOTES

- ¹ This section was written by Jeremy M. Sharp, Specialist in Middle Eastern Affairs and Acting Research Manager, Middle East and Africa Section; and by Jim Zanotti, Analyst in Middle Eastern Affairs; except where otherwise specified.
- ² Yaakov Katz, " Hamas Interior Minister Said Siam Dies in IAF Air Strike," *jpost.com*, January 15, 2009.
- ³ Steven Erlanger, "A Gaza War Full of Traps and Trickery," *New York Times*, January 10, 2009.
- ⁴ Griff Witte, "Israelis Push to Edge of Gaza City," *Washington Post*, January 12, 2009.
- ⁵ On January 2, Vice Premier Haim Ramon said on Israeli television: "What I think we need to do is to reach a situation in which we do not allow Hamas to govern." Ethan Bronner, "Is the Real Target Hamas Rule?" *New York Times*, January 3, 2009.
- ⁶ "Israel Apologizes to Ban for Hitting U.N. Compound," *Reuters*, January 15, 2009. An Israeli security source has denied that Barak called the incident a "grave mistake." "Gaza Pounded Amid Push for Truce," *BBC News Online*, January 15, 2009.
- ⁷ Olmert reportedly said, "We do not want such incidents to take place and I am sorry for it but I don't know if you know, but Hamas fired from the UNRWA site. This is a sad incident and I apologise for it." Sheera Frenkel and Philippe Naughton, "UN Headquarters in Gaza Hit by 'White Phosphorus' Shells," *The Times Online* (UK), January 15, 2009.
- ⁸ This section was written by Jim Zanotti, Analyst in Middle Eastern Affairs.
- ⁹ Lisa Goldman, "Eyeless in Israel," *Jewish Daily Forward*, January 8, 2009. According to the same source, Israeli media have not been allowed in the Gaza Strip for more than two years.
- ¹⁰ See Griff Witte and Colum Lynch, "As U.S. Abstains, U.N. Security Council Calls for Cease-Fire," *Washington Post*, January 9, 2009.
- ¹¹ See Karin Laub, "Analysis: Hamas, Israel Trying to Rewrite Truce," *Associated Press*, November 17, 2008.
- ¹² International Crisis Group, *Ending the War in Gaza*, Middle East Briefing No. 26, January 5, 2009.
- ¹³ This inset section was written by Christopher M. Blanchard, Analyst in Middle Eastern Affairs.
- ¹⁴ Toni O'Loughlin and Hazem Balousha, "News: Air Strikes on Gaza," *The Observer* (UK), December 28, 2008; David Isby, "Effective anti-Qassam

defence could be more than six years away,” *Jane's Missiles and Rockets*, January 01, 2007.

- ¹⁵ Herb Keinon and Yaakov Katz, “Cabinet okays rocket-protection for communities within range,” *Jerusalem Post*, December 8, 2008; Yaakov Lappin and Dan Izenberg, “Barak wants government's okay to hit Gaza residential areas,” *Jerusalem Post*, November 10, 2008.
- ¹⁶ See Alon Ben-David, “Iron Dome advances to meet Qassam threat,” *Jane's Defence Weekly*, March 17, 2008.
- ¹⁷ See “Middle East Politics: Prolonging Abu Mazen,” *Economist Intelligence Unit*, November 28, 2008.
- ¹⁸ The *New York Times* has written: “Many Middle East experts say Israel timed its move against Hamas, which began with airstrikes on Dec. 27, 24 days before Mr. Bush leaves office, with the expectation of [the Bush Administration's] backing in Washington. Israeli officials could not be certain that President-elect Barack Obama, despite past statements of sympathy for Israel's right of self-defense, would match the Bush administration's unconditional endorsement.” Scott Shane, “Israel Strikes Before an Ally Departs,” *New York Times*, December 29, 2008.
- ¹⁹ This section was written by Jeremy M. Sharp, Specialist in Middle Eastern Affairs and Acting Research Manager, Middle East and Africa Section.
- ²⁰ A *Washington Post* column has asserted that Abbas's adviser Nimr Hammad told the Lebanese daily *Al-Akhbar*: “The one responsible for the massacres is Hamas, and not the Zionist entity, which in its own view reacted to the firing of Palestinian missiles.” Robert J. Lieber, “Hard Truths About the Conflict,” *Washington Post*, January 1, 2009. Abbas has, however, assertively call for an end to fighting since the week of January 5. In one statement, he said that if a cease-fire was rejected, that all parties would be to blame, but singled Israel out as being potentially responsible for “perpetuating a waterfall of blood.”
- ²¹ This section was written by Jim Zanotti, Analyst in Middle Eastern Affairs.
- ²² The Palestinian Federation of Industries estimates that 98% of Gaza's industrial operations are now inactive. See The World Bank, *Palestinian Economic Prospects: Aid, Access and Reform: Economic Monitoring Report to the Ad Hoc Liaison Committee*, September 22, 2008.
- ²³ Daoud Kuttab, “Has Israel Revived Hamas?” *Washington Post*, December 30, 2008.
- ²⁴ This section was written by Casey L. Addis, Analyst in Middle Eastern Affairs.
- ²⁵ Israel has dropped leaflets, made phone calls and sent SMS (text) messages to warn thousands of civilians of impending attacks in their vicinity, but the

damage done to a broad array of potential shelters (including mosques and U.N. buildings) have led some to question whether safe havens from the fighting exist.

- ²⁶ United Nations Office for the Coordination of Humanitarian Affairs Field Updates on Gaza, January 10-11, 2009 and January 14, 2009. Available online at http://www.ochaopt.org/gazacrisis/admin/output/files/ocha_opt_gaza_situation_report_2009_01_11_english.pdf and http://www.ochaopt.org/gazacrisis/admin/output/files/ocha_opt_gaza_humanitarian_situation_report_2009_01_14_english.pdf
- ²⁷ United Nations Office for the Coordination of Humanitarian Affairs Field Update on Gaza, January 10-11, 2009. Available online at http://www.ochaopt.org/gazacrisis/admin/output/files/ocha_opt_gaza_situation_report_2009_01_11_english.pdf.
- ²⁸ See International Committee of the Red Cross News Release, "Gaza: ICRC Demands Urgent Access to Wounded as Israeli Army Fails to Assist Wounded Palestinians," January 8, 2009.
- ²⁹ Amos Harel, "Sources: Hamas Leaders Hiding in Basement of Israeli-Built Hospital in Gaza," *Ha'aretz*, January 12, 2009.
- ³⁰ United Nations Office for the Coordination of Humanitarian Affairs Field Update on Gaza, January 14, 2009. Available online at http://www.ochaopt.org/gazacrisis/admin/output/files/ocha_opt_gaza_humanitarian_situation_report_2009_01_14_english.pdf
- ³¹ Yanir Yagna, "Gaza Militants Fire at Least 14 Rockets into Southern Israel," *Ha'aretz*, January 14, 2009.
- ³² Israeli Embassy Press Release, January 10, 2009. Available online at <http://israelemb.org/Operation%20Cast%20Lead/Website4.htm>.
- ³³ Richard Cohen, "A Conflict Hamas Caused," *Washington Post*, January 6, 2009.
- ³⁴ This section was written by Casey L. Addis, Analyst in Middle Eastern Affairs.
- ³⁵ Sudarsan Raghavan, "Israeli Forces Push Deeper Into Gaza Strip," *Washington Post*, January 5, 2009.
- ³⁶ UNSC Resolution 1860, adopted January 8, 2009.
- ³⁷ "Rice Shame-Faced by Bush Over UN Gaza Vote: Olmert," *Agence France Presse*, January 12, 2009.
- ³⁸ Ibid. However, on January 9, a day after the U.N. vote and three days before Olmert publicly claimed to have personally influenced the U.S. vote, Palestinian Authority Foreign Minister Riad Malki voiced his surprise that the

United States had not voted in favor of Resolution 1860. Malki said he had been told that the Americans would vote in favor, but that just prior to the vote, Secretary Rice came into the Security Council chamber and apologetically informed the Saudi foreign minister that she would abstain, but would clarify later that she supported the resolution nonetheless: "What happened in the last 10 or 15 minutes, what kind of pressure she received, from whom, this is really something that maybe we will know about later." Barak Ravid, "State Department: Olmert Never Told U.S. to Abstain from U.N. Vote on Gaza," *haaretz.com*, January 13, 2009.

³⁹ UNSC Document SC/9596, January 8, 2009. Andrew Whitley, director of UNRWA's New York office, said in a January 13 panel discussion in Washington that the United States and other members of the UNSC were responsible for removing provisions from Resolution 1860 that were in the original Arab League proposal, which would have called for an end to the blockade of Gaza and for all sides to pay more attention to the needs of civilians and to international humanitarian law. Remarks by Andrew Whitley, Americans for Peace Now panel discussion, "Prospects for Progress Toward Israeli-Palestinian Peace Under the Obama Administration and in the Wake of the Gaza War," Washington, DC, January 13, 2009.

⁴⁰ United States Open Source Center (OSC) Document GMP20090111754002, "IDF Reserves Poised; Egypt Waits for Hamas to Seek Deal; Davutoglu in Cairo," *Ma'ariv* Electronic Edition, Tel Aviv, January 9, 2009.

⁴¹ *Ibid.*

⁴² U.S. Open Source Center (OSC) Document—GMP20081229950075—"World Leaders Call for Calm in Gaza Conflict," December 29, 2008.

⁴³ "Al-Qaida: Attack Western Targets to Avenge Gaza," *jpost.com*, January 7, 2009.

⁴⁴ Alan Cowell and Graham Bowley, "Bin Laden, on Tape, Urges Holy War Over Gaza," *New York Times*, January 14, 2009.

⁴⁵ In citing the U.S. response to the conflict in Gaza as what he perceived to be another example of bias towards Israel, former Saudi ambassador to the United States Prince Turki al Faisal, at a forum on U.S.-Gulf state relations being held in Washington on January 6, openly challenged President-elect Obama to change U.S. policy in the Middle East. Prince Turki also said, "Enough is enough, today we are all Palestinians and we seek martyrdom for God and for Palestine, following those who died in Gaza."

- ⁴⁶ U.S. Open Source Center (OSC) Document—GMP20081229869001—“Saudi Clerics Urge Support for Gazans, Egypt to Keep Rafah Crossing Open,” December 29, 2008.
- ⁴⁷ This section was written by Jim Zanotti, Analyst in Middle Eastern Affairs, except where otherwise specified.
- ⁴⁸ For more information on the Arab-Israeli conflict and peace process, see CRS Report RL33530, *Israeli-Arab Negotiations: Background, Conflicts, and U.S. Policy*, by Carol Migdalovitz; and CRS Report R40092, *Israel and the Palestinians: Prospects for a Two-State Solution*, by Jim Zanotti.
- ⁴⁹ See CRS Report R40092, *Israel and the Palestinians: Prospects for a Two-State Solution*, by Jim Zanotti.
- ⁵⁰ Israeli journalist Tom Segev has written: “I find myself among the new majority of Israelis who no longer believe in peace with the Palestinians. The positions are simply too far apart at this time.... Rather than design another fictitious ‘road map’ for peace, the Obama administration may be more useful and successful by trying merely to manage the conflict, aiming at a more limited yet urgently needed goal: to make life more livable for both Israelis and Palestinians.” Tom Segev, “Peace Is No Longer in Sight,” *Washington Post*, January 11, 2009.
- ⁵¹ “Gaza Raids Boost Hamas, Undermine Abbas on Palestinian Street,” *Agence France Presse* (with the *Daily Star* (Beirut)), January 1, 2009. A Hamas spokesman has even accused Abbas of “having formed a secret cell of Fatah supporters in Gaza to collect information on the whereabouts of Hamas leaders,” with the intention of giving this information to the Israeli military. Griff Witte, “Israel’s Attacks on Gaza Deepen Palestinian Rift,” *Washington Post*, January 1, 2009.
- ⁵² This subsection was written by Jeremy M. Sharp, Specialist in Middle Eastern Affairs and Acting Research Manager, Middle East and Africa Section.
- ⁵³ Some experts note that those talks had already been suspended in anticipation of Israeli elections and a new U.S. administration.
- ⁵⁴ This subsection was written by Jeremy M. Sharp, Specialist in Middle Eastern Affairs and Acting Research Manager, Middle East and Africa Section.
- ⁵⁵ For more information on the history and politics of the Egypt-Gaza border, see CRS Report RL34346, *The Egypt-Gaza Border and its Effect on Israeli-Egyptian Relations*, by Jeremy M. Sharp.
- ⁵⁶ Caversham BBC Monitoring, “Egyptians Condemn Hezbollah Leader as ‘Little Ayatollah’ Over Gaza Remarks,” *Open Source Center*, December 30, 2008, Document ID# GMP20081230950091.

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- ⁵⁷ “Egyptian paper: Hamas leaders partially responsible for Gaza assault,” *Ha’aretz*, December 29, 2008.
- ⁵⁸ Nona el Hennawy, “Egypt: Under a torrent of Gaza anger, Cairo defends itself,” Los Angeles Times Online, December 30, 2008. Available at: <http://latimesblogs.latimes.com/babylonbeyond/2008/12/egypt-media-cam.html>
- ⁵⁹ This subsection was written by Carol Migdalovitz, Specialist in Middle Eastern Affairs.
- ⁶⁰ Barak was prime minister from May 1999 to March 2001, a period including the 2000 Camp David summit which failed to achieve an Israeli-Palestinian peace agreement and led to the bloody five-year-long (second) Palestinian *intifada* or uprising against Israeli occupation.
- ⁶¹ Teleseer poll, published in *Ma’ariv*, January 2, 2009, Open Source Center Document GMP20090103739004.
- ⁶² Geocartographia poll, published in Globes Online, January 1, 2009, *ibid*.
- ⁶³ Israeli governments invariably are coalitions because of the fractured multi-party nature of the political spectrum.
- ⁶⁴ Gil Hoffman, “Conducting a Military Campaign During a Political One,” *Jerusalem Post*, January 2, 2009.
- ⁶⁵ This section was written by Jim Zanotti, Analyst in Middle Eastern Affairs, except where otherwise specified.
- ⁶⁶ Howard LaFranchi, “Obama Plans Major Speech in Muslim World to ‘Reboot’ America’s Image Abroad,” *Christian Science Monitor*, December 11, 2008.
- ⁶⁷ Paul Richter, “What Now for Obama’s Peace Plan?” *Chicago Tribune*, December 29, 2008.
- ⁶⁸ “Obama Vows to ‘Engage Immediately’ on Mdeast Once Inaugurated,” *Ha’aretz*, January 7, 2009.
- ⁶⁹ This subsection was written by Jeremy M. Sharp, Specialist in Middle Eastern Affairs and Acting Research Manager, Middle East and Africa Section.
- ⁷⁰ Within the Israeli defense establishment, there is debate over how effective the Iron Dome system will be in protecting Israeli cities and towns from Qassam and Grad-style Katyusha rocket attacks fired from the Gaza Strip. Some Israeli defense experts assert that Iron Dome kinetic interceptors will take too long to destroy crude rockets fired from close range to Israeli towns such as Sderot. Reuven Pedazur, an Israeli expert in ballistic missiles, claims that each Tamir missile fired from the Iron Dome system will cost \$100,000, while a system based on laser beam interception, would cost between \$1,000 and \$3,000 per strike. Nevertheless, Israeli officials argue that solid laser

technology needs more time to develop. See, “Rocket, Missile Shields in Works; Iron Dome, David’s Sling eye attacks from Gaza, Lebanon, Iran,” *Washington Times*, August 8, 2008. According to one source, “Neither the missile interceptors nor the lasers will provide 100-percent coverage, which is why they will have to both be in use.” See, “Defense Officials View Laser as Future of Anti-Missile Technology, *Ha’aretz*, March 24, 2008.

⁷¹ “U.S. Eyes Joint Anti-Rocket Effort With Israel; Mulls \$200M Investment To Speed Iron Dome,” *Agence France Presse*, June 9, 2008.

⁷² “U.S.-Israel To Develop David’s Sling Missile Defense,” *DefenseNews.com*, August 7, 2008.

⁷³ This subsection was written by Christopher M. Blanchard, Analyst in Middle Eastern Affairs. For more information about oversight of the use of U.S. defense articles and services by foreign purchasers, see CRS Report RL30982, *U.S. Defense Articles and Services Supplied to Foreign Recipients: Restrictions on Their Use*, by Richard F. Grimmer.

⁷⁴ Yaakov Katz, “IAF uses new US-supplied bunker-buster smart bomb,” *Jerusalem Post*, December 29, 2008. See U.S. Defense Security Cooperation Agency Transmittal No. 08-82, September 9, 2008, available at: [http://www.dsca.mil/PressReleases/36-b/2008/Israel_08-82.pdf]. According to a memorandum accompanying the notification of the proposed sale to congressional defense committees, the GBU-39 “is designed to destroy a wide variety of targets from ranges of 40 nautical miles, such as fuel depots and bunkers, and penetrate over 1.2 meters of steel reinforced concrete while inflicting minimum collateral damage.”

⁷⁵ The White House, Office of the Press Secretary, “Transcript: President Bush Meets with First Vice President of the Government of National Unity of the Republic of Sudan and President of the Government of Southern Sudan Salva Kiir Mayardit,” January 5, 2009.

⁷⁶ Another resolution, S.Res. 6, which expressed “solidarity with Israel in Israel’s defense against terrorism in the Gaza Strip,” was introduced and referred to the Committee on Foreign Relations on January 6 but not passed.

⁷⁷ Sean McCormack, U.S. Department of State Spokesman, Daily Press Briefing, Washington, DC, January 29, 2007.

⁷⁸ For more information on all U.S. assistance figures listed in this subsection (including in **Table 2**) and the next subsection, see CRS Report RS22967, *U.S. Foreign Aid to the Palestinians*, by Jim Zanotti. See also “PA Receives \$150 Million from US,” *jpost.com*, October 22, 2008.

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- ⁷⁹ See H.R. 2712 (United Nations Transparency, Accountability, and Reform Act of 2007) from the 110th Congress, Sec. 309 (“Limitations on United States Contributions to UNRWA”), as an example of legislation that has been proposed to limit contributions to UNRWA (Referred to House Committee on Foreign Affairs, June 14, 2007). See also H.Con.Res. 428: “Expressing the sense of Congress that the United Nations should take immediate steps to improve the transparency and accountability of the United Nations Relief and Works Agency for Palestinian Refugees (UNRWA) in the Near East to ensure that it is not providing funding, employment, or other support to terrorists” (Referred to House Committee on Foreign Affairs, September 24, 2008); and H.Res. 939: “Condemning the glorification of terrorism and the continuing anti-Israel and anti-Semitic rhetoric at the United Nations” (Referred to House Committee on Foreign Affairs, January 23, 2008).
- ⁸⁰ CRS correspondence with senior Western official in the region, January 4, 2009.
- ⁸¹ This section was written by Jim Zanotti, Analyst in Middle Eastern Affairs, and Carol Migdalovitz, Specialist in Middle Eastern Affairs.
- ⁸² See Griff Witte and Sudarsan Raghavan, “‘All-Out War’ Declared on Hamas,” *Washington Post*, December 30, 2008.
- ⁸³ In a *Washington Post* interview, Israeli Foreign Minister Tzipi Livni, when asked if Israel has the backing of the Arab moderates, said, “I don’t want to embarrass anybody, but I know I represent their interests as well. It is no longer the Israeli-Palestinian or the Jewish-Arab conflict, but it is a conflict between moderates and extremists. This is the way this region is now divided.” Lally Weymouth, “‘Israel Is Not Going to Show Restraint,’” *Washington Post*, January 10, 2009. Such statements could amplify charges within Arab/Muslim circles that Mahmoud Abbas, Hosni Mubarak, and certain other Arab leaders are inappropriately colluding with Israel. On the other hand, the statements could be a sign that productive cooperation between Israel and the Arab moderates to whom Livni alluded might be possible in the wake of the Gaza conflict.
- ⁸⁴ See CRS Report RL34346, *The Egypt-Gaza Border and its Effect on Israeli-Egyptian Relations*, by Jeremy M. Sharp.
- ⁸⁵ Karin Laub, “Border Monitors Key Issue in Israel-Hamas Cease-Fire,” Associated Press, June 6, 2009.
- ⁸⁶ Roula Khalaf, “Hamas Rejects Deployment of Peacekeepers,” *Financial Times*, January 6, 2009.

⁸⁷ Barak Ravid, “Israel Defers Vote on Expanding Gaza Ground Op Amid Growing Truce Bids,” *haaretz.com*, January 7, 2009.

⁸⁸ See Sharp, *op. cit.*

Chapter 3

LEBANON: THE ISRAEL-HAMAS-HEZBOLLAH CONFLICT

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SUMMARY

This report analyzes the conflict between Israel and two U.S. State Department- designated Foreign Terrorist Organizations (FTOs), the Lebanese Shiite Muslim group Hezbollah and the radical Palestinian Hamas organization. On July 12, 2006, what had been a localized conflict between Israel and Palestinian militants in the Gaza Strip instantly became a regional conflagration after Hezbollah captured two Israeli soldiers in a surprise attack along the Israeli-Lebanese border. Israel responded by carrying out air strikes against suspected Hezbollah targets in Lebanon, and Hezbollah countered with rocket attacks against cities and towns in northern Israel. In order to push Hezbollah back from its border, Israel launched a full-scale ground operation in Lebanon with the hopes of establishing a security zone free of Hezbollah militants. Meanwhile, Israeli clashes with Hamas and other Palestinian militants have continued in the Gaza Strip.

A United Nations-brokered cease-fire came into effect on August 14, 2006. Based on United Nations Security Council Resolution 1701 passed a few days earlier, the cease-fire is intended to be monitored by the Lebanese Armed Forces in conjunction with an expanded U.N. peacekeeping force in Lebanon. The international community initially hesitated to contribute troops, though it appears now that enough countries have stepped forward to significantly expand the existing U.N. force (UNIFIL).

On July 18, 2006, the Senate passed S.Res. 534, which, among other things, calls for the release of Israeli soldiers who are being held captive by Hezbollah or Hamas; condemns the governments of Iran and Syria for their continued support for Hezbollah and Hamas; urges all sides to protect innocent civilian life and infrastructure; and strongly supports the use of all diplomatic means available to free the captured Israeli soldiers. On July 20, 2006, the House passed H.Res. 921, which also condemns Hezbollah's attack on Israel and urges the President to bring sanctions against the governments of Syria and Iran for their alleged sponsorship of Hezbollah.

The extension of the Israeli-Palestinian conflict into the Lebanese arena created a multifaceted crisis that cut across a number of U.S. policy issues in the Middle East. This report provides an assessment of the month-long war and its implications for regional stability and other key U.S. policy issues. This report will be updated periodically. A number of CRS analysts have contributed to this report. For additional questions, please contact the individual specialist listed under each section of the report. For more information on the major countries in the current conflict, please see CRS Report RL33476, *Israel: Background and Relations with the United States*; CRS Report RL3 3509, *Lebanon*; CRS Report RL3 3487, *Syria: U.S. Relations and Bilateral Issues*; CRS Report RL32048, *Iran: U.S. Concerns and Policy Responses*; and CRS Report RL33530, *Israeli-Arab Negotiations: Background, Related Developments, and U.S. Policy*.

INTRODUCTION

A Multi-Dimensional Conflict¹

Hezbollah's² July 12, 2006, attack in northern Israel, in which two Israeli soldiers were kidnapped, elicited an Israeli military response that again embroiled the region in a multi-dimensional conflict. The month-long war touched upon an array of critical U.S. foreign policy issues in the Middle East, ranging from the continued instability arising from the lack of a comprehensive settlement to the Arab-Israeli peace process, to the preservation of Lebanon's sovereignty and independence which remains hampered by the inability to disarm Hezbollah. Though the primary combatants were part of a triangular dynamic in which Israel was (and still is) at war with Hezbollah in Lebanon and with Palestinian militants, including Hamas, in the Gaza Strip, there were secondary players who added additional layers of complexity to the conflict, namely Iran and Syria.³ Both countries have played significant roles in arming, training, and financing Hezbollah (and to a lesser extent Hamas) and have used the Lebanese Shiite

organization as a proxy to further their own goals in the region. Iran may have aspirations to become the dominant power in the Middle East, and many in the international community are closely focused on its potential weapons of mass destruction capability. In this light, the fighting in southern Lebanon was viewed by some as a contest between two of the Middle East's most bitter rivals and most powerful actors, Israel and Iran (via Hezbollah by proxy), and it could be a harbinger of future indirect confrontations between two possibly nuclear-armed nations.

The “Root Causes” of the Conflict

Hezbollah's July 2006 attack inside Israeli territory and repeated Israeli-Palestinian clashes in the Gaza Strip and West Bank illustrated not only the risk posed by terrorist groups operating along Israel's borders, but more importantly, the risk to regional security in the absence of comprehensive peace agreements between Israel and the Palestinians, Lebanon, and Syria. Particularly along Israel's northern front, achieving peace between the major parties has been an elusive goal. The task has grown even more complex with the rising influence of non-state political movements/terrorist organizations, such as Hezbollah and Hamas, on Lebanon's southern border. Neither organization recognizes Israel's right to exist as a nation- state.

The 2006 war in Lebanon is the latest manifestation of conflict along the Israeli-Lebanese-Syrian border, the final demarcation of which has long been in dispute and is exacerbated by the technical/formal state of war (not active) that exists between Israel and its two northern neighbors. On the Lebanese side of the border, historically weak, usually Christian/Sunni-led governments paid scant attention to the southern portion of the country, a predominately Shiite area. Without much of an economy or government military presence in the south, the region was prone to penetration by outside groups (mainly Palestinian) opposed to Israel until the Shiites residing there formed their own militias. Since the earliest days of Jewish settlement in what was then the British-controlled Palestine-Mandate, militants could operate with impunity over a porous border. Before Hezbollah came on the scene, the Palestinian Liberation Organization (PLO) used Lebanon as a base to wage a guerrilla war against Israel. Repeated PLO-Israeli clashes in Lebanon helped ignite the 15-year long Lebanese civil war. To eliminate the PLO threat from its border, Israel occupied a buffer zone in southern Lebanon for 18 years, a policy which many observers believe accelerated the

politicization of Lebanese Shiites there and, with significant assistance from Iran, led to the creation of Hezbollah.⁴



Source: Map Resources. Adapted by CRS. (K.Yancey 8/7/06).

Figure 1. Map of Lebanon, Israel, the Gaza Strip, and the West Bank.

Today, with the PLO long expelled from Lebanon and the Syrian armed forces no longer in Lebanon and at a major technological disadvantage vis-à-vis Israel's conventional forces, it is Hezbollah that has stepped in to fill the power

vacuum in southern Lebanon and continue to threaten Israel with the full support of its foreign patrons - Syria and Iran. Syria seeks the return of the Golan Heights which it lost to Israel in the June 1967 Six Day War and finds non-state groups like Hezbollah and other Palestinian terrorist organizations based in Damascus as useful proxies. Most analysts believe the Israeli-Lebanese-Syrian tri-border area will remain a tinderbox that could spark future conflicts so long as territorial disputes remain unresolved. While Syria and Israel have at times come close to an agreement, most recently in 1999, significant differences between the two sides remain, notably control over the shores of the Sea of Galilee, a critical source of fresh water with symbolic importance as well for both countries.

THE CEASE-FIRE

U.N. Security Council Resolution 1701⁵

After more than four weeks of fighting between Israel and the Lebanese Shiite Muslim militia Hezbollah, on August 11, 2006 the U.N. Security Council unanimously adopted Resolution 1701, calling for a “full cessation of hostilities based upon, in particular, the immediate cessation by Hezbollah of all attacks and the immediate cessation by Israel of all offensive military operations.” The resolution provides: expansion of the existing U.N. Interim Force in Lebanon (UNIFIL) from 2,000 to a maximum of 15,000; deployment of UNIFIL plus a Lebanese Army force⁶ to southern Lebanon to monitor the cease-fire; withdrawal of Israeli forces in southern Lebanon “in parallel” with the deployment of U.N. and Lebanese forces to the south; a ban on delivery of weapons to “any entity or individual” in Lebanon, except the Lebanese Army. The resolution requested the U.N. Secretary General to develop proposals within 30 days for delineation of Lebanon’s international borders, including the disputed Shib’a Farms enclave located near the Lebanese-Syrian-Israeli tri-border area. The resolution’s preamble also emphasizes the need to address the issue of prisoners on both sides. The resolution also calls upon the international community to extend financial and humanitarian assistance to the Lebanese people, including facilitating safe return of displaced persons.

The agreement entered into force on August 14. Factors critical to the effectiveness of the peacekeeping measures adopted by Resolution 1701 and the likelihood of a sustainable cease-fire include acceptance of the arrangements by Israel, Hezbollah, and the Lebanese population; training and motivation of peacekeeping forces; rules of engagement that allow for a military response to

challenges; and cooperation among the various organizations involved in peacekeeping under Resolution 1701.

An Expanded U N I F I L. The U.N. Interim Force in Lebanon (UNIFIL), created in 1978 initially to monitor an earlier Israeli withdrawal, has fluctuated in size over the years, comprising approximately 2,000 military personnel as of mid-2006. As noted above, Resolution 1701 envisions increasing UNIFIL to a maximum of 15,000, of which approximately 7,000 would come from Italy, France, Spain, and other European countries. Turkey and Qatar have agreed to participate, thus providing Arab/Muslim representation and Indonesia has been approached as well. U.N. planners are hopeful that more Arab or at least other Muslim forces may participate as well to broaden support for UNIFIL. There has been talk of deploying the the expanded UNIFIL not only in southern Lebanon but also along the Syrian-Lebanese border. Syria objects to this proposal as a hostile act. (See below.)

International Contributions to U N I F I L Peacekeeping Force

Country	Troop Pledges
Italy	3,000
Germany	2,400 (exclusively for naval patrol)
France	1,800-2,200
Spain	1,000-1,200
Turkey	1,000
Indonesia	500-1,000
Poland	500
Belgium	300
Qatar	250-300
Finland	250
*Others (Sweden, Greece, Denmark, Britain,)	Offered ships, naval assets, engineers, and aircraft
Totals:	11,00-12,150 est.
W/ Existing UNIFIL Force (2,000)	13,000 -14,150 est.

Source: Troop figures are only estimates based on media reports; not all of these are firm commitments.

*Some countries, such as Russia, are sending troops and rebuilding teams to Lebanon independent of the U.N. peacekeeping mission there.

Lebanese Armed Forces. Resolution 1701 also welcomes a decision by the Lebanese Government to deploy 15,000 personnel from the Lebanese Armed

Forces to southern Lebanon as the Israeli forces withdraw. There are questions, however, about the likely effectiveness of Lebanese troops in maintaining stability. The 70,000-member Lebanese Armed Forces have limited capabilities and largely obsolescent equipment. Moreover, they are divided along religious sectarian lines, although Lebanon's leaders have tried in recent years to build a professional and more integrated force. Although the government does not release figures on the sectarian composition of the Lebanese Armed Forces, according to former Lebanese army general Elias Hanna, the army's officer corps is predominantly Christian and Sunni Muslim while the rank and file is about 70% Shiite.⁷ Deployment of Lebanese military contingents could help break the deadlock over monitoring the Lebanese-Syrian border, however, since the various parties have not objected to the presence of Lebanese troops.

Unresolved Issues

The Difficulty of Disarming Hezbollah. Some analysts believe that Resolution 1701, while it may succeed in creating a temporary calm and end to the fighting, will probably fail to change the fundamental political and military dynamics on the ground that started the war in the first place — the presence of a well-armed Hezbollah militia on Israel's borders. Although Resolution 1701 calls for an expanded UNIFIL, it will not be operating in accordance with Chapter VII of the UN Charter, which allows the Security Council to “take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security.” According to U.S. Secretary of State Condoleezza Rice, “I don't think there is an expectation that this [UN] force is going to physically disarm Hezbollah.... I think it's a little bit of a misreading about how you disarm a militia. You have to have a plan, first of all, for the disarmament of the militia, and then the hope is that some people lay down their arms voluntarily.”

While Israel has demanded that peacekeepers be deployed along the Lebanese-Syrian border to prevent Hezbollah's re-armament by Syria and Iran, Lebanese Prime Minister Fouad Siniora stated on August 28, 2006 that the Lebanese Armed Forces have already been deployed along the border and that there is no need for an international presence there. Syria's President Bashar al-Asad had threatened earlier to close the border should peacekeepers take up positions close to Syria. In an interview with Dubai television, Asad stated that a possible peacekeeping force along the border “is an infringement on Lebanese sovereignty and a hostile position.” Most analysts believe that the Lebanese army can do little to prevent the smuggling of arms to Hezbollah.

Release of Prisoners.⁸ International mediators have been working through diplomatic channels to free the Israeli corporal kidnapped by the Hamas military wing and two other groups on June 25 almost from that date. The kidnappers and their supporters have insisted that the Israeli soldier be exchanged for some of the thousands of Palestinian prisoners being held by Israel. Although the kidnappers initially and specifically demanded the release of women and minors in Israeli custody, their subsequent demands have been less precise. The mediators' efforts have been hampered by Hamas's demand (specifically Damascus-based Hamas Political Bureau Chief Khalid al-Mish'al's demand) for a simultaneous prisoner swap and by Israel's reluctance to agree to any actions that would appear to be an exchange or a concession to the "blackmail" of kidnappings. Egyptian officials are said to be mediating and there are unconfirmed reports that a prisoner exchange is in the works. According to these reports, the soldier would be released and, subsequently, Palestinian prisoners would be released in three groups, totaling about 800.⁹ The Egyptians' interlocutor is not known. Neither Palestinian President Mahmud Abbas nor Prime Minister Ismail Haniyah of Hamas is in control of the kidnapped Israeli soldier. The Hamas military wing may answer to Mish'al, who in turn may need the approval of his Syrian hosts or Iranian supporters for any deal.

U.N. Secretary General Kofi Annan announced on September 5 that Israel and Hezbollah had agreed to have him mediate an exchange of prisoners for the release of the two Israeli soldiers kidnapped on the northern border of Israel by Hezbollah on July 12 and that he would appoint an envoy to conduct "secret" negotiations. Israeli officials immediately reacted by saying that they would not negotiate a prisoner release, but they have taken actions which contradict their statements and indicate that they expect an exchange. In addition to holding several Lebanese prisoners, one of whom has been in jail as a convicted murderer since 1979, Israeli forces reportedly captured about a dozen Hezbollah fighters and brought the corpses of others to Israel during the recent war specifically in order to exchange them for the captured soldiers after the war.¹⁰ Israel has exchanged many Hezbollah prisoners for a few Israeli captives and corpses via third party mediators on past occasions. While the current Israeli government would prefer not to follow that precedent and apparently launched the recent war partly to end it, the captives' families and much of the Israeli public demand the return of the abductees, which appears to require an exchange.

Continued Fighting in Gaza.¹¹ While fighting continues in the Gaza Strip, it has abated somewhat in Lebanon since August as rockets have been launched less frequently. The Israeli Defense Forces have taken over some former settlements in

Gaza and deployed just beyond the Gaza border in order to make sporadic incursions into Palestinian areas to attack terrorists, rocket launching sites, and tunnels used to smuggle arms into Gaza. However, their use of air and artillery strikes appears to have been curtailed somewhat. This may have been due to a shifting of regular Israeli forces and resources to the northern front against Lebanon and their replacement by reservists. It is not yet clear if hostilities will re-escalate in Gaza with the cessation of hostilities in Lebanon. Some 200 Palestinians have been killed since these operations began after the June 25 kidnapping of an Israeli soldier. A prisoner exchange might continue to constrain the fighting.

Much of the fighting in Gaza is intramural, i.e., between supporters and opponents of the Hamas-led government. The well-armed Palestinian security forces, manned largely by Fatah opponents of the government, have repeatedly confronted the Hamas military wing and other armed groups loyal to government. Crime rates also reportedly have risen.¹² Violence also may be attributed to the dire economic straits into which Gaza has fallen since the international community and Israel cut the transfer of funds to the Palestinian Authority (PA) after Hamas assumed leadership of the PA government in March. Palestinian security forces and other government employees hold the Hamas-led government responsible for the resulting non-payment of salaries. Israel also has sealed off the Gaza Strip, only allowing in sufficient humanitarian aid shipments to stave off a disaster. Thus, the domestic climate is considered chaotic and highly combustible.

As a result, pressure was exerted on Hamas to accept President Mahmud Abbas to form a national unity government in order to allow foreign aid to flow again. Hamas was reluctant to concede the premiership and insisted that ministries be distributed in proportion to a party's strength in parliament, ensuring continued Hamas domination in the cabinet. It has also firmly resisted the idea of a government of technocrats. Moreover, Hamas will not accede to the January 2006 demand of the "Quartet" (United States, United Nations, European Union, and Russia) that it accept principles of non-violence, recognize Israel, and prior agreements and obligations, including the Road Map to a two-state solution to the Israeli-Palestinian conflict. If Hamas is not in a position to compromise, the conditions which produced the international pressure will not change and violence will likely continue.

Shib'a (Shebaa) Farms.¹³ A small 10-square-mile enclave near the Lebanon-Syria-Israel tri-border area known as the Shib'a Farms continues to exacerbate tensions in southern Lebanon and complicate implementation of cease-fire terms. Earlier, the withdrawal of Israeli forces from southern Lebanon in May 2000 left

several small but sensitive border issues unresolved, including the Shib'a Farms. Israel did not evacuate this enclave, arguing that it is not Lebanese territory but rather is part of the Syrian Golan Heights, which Israel occupied in 1967. Lebanon, supported by Syria, asserted that this territory is part of Lebanon and should have been evacuated by Israel when the latter abandoned its self-declared security zone in southern Lebanon in 2000. On June 16, 2000, the U.N. Secretary General informed the Security Council that the requirement for Israel to withdraw from southern Lebanon had been met, thereby implying that the Shib'a Farms are not part of Lebanon.¹⁴ The Secretary General did point out, however, that the U.N. determination does not prejudice the rights of Syria and Lebanon to agree on an international boundary in the future.

Leaders of Hezbollah immediately seized upon the Shib'a Farms issue as justifying Hezbollah's refusal to relinquish its weapons, arguing that the weapons were needed to confront Israel while the latter continued to occupy the Shib'a Farms. Hizbollah also argued that it was justified in continuing to launch periodic rocket attacks on Israeli military units in or near the Shib'a Farms area to counter alleged threats posed by Israeli forces in the area. For the next half-decade, this area remained a focal point for violence and border violations. Among the more serious incidents was the seizure by Hezbollah guerrillas in October 2000 of three Israeli soldiers, whose bodies were handed over to Israel in return for the release of a group of Hezbollah prisoners in January 2004. This incident, which anticipated the July 2006 kidnaping that triggered the recent Israeli-Hezbollah fighting, was followed by further unrest, including border violations, Hezbollah attacks by fire (e.g., rocket and mortar attacks), occasional Israeli air strikes, and frequent Israeli overflights of Lebanon.

The situation is made more complex by the fact that Syria and Lebanon have never demarcated a common border nor established formal diplomatic relations. The two countries, which were twin protectorates under a French "mandate" (trusteeship) between World Wars I and II, never established diplomatic structures or agreed boundaries upon gaining independence in 1943. This was due in part to the influence of some factions in both Syria and Lebanon who regarded the two as properly constituting a single country. Advocates of a "Greater Syria" in particular were reluctant to establish diplomatic relations and boundaries, fearing that such steps would imply formal recognition of the separate status of the two states.

The Shib'a Farms emerged into the limelight once again after political upheavals in Lebanon in 2005 and the fighting that erupted in July 2006. As government leaders and diplomats sought to find ways to end the fighting and pursue more lasting peace efforts, it became obvious that the status of the Shib'a

Farms territory would likely arise. At an inconclusive international conference on Lebanon held in Rome on July 26, Lebanese Prime Minister Fouad Siniora presented a seven- point proposal which called, among other things, for placing the Shib'a Farms and some adjacent areas under U.N. jurisdiction "until border delineation and Lebanese sovereignty over them are fully settled." The proposal also provided that the Shib'a Farms would be open to property owners during the period of U.N. custody.

U.N. Security Council Resolution 1701 of August 11, 2006, which brought about a cessation of active hostilities, did not specifically endorse the seven-point plan and its proposals for dealing with the Shib'a Farms question. However, in preambular language, the resolution referred to "the proposals made in the seven point plan regarding the Shebaa (variant spelling) farms area." Later on, in paragraph 10, the resolution requested the U.N. Secretary-General to develop proposals to implement terms of various agreements including, "delineation of the international borders of Lebanon, especially in those areas where the border is disputed or uncertain, *including by dealing with the Shebaa farms area* [emphasis added], and to present to the Security Council those proposals within thirty days." On September 1, 2006, during a follow- on trip to the region, Secretary-General Annan said Syrian President Bashar al-Asad informed him that "Syria is prepared to go ahead with the delineation of its border with Lebanon." According to the press article that reported the meeting, the process of delineation could include the Shib'a Farms area.¹⁵ At the same time, President Asad ruled out formal *demarcation* (as distinguished from *delineation*) of the Shib'a Farms' boundaries pending Israeli withdrawal from the area.¹⁶

The status of the Shib'a Farms could be an important factor, not only in the stability of Lebanon but also in any future agreements involving Israel, Lebanon, and Syria. If the Shib'a Farms area forms part of Lebanese territory occupied by Israel in 1982, it would come under the provisions of U.N. Resolutions 425 and 426, which addressed Israeli withdrawal from Lebanon. If it forms a part of the Syrian Golan Heights territory occupied by Israel in 1967, it would come under the provisions of other U.N. resolutions (242 and 338), which address the Golan territory and other broader aspects of the Arab-Israeli conflict. In the latter case, the issue would be moot as long as Israel remains in occupation of the Golan Heights. For more background information on the Shib'a Farms issue, see CRS Report RL3 1078, *The Shib 'a Farms Dispute and Its Implications*.

THE WAR'S

Aftermath Assessing Hezbollah¹⁷

The relative success of Hezbollah in the recent conflict can be credited to a variety of factors. In the six years since the Israeli withdrawal from southern Lebanon, Hezbollah devoted considerable efforts to constructing an extensive defensive infrastructure, providing substantial training to its personnel, establishing distributed stockpiles of supplies throughout the area, and preparing operational plans. All of these activities are reported to have received a very high level of support from Iran in the form of funds, equipment, and personnel.¹⁸

Perhaps the most significant factor in Hezbollah's ability to withstand the Israeli Defense Forces (IDF) is the extensive network of fortified sites and underground facilities. These provided protection for both personnel and equipment against repeated Israeli air attacks, forcing the IDF to move to ground operations. Fighting from prepared positions and very well equipped with a range of modern weaponry that included antitank and anti-ship missiles, night vision equipment, and computer assisted targeting, relatively small Hezbollah units were able to maintain stiffer resistance than expected. Hezbollah's stockpiled supplies and local support significantly mitigated the Israeli interdiction efforts. Though isolated by the IDF air and ground offensive, Hezbollah units were often sufficiently provisioned to continue fighting without immediate need for re-supply. Close familiarity with their area of operations, widespread support among the population, and effective communication networks enhanced Hezbollah's ability to slow Israeli advances, often conducting ambushes and rapidly withdrawing in classic guerrilla style warfare.

Though Hezbollah units did attempt limited incursions into Israeli territory, they were all successfully repulsed. Nevertheless, throughout the conflict Hezbollah was able to maintain its campaign of rocket attacks on Israeli territory. An estimated 4,000-5,000 rockets were fired; however, this represents only a third of Hezbollah's estimated rocket/missile arsenal.¹⁹ Though Israeli retaliation against rocket launch sites came in a matter of minutes in some cases, the mobility of the rocket launchers continued to make them difficult targets. The rockets/missiles supplied to Hezbollah by both Iran and Syria carried a variety of conventional warheads and had ranges of up to 120 miles. Though most are of relatively low accuracy by modern standards, they remain effective terror weapons against urban populations.

Though Hezbollah's military capabilities may have been substantially reduced, and re-supply from Syria and Iran could be hampered by the presence of

international peacekeepers in Lebanon, Hezbollah's long-term potential as a guerrilla movement appears to remain intact. Observers note that Hezbollah's leaders have been able to claim a level of "victory" simply by virtue of not having decisively "lost".

Debate within Israel²⁰

Israelis overwhelmingly supported the war as a legitimate response to an attack on sovereign Israeli territory and as a long overdue and decisive reaction to six years of Hezbollah rocket attacks against northern Israel. As the conflict progressed, however, the public and media increasingly questioned the government's and the military commanders' prosecution of the war. After the war, critics noted that the kidnapped soldiers had not been freed and that Hezbollah had retained its arms and may have been strengthened politically; and they found fault with a government that had produced what they viewed as poor results. The charges levied against the government and the military leaders include hesitant decision-making; excessive reliance on air power; delayed launch of a ground offensive, which, once begun, was seen as deficient; launching an unnecessary and costly final ground action during the weekend after the U.N. passed the cease-fire resolution; poor intelligence concerning Hezbollah locations, arms, tactics, and capabilities; deficient training and equipment for mobilized reservists; tactics unsuitable for terrain and enemy; ill-prepared home front defenses, which left many poor and elderly who were unable to escape in the north; an inadequate presentation of the Israeli view to international audiences; and harm to future Israeli deterrence.

The government counters that the war succeeded in forcing Hezbollah from the border and in degrading its arms, particularly in eliminating a substantial number of its long- and mid-range missiles. It also sees success in forcing the Lebanese government, aided by international forces, to assert control over the south, which had been an unfilled demand made by Israel since it withdrew from the region in 2000. Most notably, Israeli officials took Hezbollah leader Sheikh Hassan Nasrallah's admission that he would not have authorized the July 12 action if he had known how strongly Israel would react as confirmation that Hezbollah has been weakened and that Israel's deterrence has been strengthened.²¹

Public opinion polls indicate that support for the government has fallen sharply and that a much of the public favor the resignations of Prime Minister Ehud Olmert, Defense Minister Amir Peretz, and Israeli Defense Forces (IDF)

Chief of Staff Gen. Dan Halutz.²² Critics claim that Olmert and Peretz's lack of military command experience make them unqualified to head the state during a war. Both had held only low-level positions during required military service and neither had served beyond that time. Some critics blame Gen. Halutz, a former head of the air force, for having made too many appointments to the general staff from the air force and for ignoring reportedly well-developed plans for a ground campaign. The revelation that Halutz had engaged in personal stock market transactions in the early hours of the war sparked additional questions about his priorities.²³ Reservists and families of those killed in action have been in the forefront of demonstrations demanding accountability.

However, Prime Minister Olmert rejected demands for an independent state commission of inquiry, such as were headed by Supreme Court justices after past controversial conflicts, saying it would take too long and paralyze the military when it needs to attend to more vital tasks. Instead, he at first named former Mossad (Institute for Intelligence and Special Operations) Director Nahum Admoni to head a government investigatory committee to examine wartime decision-making. This move failed to satisfy critics, who charge that a government-appointed committee would lack independence and produce a white-wash; and they continued to demand a state inquiry. Attorney-General Menahem Mazuz then disqualified two of the Admoni committee's five members due to conflicts of interests. Olmert also approved Defense Minister Peretz's appointment of former Chief of Staff Gen. (Res.) Ammon Lipkin-Shahak to head a committee to investigate how the military and the Defense Ministry had performed during the war. Accusations of lack of independence and white-wash also were made against Lipkin-Shahak, who had advised Peretz during the war. Lipkin-Shahak suspended his activities and Peretz later came out in support of a state commission of inquiry. Despite these developments, Olmert persisted in his efforts to avoid a state commission. On September 11, he announced that, instead of Admoni, retired judge Eliahu Winograd would head a committee to examine the conduct of both political and military leaders during the war. It will have two civilian and two retired military members and the power to subpoena witnesses and grant immunity for testimony. In addition, State Comptroller Micha Lindenstrausse will probe failings in home front preparedness.²⁴

Domestic Political Repercussions in Israel. Politically, support for Olmert's Kadima and Peretz's Labor parties, the two main coalition partners, has plummeted, while that for the rightist Likud and Yisrael Beiteinu parties and their respective leaders, Benjamin Netanyahu and Avigdor Lieberman, has increased. There has been some speculation that the governing coalition might be

reconfigured to bring in one or both of these larger opposition parties, although Olmert professes to have no interest in change. Lieberman disavows interest in joining the government, claiming that it will be short-lived. Netanyahu has been less categorical. Few in parliament, save Lieberman, appear to favor bringing down the government immediately and in sparking an early election as they have been in their seats only a few months. Likud has already struck a deal with the government to support the 2007 budget and budget votes have been used as vehicles for producing no-confidence votes and bringing down a government. Netanyahu may not believe that he has sufficiently repaired his public image from that of a Finance Minister whose policies harmed the aged and the poor to contest another election at this time. Such allegations contributed to Likud's poor showing in the March 2006 election.

Many Kadima Members of the Knesset (MKs) know that their political fate is tied to Olmert's and have a vested interest in his political survival. Hence, he does not face an imminent challenge to his party leadership, although polls indicate that Foreign Minister Tzipi Livni is more popular. Kadima had been formed in late 2005 in order to pursue unilateral disengagement from the West Bank. Many Israelis now believe that unilateral withdrawals from south Lebanon in 2000 and from Gaza in 2005 had transformed those regions into terrorist bases, and neither the public nor Kadima still supports disengagement from the West Bank. As a result, some observers say the party lacks a *raison d'être*. Olmert has said that rebuilding a north devastated by the war is his highest priority, but few would consider this goal to be a new platform for the party.

Amir Peretz is facing greater challenges from within Labor. Since the government was formed, a block of party dissidents who did not receive cabinet portfolios have taken every opportunity to criticize their party leader and his actions. They are led by former Ben Gurion University President Avishay Braverman and former head of Shin Bet (Israeli counterintelligence and internal security service) Ami Ayalon, two strong personalities, and their voices have grown louder since the war. At the present time, the budget process is providing them with ammunition. Budget cuts to pay for the war are subordinating Labor's social and economic agenda; and the proposed 2007 budget contains more of the same. Defense Minister Peretz is in the awkward position of having to support the military's demands, while conceding championship of social causes to his intra-party opposition. As a former successful union leader who wrested control of Labor from an entrenched old guard, Peretz's abilities as an infighter should not be underestimated.

Most Israeli governments last less than two years. The current government is not threatened by imminent demise, but many believe that it will not survive two year years.

The Race to Rebuild Lebanon

While fighting has come to a halt, Iran and Hezbollah are vying with the United States and its international and Arab partners over which side can help rebuild southern Lebanon the fastest and win the “hearts and minds” of many distraught Lebanese civilians who have lost homes and businesses due to the war. Hezbollah militants and party members, perhaps as an implicit acknowledgment that the war they began brought much suffering to Lebanon, reportedly have been handing out \$12,000 in cash payments to anyone who lost their home during the war. The money is meant to pay for rent and furniture while Hezbollah builds new homes for the displaced. Reportedly, the bulk of Hezbollah’s largesse comes from Iran, which may have allocated hundreds of millions in aid to be channeled through Hezbollah to Lebanon.²⁵ According to the governor of Lebanon’s Central Bank, Hezbollah was distributing banknotes that had not gone through the formal banking system implying that they may have been transported across the border by land. According to *Time*, Hezbollah has pledged to rebuild apartment buildings and entire villages within three years and has sent civil-affairs teams wearing hats that read Jihad For Reconstruction.²⁶ Lebanon’s Prime Minister Fouad Siniora is reportedly offering a government compensation package of \$33,000 for Lebanese whose homes were destroyed in the fighting between Hezbollah and Israel. At this time, it is unclear whether the Lebanese government will be able to follow through on such a commitment. Overall, the Lebanese government estimates that damage to the country’s infrastructure from the war is approximately \$3.5 - \$4 billion.

To counter Hezbollah’s efforts, President Bush announced on August 21, 2006 that the United States would provide \$230 million to Lebanon (an additional \$175 million on top of an earlier pledge of \$55 million). According to the U.S. State Department, the President’s initial \$55 million pledge came from various reprogrammed FY2006 foreign aid funds, including \$24 million from the International Famine and Disaster Assistance account, \$21 million from the Emergency Refugee and Migration Account (ERMA), \$10 million from the P.L.480 fund (food aid), and \$420,000 from the Non-proliferation, Anti-terrorism, De-mining, and Related Programs account (NADR). At this time, it is unclear where the second tranche of \$175 million will come from.

According to Director of U.S. Foreign Assistance Ambassador Randall Tobias, U.S. aid to Lebanon will be focused on the following projects:

- Reconstructing the Fidar Bridge in Jbeil, a key link in Lebanon's coastal highway between Beirut and the northern city of Tripoli;
- Removing debris from the southern road between Marjeyoun and Nabatyeh;
- Procuring materials and hiring local workers to repair damaged homes;
- Cleaning and repairing schools in preparation for the coming school year;
- Providing new nets, hooks and other trade material to fishermen whose equipment was damaged; and
- Supporting local fishermen working to clean up the oil slick that now pollutes 90 miles of the Lebanese coastline.²⁷

International Contributions to Rebuilding Lebanon

Country	Pledge (Grants only)
Saudi Arabia	\$500 million (also provided \$1 billion in loans to Lebanon's Central Bank)
Kuwait	\$300 million (also provided \$500 million in loans to Lebanon's Central Bank)
Qatar	\$300 million
United States	\$230 million
European Union	\$117 million
International Monetary Fund (IMF)	\$112 million
United Arab Emirates	\$50 million
United Kingdom	\$40 million
Italy	\$38 million
Spain	\$34 million
Germany	\$28 million
France	\$25 million
Canada	\$22 million
Switzerland	\$20 million
Sweden	\$20 million
Australia	\$10.5 million
Turkey	\$10 million
Japan	\$1.9 million
Totals	\$ 1.8584 billion (est.)

Sources: Estimates based on various media reports and U.S. State Department figures.

The international community also has recognized Lebanon's urgent need for reconstruction assistance, and on August 31, 2006, donors convened in Stockholm, Sweden for a conference to raise reconstruction funds for Lebanon. A total of \$940 million in early reconstruction aid was committed and earmarked for rebuilding. Some observers contend that countries opposed to Iranian influence in Lebanon have already fallen behind due to the slow pace of international financial and security commitments and the lack of adequate personnel on the ground to dispense aid.

The War's Impact on Lebanese Internal Politics

For almost 30 years prior to 2005, Lebanon's internal politics were dominated by Syria, which maintained a large military presence in Lebanon ostensibly as part of an Arab League peacekeeping force. Though supported by some Lebanese, including much of the Shiite Muslim community, the Syrian presence was increasingly resented by other elements of the Lebanese population including Maronite Christians, Sunni Muslims, and Druze (followers of a small sect derived from Islam). The assassination in February 2005 of former Lebanese Prime Minister Rafiq Hariri, widely blamed on Syrian agents because of Hariri's opposition to Syrian policies, led to a dramatic chain of events that profoundly altered the Lebanese political scene. Under heavy domestic and international pressure, Syria withdrew its forces from Lebanon in April 2005; relatively free parliamentary elections were held in May and June without direct Syrian interference in the balloting process; a cabinet headed by a member of the anti-Syrian bloc was installed; and the U.N. Security Council passed Resolution 1595, which established an independent commission to investigate the circumstances of Hariri's murder. Initial reports of the commission seemed to implicate Syria or pro-Syrian Lebanese but findings remain inconclusive so far.

At the time, many observers interpreted Syria's unexpectedly rapid withdrawal and the subsequent election of an anti-Syrian majority in the Lebanese parliament as a major setback for Syria's ambitions in the region, and some even predicted that the regime of Syrian President Bashar al-Asad had been seriously weakened. However, Syria maintained significant assets in Lebanon: a mixed government in Lebanon comprising both pro- and anti-Syrian elements (see below); a possible residual presence of Syrian intelligence assets in Lebanon;²⁸ and Hezbollah, which has refused so far to relinquish its arms and apparently continued to support Syria's agenda by periodically attacking Israeli military positions near the Israeli-Syrian border.

The Lebanese government itself is far from monolithic. On one hand, parliamentary elections gave a majority (72 out of 128 seats) to a large anti-Syrian bloc headed by the late Prime Minister's son; on the other hand, the Lebanese Shiite Hezbollah leads a 33-seat minority bloc, and a third 21-seat bloc headed by an independent former army officer is cooperating with the Hezbollah bloc on some issues. President Emile Lahoud was elected with strong support from Syria and currently enjoys the support of Hezbollah as well; he refuses to retire before his term ends in 2007. Prime Minister Fouad Siniora, though a member of the anti-Syrian bloc, nonetheless heads a mixed cabinet which, for the first time in Lebanese history, contains two members of Hezbollah. Disputes over disarmament of Hezbollah, the status of President Lahoud, and relations with Syria have already created several cabinet crises and severely limited the ability of the government to deal with domestic and regional issues.

The 34-day military confrontation between Hezbollah and the Israeli Defense Force in July and August 2006 greatly enhanced the prestige of Hezbollah at the expense of the Lebanese government. Hezbollah's leader Sheikh Hassan Nasrallah acquired a folk-hero status as his organization was widely hailed both for its military prowess in the conflict with Israel and for its perceived ability to initiate disaster relief projects far more quickly and efficiently than the regular governmental organizations. Even those Lebanese who might be inclined to criticize Hezbollah for precipitating a crisis that devastated much of southern Lebanon have been muted, at least temporarily, by Nasrallah's soaring popularity and Hezbollah's success in delivering aid to large numbers of displaced persons and other homeless or destitute Lebanese.²⁹ Similarly, he finds himself in a strong position to withstand pressures to disarm Hezbollah. Syria too, as a major sponsor of Hezbollah, finds that it has more maneuver room in dealing with Lebanese issues. Notably, the earlier enthusiasm among some Lebanese to pursue investigations designed to uncover a possible Syrian role in the Hariri assassination has dissipated, to a considerable extent.

The inevitable comparisons being drawn between Hezbollah effectiveness and Lebanese government ineptitude raise questions about the future of the Siniora government and its ability to withstand domestic criticism over its leadership during the current crisis. To some extent, the answers to these questions depend on the interaction of Lebanon's diverse religious sectarian and political groups. Lebanon is the most religiously diverse country in the Middle East and its political system is based on a careful distribution of governmental posts by religious sect. Shiite Muslims constitute a plurality, though not a majority, of the population, and in recent years they have increased their influence in the Lebanese body politic as their numbers have continued to grow. While not

all Lebanese Shiites support Hezbollah, many observers believe Sheikh Nasrallah is likely to be heeded to a greater degree in the post conflict environment in Lebanon; he benefits from his ability to play multiple roles including military leader, reconstruction czar, and political participant. Despite his currently favorable image, however, Nasrallah may prefer to enhance his role in the present government including participation by Hezbollah (albeit at a junior level) in the cabinet and leadership of a strong parliamentary bloc rather than to mount an uncertain challenge that could galvanize currently dormant opposition to the Shiite leadership in Lebanon.

In the meantime, the interaction of government offices and agencies in Lebanon remains somewhat awkward, complicating the national decision-making process. For example, Prime Minister Siniora, who maintains a dialogue with the United States and the international community, has not had direct dealings with Hezbollah, which the United States lists as a foreign terrorist organization, since the war began. Rather, Siniora and Nasrallah have communicated through the speaker of parliament, Nabih Berri, who is aligned with the Hezbollah-led bloc, but is a member of the more moderate Shiite faction known as Amal.³⁰ At the same time, Siniora has gained some stature by negotiating some of the wording to Lebanon's advantage in the final version of Resolution 1701. Realignments within the three somewhat amorphous blocs in parliament are also possible, if not likely, as the political situation continues to evolve in the aftermath of the July-August fighting.

ISSUES FOR U.S. POLICY AND CONGRESS

U.S. Foreign Assistance to the Middle East³¹

As a result of the Israeli-Lebanon/Hezbollah conflict, the United States has pledged \$230 million in humanitarian and reconstruction assistance to Lebanon. While some parts of Israel were also affected by the war, no additional assistance has been announced with the exception of an extension of existing loan guarantees.³² The United States has longstanding aid programs to countries in the Middle East,³³ including both Israel and Lebanon. Foreign assistance has been used to promote the peace process, spur economic development, and in the case of Israel, to strengthen its defense capabilities through military assistance.

Israel's Loan Guarantees. Loan guarantees are a form of indirect U.S. assistance to Israel, since they enable Israel to borrow from commercial sources at

lower rates and not from the United States government. Congress directs that appropriated or other funds be set aside in a U.S. Treasury account for possible default. These funds, which are a percentage of the total loan (based in part on the credit rating of the borrowing country), come from the U.S. or the Israeli government. Israel has never defaulted on a U.S.-backed loan guarantee, as it needs to maintain its good credit rating in order to secure financing to offset annual budget deficits.

P.L. 108-11, the FY2003 Emergency Wartime Supplemental Appropriations Act, authorized \$9 billion in loan guarantees over three years for Israel. P.L. 108-11 stated that the proceeds from the loan guarantees could be used only within Israel's pre-June 1967 borders, that the annual loan guarantees could be reduced by an amount equal to the amount Israel spends on settlements in the occupied territories, that Israel would pay all fees and subsidies, and that the President would consider Israel's economic reforms when determining terms and conditions for the loan guarantees. On November 26, 2003, the Department of State announced that the \$3 billion loan guarantees for FY2003 were reduced by \$289.5 million because Israel continued to build settlements in the occupied territories and continued construction of the security barrier separating the Israelis and Palestinians.

The Bush Administration reportedly plans to submit a request to Congress to extend the authorization of Israel's loan guarantees through FY2010³⁴. To date, Israel has \$4.6 billion in U.S.-backed commercial credit left to draw on.

Lebanon.³⁵ The United States provides modest amounts of assistance to Lebanon, including economic (ESF) and military assistance (FMF),³⁶ and humanitarian de-mining funds (NADR). Annual funding for Lebanon has been maintained at roughly \$35 to \$40 million since FY2001 with the objectives of promoting economic growth, strengthening democracy and good governance, and protecting the environment.

In addition, Lebanon may be eligible for \$10 million in Department of Defense funds under Section 1206 of the FY2006 National Defense Authorization Act (PL 109-163), which authorizes funds for the training and equipping of foreign military forces conducting counter-terrorist operations. Reportedly, this aid would help modernize the Lebanese Armed forces (LAF) by providing funds for the procurement of spare parts to upgrade and repair the LAFs 5-ton military trucks, M1 13 armored personnel carriers, and UH-1H utility helicopters. The Pentagon may attach conditions to the \$10 million aid package if appropriated, requiring the LAF to use the equipment provided to contain Hezbollah's militia.³⁷

As stated earlier, the United States has pledged \$230 million in aid to Lebanon for reconstruction. Of the total U.S. pledge, \$55 million has been committed and reprogrammed from various FY2006 foreign operations accounts. The makeup of the remaining \$175 million pledge had not been announced as of September 2006, but it is expected that the Administration will send a request to Congress to reprogram existing FY2006 funds for at least part of the total.

On September 14, 2006, the *Washington Post* reported that Representative Tom Lantos, ranking Minority Member of the House International Relations Committee, put a hold on any assistance to Lebanon until the Lebanese Armed Forces and international peacekeepers deploy along the Lebanese-Syrian border. At this point, it is unclear how long the delivery of aid will be suspended.

Humanitarian Issues³⁸

During the war, partisans on both sides of the conflict and some independent human rights activists alleged that the warring parties were targeting each other's civilian populations by employing inaccurate munitions that are designed to saturate wide areas with shrapnel or explosive sub-munitions.

Condemning Hezbollah. Observers have condemned Hezbollah's indiscriminate firing of rockets into northern Israeli towns and cities in order to terrorize the population and cause extensive damage to infrastructure. According to the *Jerusalem Post*, many of the rockets fired contained anti-personnel munitions such as steel ball bearings.³⁹ Israeli civil defense agencies continue to identify, disarm, and remove unexploded ordnance (UXO) fired by Hezbollah into northern Israel during the conflict.

On September 14, 2006, Amnesty International accused Hezbollah militants of war crimes and "serious violations of international humanitarian law" during the Lebanon war. In a report that attempted to balance earlier accusations against Israel's bombing of civilian areas in Lebanon, Amnesty noted that Hezbollah's Katyusha rockets "cannot be aimed with accuracy, especially at long distances, and are therefore indiscriminate."⁴⁰

Israel's Use of Cluster Weapons. Observers have decried Israel's use of cluster weapons to counter Hezbollah's rockets attacks. Since the United States is a major provider of military aid to Israel, the cluster weapons issue received media attention during and since the war and has reportedly become the subject of an Administration investigation.

Field and press reports suggest that large numbers of cluster weapon sub-munitions (commonly referred to as “cluster bombs”) remain scattered across areas of southern Lebanon in the aftermath of fighting between Hezbollah and the Israel Defense Forces (IDF). The sub-munitions in southern Lebanon are the unexploded remnants of a range of Israeli ground- and air-launched cluster weapons, including bombs, artillery shells, and rockets. The United States apparently supplied some of the cluster weapons that Israel used in the conflict.⁴¹ Officials from the United Nations, non-governmental organizations, and foreign governments have criticized Israel for its use of cluster weapons in populated areas because of the known high rate of failure for the cluster weapons’ sub-munitions and the potential for these so-called “bomblets” to kill and injure civilians. Israel reportedly fired many of the cluster weapons in question during the final days of the conflict.⁴² As of September 7, the United Nations had catalogued 12 deaths and 61 reported injuries from UXO in Lebanon, all but five of which were linked to cluster sub-munitions. Up to 448 cluster weapon strike sites from the recent conflict have been identified, and U.N. experts estimated that 12 to 15 months will be needed to clear the sites of cluster submunitions.⁴³ According to Human Rights Watch, 57 countries maintain stockpiles of cluster weapons, and nine countries have used them in combat, including the United States in Iraq and Afghanistan.⁴⁴

Israeli Reaction. Israeli officials maintain that the IDF carefully considered the potential for civilian casualties both during and following their military operations, and that IDF use of cluster weapons, as well as the IDF’s broader methods during the southern Lebanon campaign, “are legal under international law and their use conforms with international standards.”⁴⁵ Israel has identified Hezbollah’s use of civilian homes for rocket launching and munitions storage as the primary explanation for IDF targeting of some populated areas during the conflict. IDF sources reported during the conflict that the predominant targets for their cluster weapons were Hezbollah-manned Katyusha rocket launch sites in open areas. Following the conclusion of the cease-fire agreement, the IDF transferred maps to UNIFIL forces showing likely locations for UXO and distributed warning notices to residents in conflict zones advising them to delay their return to their villages and homes until UXO had been cleared.⁴⁶

Administration Response. The U.S. Department of State’s Office of Weapons Removal and Abatement has announced plans to expand an ongoing landmine and unexploded ordnance (UXO) humanitarian clearance program in Lebanon in the aftermath of the Israel-Hezbollah conflict. The expansion of the

program will consist of an emergency grant of \$420,000 in reprogrammed FY2006 funds to a non-governmental UXO removal organization and greater support for the United Nations Joint Logistics Center UXO data collection and mapping operations in Lebanon.⁴⁷ The Department of State also is seeking congressional approval for the allocation of up to \$2 million to continue UXO clearing activity in Lebanon during FY2007.⁴⁸

Munitions Shipment Hold and Investigation. According to press reports citing unnamed Administration officials, the Department of State has held up a shipment of M-26 cluster munitions to Israel and initiated an investigation of the Israel Defense Force's use of cluster munitions during the recent fighting. In early August, Israel reportedly requested that a pre-ordered shipment of U.S. M-26 rockets be expedited for IDF use in Multiple Launch Rocket System (MLRS) counterfire strikes against Hezbollah rocket launch sites in southern Lebanon. Initial reports suggested the shipment was delayed out of concern over the weapons' potential use, and subsequent press reports suggest the shipment has been placed on hold.⁴⁹ In addition to this reported hold, the Department of State's Directorate of Defense Trade Controls also reportedly is conducting an investigation focused on whether Israel violated confidential agreements with the United States that restrict Israel's use of U.S.-supplied cluster munitions to certain military targets in non-civilian areas.⁵⁰ Administration officials have declined to comment specifically on these reports. President Bush repeatedly characterized Israel's military actions as "self-defense" during the conflict. The Arms Export Control Act requires that U.S.-supplied weapons can be used only in "legitimate self-defense."

Congressional Responses. In Congress, Senators Feinstein and Leahy introduced an amendment to the FY2007 Department of Defense Appropriations bill (S.Amdt.4882 to H.R.5631) that would have prevented FY2007 funds from being spent "to acquire, utilize, sell, or transfer any cluster munition unless the rules of engagement applicable to the cluster munition ensure that the cluster munition will not be used in or near any concentrated population of civilians, whether permanent or temporary, including inhabited parts of cities or villages, camps or columns of refugees or evacuees, or camps or groups of nomads."⁵¹ The amendment failed to pass during Senate floor consideration on September 6, 2006 by a vote of 30 to 70 (Vote No. 232). Some opponents of the amendment argued that its language would unduly restrict the options available to U.S. military commanders in battle. Others called for hearings to further discuss the subject.⁵²

U.S. Efforts and Other Efforts to Combat Hezbollah

U.S. Terrorism Designations and Related Effects. In December 2004, the U.S. State Department added Al-Manar to the Terrorist Exclusion List (TEL). Applicable criteria for adding Al-Manar to the TEL included inciting to commit a terrorist act and providing material support to further terrorist activity. The effects of an entity being placed on the TEL could include the possible deportation and exclusion from the United States of individuals found belonging to or supporting the TEL designated organization. Concurrent with the State Department's placement of Al-Manar on the TEL, the organization was no longer allowed a satellite feed into the United States. Though Al-Manar is banned from broadcasting its satellite signal into the United States, the station does upload its television programs and other like material on its website, which is accessible to any individual with an internet connection.⁵³

On March 23, 2006, the Department of the Treasury designated Al-Manar as a Specially Designated Global Terrorist (SDGT) entity. In making this designation, Stuart Levey, Treasury Under Secretary for Terrorism and Financial Intelligence, stated, "Any entity maintained by a terrorist group — whether masquerading as a charity, a business, or a media outlet — is as culpable as the terrorist group itself."⁵⁴ The effects of an entity being designated as a SDGT include the blocking of access to all assets under U.S. jurisdiction by the organization, its parent companies, and individuals who have materially supported the entity's terrorist activities. Future transactions between U.S. persons or corporations and Al-Manar are also prohibited consistent with the provisions of the SDGT.

Recent Al-Manar Related Activity in the United States. In December 2002, Salim Boughader, an owner of a Lebanese restaurant in Mexico, was arrested by Mexican authorities on human-smuggling charges, as he is suspected of trafficking up to 200 Lebanese nationals into the United States. During post arrest questioning, Mr. Boughader reportedly admitted to knowingly providing assistance to an employee of Al-Manar in gaining unlawful entrance into the United States. Mr. Boughader also stated that he assisted individuals with ties to Hezbollah, as he and other Lebanese people "did not see Hezbollah as terrorists."⁵⁵

On August 23, 2006, Javed Iqbal was arrested on charges of offering live broadcasts of Al-Manar programming to potential customers in New York. Through selling equipment from his home and his Brooklyn-based company, HDTV Ltd., Mr. Iqbal is suspected of offering customers access to the Al-Manar

signal. It is reported that in the instances Mr. Iqbal installed the necessary equipment and attempted to retrieve the Al-Manar transmission, he ultimately was not successful in obtaining the desired signal.⁵⁶

U.S. and Israeli Action Against Hezbollah Finances.⁵⁷ On August 29, 2006, the U.S. Department of the Treasury designated the Islamic Resistance Support Organization (IRSO) of Lebanon as a Specially Designated Global Terrorist entity for serving as “a key Hezbollah fund-raising organization.”⁵⁸ According to Treasury officials, the organization openly raised funds for Hezbollah via direct solicitation and advertisements on Hezbollah’s Al Manar television network. The IRSO reportedly allowed its donors to specify whether or not they wished their funds to be used for military equipment or weapons purchases, in addition to a range of other services. As a result of the designation, the IRSO is prohibited from operating in the United States, and any of its assets under U.S. jurisdiction were frozen.

The action against IRSO has been followed by two actions against Lebanese and Iranian financial entities suspected of providing support to Hezbollah. On September 7, 2006, Treasury’s Under Secretary for Terrorism and Financial Intelligence (TFI) Stuart Levey announced the designation of Bayt al-Mal and the Yousser Company for Finance and Investment of Lebanon for serving “as Hezbollah’s unofficial treasury, holding and investing its assets and serving as intermediaries between the terrorist group and mainstream banks.” Bayt al-Mal director Husayn al-Shami also was designated.⁵⁹ On September 8, 2006, Treasury officials announced that Iran’s Bank Saderat would be prohibited from conducting direct or indirect financial transactions with the U.S. financial system, in part because the Government of Iran has used the bank to fund Hezbollah and other terrorist organizations.⁶⁰ Prior to the U.S. legal action, Israel reportedly conducted a series of military strikes during July 2006 on Hezbollah financial centers and banks in Lebanon alleged to conduct business for Hezbollah operatives. Brigadier General Dani Arditi, advisor to the Israeli Prime Minister for Counterterrorism, confirmed that the strikes were meant to serve as a message “for all the Lebanese banks.... Assistance to Hezbollah is direct assistance to terrorist organizations.”⁶¹

Al-Manar: Hezbollah’s Satellite Television Station.⁶² Al-Manar, a satellite television station controlled by Hezbollah, broadcasts into most areas of the world. Al-Manar refers to itself as the “station of resistance” and has a stated mission of conducting “psychological warfare against the Zionist enemy.”⁶³ The station, with a reported budget of \$20 million,⁶⁴ started transmitting limited programming in June 1991.

On two occasions during the recent conflict, Israel bombed the main Al-Manar facility located in southern Beirut. Though buildings on the complex caught fire, transmission satellite antennas were destroyed, and the station's signal went through brief periods of intermittent transmission, the network returned to broadcasting at full capacity shortly after these attacks.⁶⁵ Al-Manar's public relations chief Ibrahim Farhat stated that the organization developed contingency plans to allow for broadcasting from remote locations after the U.S. designated it a terrorist organization in December 2004.⁶⁶

Islam, Al Qaeda, and the Global War on Terrorism⁶⁷

The conflict in Lebanon challenged many Sunni Islamists, including jihadist Al Qaeda leaders such as Ayman Al Zawahiri, to reconcile their documented animosity toward Shiite Muslims with their desire to appear to be in solidarity with anti-Israeli and anti-American sentiment and activity that emerged around the Islamic world in response to the crisis. During the fighting, debate over the legitimacy of providing support for Hezbollah, a Shiite Lebanese militia, was particularly pointed on many extremist Internet fora and in a series of public statements issued by conservative Sunni Islamic leaders. Some condemned Hezbollah's actions as part of a Shiite conspiracy to gain regional power or a leadership bid by Hezbollah leader Hassan Nasrallah, while others argued that Sunni and Shiite Muslims should have united to confront Israel and its supporters.⁶⁸ To the extent that these debates may have inspired unity or division within and across religious and political communities in the Arab world and beyond, they may have important implications for the success of U.S. foreign policy initiatives in the region, and for U.S. counterterrorism policy objectives in particular.

The airing of diverse perspectives toward the crisis across the Arab and wider Islamic worlds brought the competing religious and political priorities of some important figures and groups into contrast and conflict. Conservative Sunni Islamic leaders, such as Qatar-based cleric and international Muslim Brotherhood figure Yusuf Al Qaradawi argued that Muslims should support the activities of Hezbollah and Hamas as legitimate "resistance" activities, based on Quranic injunctions to defend Muslim territory invaded by outsiders.⁶⁹ Similarly, Egypt's Grand Mufti Ali Gomaa stated that Hezbollah was "defending its country" and its actions were "not terrorism."⁷⁰ Saudi sheikh Salman Al Awda called for Sunnis to set aside their "fundamental and deep disagreement" with Hezbollah and Shiites in order to confront "the criminal Jews and Zionists."⁷¹ While many of the

strongest statements that were issued appeared to primarily serve rhetorical purposes, they may have continuing political implications: many religious figures sought to distance themselves from the more nuanced positions of Arab political leaders during the crisis, some of whom have otherwise been characterized as detached from public opinion and vulnerable to revolt. Moreover, groups or individuals may utilize religious figures' judgments and statements to justify future attacks on the interests or personnel of Israel, the United States, or their own governments should the crisis flare up again.

Disagreements also emerged among violent Sunni Islamist extremists, including Al Qaeda and its affiliates. In a July 31 Internet posting, an Al Qaeda in the Arabian Peninsula representative seemingly rejected any unitarian sentiment between violent Sunni groups and Hezbollah by characterizing Hezbollah as "the head of the Iranian spear in the Arab region," and arguing that "any support to Hezbollah in Lebanon is indirect support for the Iranian objectives."⁷² The view of Al Qaeda leadership figures, as expressed by Ayman Al Zawahiri first in a video released on July 27, and again on September 11, remains somewhat ambiguous with regard to sectarian issues. On July 27, Al Zawahiri stated that "our nation will get together to fight [Israel and its allies]," but he refrained from directly urging Sunni-Shiite unity or advocating direct Sunni support for Hezbollah.⁷³ A Hezbollah official interviewed on Al Jazeera television following the release of Al Zawahiri's July tape stated that Al Zawahiri's statement should have been "clearer in its reference to the ideological and political dimensions of unity among Muslims, and that, in the future, "there should be clear and direct references to Hizballah and Shiites in a positive sense."⁷⁴ In September, Zawahiri addressed his advice and urgings to "Muslims" around the world and in Lebanon rather than addressing the sectarian questions raised by Hezbollah and others. He specifically called on "the Muslim nation" to aid "its Muslim brothers in Lebanon and Gaza," and urged Lebanese Muslims "to reject international resolutions, particularly the recent Security Council Resolution 1701."⁷⁵ Any resolution of the ongoing Sunni jihadist debate regarding the appropriate stance toward Shiites will likely have broader implications for any potential intervention in future conflict involving Shiites by Sunni jihadist cells and others who look to Al Qaeda leaders for guidance.

CONCLUSION

There are many divergent interpretations of the July-August war in Lebanon and its implications for U.S. policy in the Middle East. On the one hand, some

consider this conflict to be just the latest battle in a global war on terror pitting the democracies of the West and Israel against terrorist organizations backed by radical regimes. Others view the war less in terms of an overall effort against Islamic extremism and more of a battle between powerful nation-states, seeing Lebanon as the battleground in an “opening round” of an Iranian-Israeli struggle for regional preeminence. Still, some observers assert that the war is simply another chapter in a long history of localized Arab-Israeli violence spurred by the lack of any discernable progress in a peace process. In reality, there may be elements of truth within all of these perspectives.

The conflict has posed its own set of challenges for U.S. policy toward Lebanon. In a broader sense, the war has jeopardized not only the long-term stability of Lebanon but has presented the Bush Administration with a basic dilemma. On one hand, the Administration is sympathetic to Israeli military action against a terrorist organization; President Bush has spoken in favor of Israel’s right of self-defense. On the other hand, the fighting dealt a setback to Administration efforts to support the rebuilding of democratic institutions in Lebanon. One commentator suggested “the two major agendas of his [Bush’s] presidency — anti-terrorism and the promotion of democracy — are in danger of colliding with each other in Lebanon.”⁷⁶

If Lebanon disintegrates through a return to communal civil strife or becomes closely aligned with Syria or Iran, U.S. goals could be seriously affected. The United States would lose a promising example of a modernizing pluralist state moving toward a resumption of democratic life and economic reform and quite possibly face a return to the chaos that prevailed in Lebanon during the 15-year civil war. Such conditions would be likely to foster terrorism, unrest on Israel’s border, and other forms of regional instability. Moreover, the growth of Syrian or Iranian influence or some combination of the two could strengthen regional voices supporting extremist and likely anti-Western views associated with clerical regimes (Iran), totalitarian models (Syria), or a militant stance toward Israel. A viable cease-fire, on the other hand, could be an initial step toward further progress in the long quest for regional peace.

With Hezbollah deeply ingrained in Lebanese Shiite society, the movement has become a fixture in the political system, though whether or not its militia and terrorist wings can be disarmed remains to be seen. Many Israelis remain deeply skeptical over international efforts to disarm Hezbollah, as the real work of preventing rearmament over land, sea, and air will take place behind the scenes in the months ahead. Israeli sources are already reporting the renewal of Syrian and Iranian shipments to Hezbollah though such reports are difficult to confirm.

A key aspect of Hezbollah's possible re-armament is the role of Syria. Many questions remain concerning Syria: the willingness of the United States and Israel to bring Syria into the diplomatic mix, Syria's influence over Hezbollah in a Lebanon free of Syria's military occupation, and what demands Syria may make in exchange for its possible cooperation. Some observers suggest a variety of theoretical incentives that the West could provide Syria, including the end of its isolation by the United States and the removal of Syria from the State Department's terrorism list and the relaxation of economic sanctions; the tacit recognition of its influence in Lebanese politics; the ratification of the EU Association Agreement with Syria that provides it with certain trade benefits; diminished international pressure regarding the U.N.-led investigation into the murder of former Lebanese Prime Minister Rafiq Hariri; increased financial support, possibly from Arab Gulf states; and finally (though less likely), a resumption of negotiations over the Israeli-occupied Golan Heights - a longstanding Syrian goal since its defeat in the June 1967 Six-Day War. Others believe that U.S. refusal to reward Syria for its intransigence should continue and that any U.S. engagement would undermine Western efforts to strengthen Lebanese independence and sovereignty, even if the unspoken reality is one in which Syria's special role in Lebanese affairs is widely recognized. After the recent attack on the U.S. embassy in Damascus, some observers have asserted that the United States and Syria share an interest in combating Islamic extremism and should renew limited security cooperation and intelligence sharing.

Finally, speculation over the winners and losers of the war will most likely be debated for some time. Israeli officials believe that their overwhelming response to Hezbollah's provocation caught it and Iran off-guard and that Israel's subsequent operations have eroded its opponents' deterrent capabilities along the Israeli- Lebanese borders. Nevertheless, there are many Israelis both in and out of the government who believe that the war was poorly managed, did not achieve its goals, or was simply ill-conceived. Hezbollah claimed that by merely surviving, it gained a symbolic victory over the more powerful Israeli army and that it continued to threaten Israel with rocket attacks after weeks of Israeli attempts to destroy its arsenal. Iran may believe that it achieved an ideological victory against Israel, seeing the conflict as producing increased Arab and Muslim support for Lebanese Shiites and for overall Iranian opposition to Israel. Analysts caution that increased Arab and Muslim support for Hezbollah may simply be a temporary phenomenon in response to solidarity with the Lebanese people and sympathy for Lebanese civilian casualties. Others see increasing domestic political pressure in moderate Arab states and elsewhere, such as Egypt, Jordan, Saudi Arabia, and even Turkey to condemn Israel and hold the United States partially responsible for

civilian casualties in Lebanon as a way to deal with popular anger and their own Islamists.

APPENDIX A: PRELUDE TO THE CRISIS

The following was originally the opening section of this report and has been included in the Appendix for use as a resource on background to the July-August war. It will not be updated.

Although Hezbollah's July 12, 2006, kidnapping of two Israeli soldiers initiated the conflict in southern Lebanon, tensions in the region had grown since the Hamas electoral victory in Palestinian legislative elections in January 2006. Over the course of the next six months, Israeli-Palestinian relations deteriorated rapidly, culminating in renewed fighting in the Gaza Strip, only months after Israel withdrew entirely from the territory and evacuated its settlements. Most observers assert that Hezbollah used the clashes between Hamas and Israel as a pretext and justification for its July 12 attack. The following sections provide background on how the region was transformed over six months from one of relative calm to full-scale war.

Palestinian Elections and the Hamas-led PA Government⁷⁷

On January 25, 2006, candidates of the "Change and Reform" party associated with the Islamic Resistance Movement (Hamas)⁷⁸ won a majority in Palestinian Legislative Council (PLC) elections, defeating Fatah, the prior ruling party of the PLC and of Palestinian Authority President (PA) Mahmoud Abbas. In response, the Quartet (i.e., the United States, European Union, United Nations, and Russia) stated that "there is a fundamental contradiction between armed group and militia activities and the building of a democratic state."⁷⁹ Subsequent Quartet statements established clear principles for reviewing further engagement and assistance with the Hamas-led Palestinian government, namely "that all members of a future Palestinian government must be committed to non-violence, recognition of Israel, and acceptance of previous agreements and obligations, including the Roadmap."⁸⁰ President Abbas endorsed Hamas' platform and cabinet candidates while expressing his demand that Hamas comply with the Quartet's principles and support his efforts to achieve a two-state solution to the Israeli-Palestinian conflict.⁸¹ Since January 2006, Hamas leaders have largely rejected and refused to discuss the Quartet principles, arguing that while President

Abbas may decide to negotiate with Israel, ultimately the Palestinian people would decide what to accept.

The Isolation of Hamas and Internecine Palestinian Violence

The electoral victory of Hamas surprised many outside observers and created a series of policy challenges for the Bush Administration, which had supported the election process as part of its efforts to reform the Palestinian Authority and its broader Middle East democracy promotion agenda. Israel and members of the Quartet took steps to limit the provision of non-humanitarian aid and financial resources to the Hamas-controlled Palestinian Authority based on Hamas leaders' refusal to accept the Quartet principles. Israel ceased its monthly transfers of approximately \$55 million in taxes and customs revenue collected monthly on behalf of the PA, and two leading Israeli banks announced plans to sever their commercial relationships with financial institutions in the West Bank and Gaza Strip.⁸² The Bush Administration suspended U.S.-funded development projects in the Palestinian territories and prohibited any and all U.S. persons from engaging in any unauthorized transactions with the Palestinian Authority because of its control by Hamas, a designated terrorist entity.⁸³ The European Union — the PA's largest donor — also suspended its direct aid to the Palestinian Authority and, at the Quartet's behest, has subsequently spearheaded efforts to develop an international mechanism to deliver assistance to the Palestinian people without transfers to or through Hamas or the elements of the PA under its control.

The loss of customs revenue and direct foreign aid created crippling budgetary shortfalls for the PA and significant derivative economic hardship for many Palestinian citizens. President Abbas referred to the steps as a "siege," and throughout April, May, and June 2006, tensions over unpaid salaries and disagreements over command responsibilities flared between the Hamas-led government and armed security force personnel loyal to Fatah. Palestinian leaders, including President Abbas, engaged in several efforts to end the intra-Palestinian violence and bring closure to open questions of official Palestinian support for the Quartet principles (see discussion of the National Accord Document below). However, before these efforts could bear fruit, fresh violence between Israel and Hamas erupted in the Gaza Strip and has escalated.

Israeli-Palestinian Fighting⁸⁴

For many months prior to the late spring/summer 2006 outbreak of fighting, violence had been somewhat subdued due to some self-imposed restraint by the major players involved. In March 2005, Hamas and 12 other Palestinian groups agreed to extend an informal truce or “calm” (referred to in Arabic as a *hudna*) with Israel for one year. Some call the agreement a cease-fire even though it was a unilateral Palestinian declaration to which Israel was not a party. Palestine Islamic Jihad (PIJ) did not agree to the calm and was responsible for several suicide bombings within Israel in the period that followed. Hamas, which had been responsible for many suicide bombings during the second *intifadah* (Palestinian uprising against Israeli occupation) that had begun in September 2000, refrained from such attacks after declaring the *hudna*. It did, however, continue to fire mortars and rockets against Israeli settlements in the Gaza Strip before Israel’s summer 2005 withdrawal from the region and into southern Israel after Israel’s withdrawal. Israel usually responded with air and artillery strikes, but it also carried out what it terms targeted killings of terrorists.

On June 9, 2006, a Palestinian family was killed on a Gaza beach. The Palestinians claimed that the victims had been struck by Israeli artillery fire, but Israel denied responsibility for the deaths. Nonetheless, the incident provoked Hamas to call off its truce and intensify rocket fire into southern Israel.

Also in June, Palestinian factions held an intense national dialogue in the West Bank and Gaza in which they ultimately agreed on a National Accord Document (also known as the Prisoners’ Document because Hamas and Fatah leaders imprisoned by Israel had collaborated on the first draft) to reconcile their positions and goals. Hamas leaders in Damascus, notably political bureau chief Khalid Mish’al, reportedly did not agree with the National Accord Document because it might be seen as suggesting that Hamas had moderated its views regarding Israel and the peace process. On June 25, members of the Hamas military wing (Izz ad-Din alQassam Brigades) and two other groups attacked Israeli forces in Israel, just outside of Gaza, killing two Israeli soldiers, wounding four, and kidnapping one. The perpetrators demanded the release of Palestinian women and minors from Israeli prisons. Some analysts suggest that Mish’al was behind the attack in order to assert his power over more “moderate” Hamas officials in the territories and to undermine the National Accord.

On June 27, after unsuccessful diplomatic efforts to secure the kidnapped soldier’s release, Israeli forces began a major operation which Israel explained as an effort to rescue the soldier, to deter future Hamas attacks including rocket launches from Gaza into southern Israel, and to weaken, bring down, or change the

conduct of the Hamas-led Palestinian Authority government. Israeli officials claimed that Hamas had crossed a “red line” with the kidnapping and attack within pre-1967 Israel, but said that Israel did not intend to reoccupy Gaza.

On June 28, Hamas officials in the Palestinian Authority allied themselves with the kidnappers by adopting their demands. Israeli officials responded by insisting on the unconditional release of the soldier. On June 29, Israel forces arrested 64 Palestinian (Hamas) cabinet ministers, parliamentarians, and other Hamas officials in the West Bank and Jerusalem in what the Foreign Ministry described the action as a “normal legal procedure” targeting suspected terrorists.

In early military operations, Israeli planes bombed offices of PA ministries headed by Hamas, weapons depots, training sites, and access roads; ground forces entered Gaza to locate tunnels and explosives near the border and targeted Hamas offices in the West Bank. After Hamas militants fired an upgraded rocket at the Israeli port city of Ashkelon on July 4, the Israeli cabinet approved “prolonged” activities against Hamas; air and artillery strikes and ground incursions are still occurring. Meanwhile, Palestinian militants continue to fire rockets into southern Israel.

International mediators have tried to calm the recent upsurge in violence. The Egyptians have reportedly proposed a resolution in which Hamas would release the soldier in exchange for an Israeli promise to release prisoners at a later date. On July 10, however, Khalid Mish'al insisted on the mutual release or “swap” of prisoners. On the same day, Israeli Prime Minister Ehud Olmert reportedly said that trading prisoners with Hamas would cause a lot of damage to the future of the State of Israel, perhaps because it would continue a precedent that he seeks to break.⁸⁵ He later observed that negotiating with Hamas also would signal that moderates such as Palestinian Authority (PA) President Mahmud Abbas are not needed.

Abbas told a visiting U.N. team that he wanted to “de-link” the crisis in the Palestinian areas from the crisis that developed subsequently between Israel and Hezbollah in Lebanon in order to prevent non-Palestinian extremists (Hezbollah) from hijacking the leadership of the Palestinian issue.⁸⁶ Yet, neither President Abbas nor the Hamas-led PA government officials represent the kidnappers and can bring about a resolution. Hamas leader Mish'al appears to be in control of key elements in Hamas and emphasizes the importance of cooperation between Hamas and Hezbollah and specifically calls for not separating the Palestinian and Lebanese issues.⁸⁷

Enter Hezbollah

On July 12, under cover of massive shelling of a town in northern Israel, Hezbollah forces crossed the international border from Lebanon into northwestern Israel and attacked two Israeli vehicles, killing three soldiers and kidnaping two. Hezbollah thereby opened a second front against Israel ostensibly in support of Hamas. Sheikh Hassan Nasrallah, Hezbollah's leader, suggested that the Hezbollah operation might provide a way out of the crisis in Gaza because Israel had negotiated with Hezbollah indirectly in the past even though it refuses to negotiate with Hamas now. He said that the only way the soldiers would be returned would be through a prisoner exchange.⁸⁸ Although Hezbollah and Hamas are not organizationally linked, Hezbollah provides military training as well as financial and moral support to the Palestinian group and has acted in some ways as a mentor or role model for Hamas, which has sought to emulate the Lebanese group's political and media success. Hamas's kidnaping of the Israeli soldier follows a different Hezbollah example. Moreover, two groups share the goal of driving Israel from occupied territories and ultimately eliminating it; both maintain close ties with Iran.

Possible Explanations for Hezbollah's Attack. Nasrallah has publicly espoused an intention to kidnap Israelis to effectuate a prisoner exchange. Hezbollah, however, has the capacity to decide to act on its own and could have done so in the spirit of "Shi'a triumphalism" spurred by the Iraqi Shiites' ascension to power and Iran's pursuit of nuclear weapons. It also may have acted in solidarity with the besieged Palestinians or with its Syrian and Iranian supporters. Another explanation is that Hezbollah may have wanted to prevent a resolution of the Gaza crisis. Egyptian President Hosni Mubarak and Palestinian Authority President Mahmud Abbas have claimed that an agreement for a prisoner exchange had almost been reached, immediately before the Hezbollah attack, but Hezbollah's action complicated or prevented it.⁸⁹

Some observers question Hezbollah's autonomy and offer other explanations for the July 12 action. Much speculation focuses on whether Hezbollah acted at the behest of or with the approval of Iran, its main sponsor, because Iran also supports Hamas or may have wanted to divert international attention from the impasse over its nuclear program. If the latter is the case, it gained only a limited time when the U.N. Security Council postponed consideration of the nuclear issue due to the Lebanon situation because, on July 31, the Council approved a resolution demanding that Iran suspend its uranium enrichment program by August 31 or face sanctions. Others suggest that Syria may be using its Hezbollah

allies to resurrect its influence in Lebanon, from which it had been forced to withdraw in 2005.⁹⁰

Other experts give a more nuanced appraisal. U.S. CENTCOM Commander General John Abizaid observed that it is more likely that Syria and Iran are exploiting the situation created by the kidnaping than that they ordered it.⁹¹ U.S. State Department Coordinator for Counterterrorism Henry Crumpton reportedly asserted that Syria and Iran do not control Hezbollah, but added that Hezbollah asks Iranian permission if its actions have broader international implications.⁹² In this case, Hezbollah may not have foreseen the implications of its July 12 operation and expected “the usual, limited” Israeli response characteristic of the period since 2000.⁹³ Therefore, it may not have asked permission from Teheran.

APPENDIX B: CHRONOLOGY OF CONFLICT ON THE ISRAELI-LEBANESE-SYRIAN BORDER

December 1968	Israeli commandos destroy 13 passenger planes at the Beirut airport, in reprisal for attack by Palestinian terrorists trained in Lebanon on an Israeli airliner in Athens.
March 1978	Israel invades south Lebanon and sets up a roughly 10-km (6-mile) occupation zone. Most troops withdraw within weeks, leaving a security area held by Israel’s Lebanese largely Christian allies, the South Lebanon Army (SLA).
January 1979	Israeli agents detonate a car bomb in west Beirut, killing Ali Hassan Salameh, security chief of the Black September group. Salameh, known as Abu Hassan, was one of the plotters of the Munich Olympics attack against Israeli athletes in 1972.
June 1982	Terrorist and rocket attacks by Lebanon-based Palestinian groups and Israeli counter-strikes culminate in Israeli invasion of Lebanon. Syrian army ousted from Beirut and thousands of Palestinian guerrillas under Yasser Arafat depart for Tunisia by sea.
September 1982	Israel captures Beirut after pro-Israel Christian leader Bashir Gemayel, who had been elected president, is assassinated. Hundreds of civilians in Palestinian refugee camps of Sabra and Shatila are killed by Christian militiamen allied with Israel.
May 1983	Israel and Lebanon sign peace agreement under U.S. patronage. Syria opposes it, and it is never ratified.
March 1984	Peace agreement with Israel is cancelled and Lebanese President Amin Gemayel breaks with Israel under Syrian pressure.
June 1985	Israel pulls back to a self-declared 15-km (9-mile) border security zone in south Lebanon controlled by Israeli forces and their Lebanese militia allies.

APPENDIX B. (Continued)

February 1992	Israeli helicopter gunships rocket car convoy in south Lebanon, killing Hezbollah leader Sheikh Abbas Musawi, his wife and six-year-old son.
July 1993	Hezbollah launches rocket attacks on northern Israel. Israel unleashes "Operation Accountability," a week-long air, artillery and naval operation.
April 1996	After Hezbollah began shelling towns in northern Israel, Israel launched "Operation Grapes of Wrath," a 17-day campaign against Hezbollah positions in south Lebanon. On April 18, Israeli artillery fire targeting Hezbollah rocket crews falls in and around a U.N. refugee camp near the village of Qana, killing 91 civilians and sparking international calls for an immediate ceasefire, achieved on April 26.
June 1999	The South Lebanon Army retreats from the Jezzine enclave north of the Israeli zone it held for 14 years.
May 2000	Israel ends 18-year occupation of south Lebanon. On June 18, 2000, the U.N. Security Council certifies Israel's withdrawal in accordance with U.N. Security Council Resolution 425 (1978). Lebanon and Syrian governments maintain that withdrawal is not complete since it did not include the disputed Shib'a Farms enclave.
October 2003	After a suicide bombing in Haifa killed 20 Israelis, Israel launches air strikes against an alleged terrorist training camp at Ain Saheb, northwest of Damascus, Syria.
September 2004	Months before the assassination of former Lebanese Prime Minister Rafiq Hariri, which was widely blamed on Syrian agents, the U.N. Security Council passed Resolution 1559 calling for withdrawal of "foreign forces" from Lebanon (Syria) and disarming of militia, such as Hezbollah.

Source: Reuters, "Chronology - Israel's interventions in Lebanon," July 19, 2006.

APPENDIX C: RECENT LEGISLATION

Congressional Oversight

In response to the current crisis, Congress took swift steps to express its support of Israel and that country's "right to take appropriate action to deter aggression by terrorist groups and their state sponsors," and to urge "the President to continue fully supporting Israel as Israel exercises its right of self-defense in Lebanon and Gaza." Some Members of Congress called on the President to appeal to all parties for an immediate cessation of violence, to commit to multi-party negotiations, and expressed support for an international peacekeeping mission in southern Lebanon. Others called for "the cessation of targeting...of infrastructure

vital to noncombatants”; establishment of “a secure humanitarian corridor” for purposes of evacuation and transporting of food and medicine to the civilian population; an immediate cease-fire; and a “comprehensive and just solution”. House Resolution 954 called on the President to appoint a Special Envoy for Middle East Peace. A Senate resolution, SRes 548, called on Syria and Iran to end their support for Hezbollah, for the warring parties to reach a cessation of hostilities, and for reconstruction to find international support.⁹⁴

Legislation providing oversight (in order of introduction)				
SiH.	Primary Sponsor	Introduced /Referred	Intent	Status
S. Res. 534 ⁹⁵	Sen. Frist	July 18, 2006 directly to Floor	Congress’ support of Israel, support of the President	Agreed to by voice vote, July 18, 2006
H.Res. 921	Rep. Boehner	July 18, 2006 directly to Floor	Similar to S. Res. 534	Agreed to by vote of 410 — 8 (with 4 voting “present”). July 20, 2006
H.Res. 922	Rep. Ackerman	July 18, 2006 HIRC	Similar to S. Res. 534	No further action
H.Res. 923	Rep. Shaw	July 18, 2006 HIRC	Similar to S. Res. 534	No further action
H.Res. 926	Rep. Issa	July 19, 2006 HIRC	Similar to S. Res. 534	No further action
H.Con. Res. 450	Rep. Kucinich	July 19, 2006 HIRC	Support international peacekeeping mission in Lebanon	No further action
H.Res. 945	Rep. Jackson-Lee	July 25, 2006 HIRC	Cease targeting infrastructure, establish humanitarian corridor, ceasefire	No further action
H.Res. 954	Rep. Leach	July 26, 2006 HIRC	Establish envoy for Middle East Peace	No further action

Legislation providing oversight (in order of introduction) (<i>Continued</i>)				
SiH.	Primary Sponsor	Introduced /Referred	Intent	Status
H. Res. 955	Rep. Farr	July 26, 2006 HIRC	Cease-fire, and recognize Israel's right to exist	No further action
S. Res. 548	Sen. Dodd	Aug. 3, 2006 directly to Floor	Calls on Syria and Iran to end support to Hezbollah; international community to support lasting solution and reconstruction	Agreed to by Unanimous Consent, Aug. 3, 2006

Evacuation Costs for U.S. Citizens

In the early stages of U.S. government-supported evacuations of Americans from Lebanon, the State Department required evacuees to sign promissory notes to assume financial liability of the costs of their evacuation. Several Members of Congress objected to this, noting that the law is ambiguous at best, and called on the U.S. Secretary of State to waive the statutory requirements for reimbursement.⁹⁶ On July 18, 2006, after the Secretary of State consulted with some Members, the State Department announced that such fees would be waived. Congress adopted two measures increase funding available to the Social Security Administration to provide temporary assistance to U.S. citizens returned from foreign countries (Public Law 109-250), to authorize the Secretary of State to redistribute funds within the State Department's budget to cover the costs of evacuations, and to increase funding available to the State Department for such evacuations (Public Law 109-268). Other legislation, as yet not enacted, proposed to change permanently the statutory basis under which the State Department requests reimbursements, or replenish funds in the budget of the Department of Health and Human Services that are expended once evacuees have returned to the United States.

Legislation relating to evacuations (in order of introduction)				
S./H.	Primary Sponsor	Introduced /Referred	Intent	Status
H.R. 5828	Rep. Dingell	July 18, 2006 HIRC	Amends the State Department Basic Authorities Act of 1956 to remove the reimbursement requirement from permanent law.	No further action
S. 3690	Sen. Stabenow	July 19, 2006 SFRC	Authorizes the Secretary of State to cover the costs of evacuation related to the Israel-Hezbollah crisis without amending the underlying statute.	No further action
H.R. 5865	Rep. Thomas	July 24, 2006 Ways and Means	Amends the Social Security Act to increase near-term funding for assistance to newly evacuated U.S. citizens.	P.L. 109-250 July 27, 2006
H.R. 5873	Rep. Smith	July 24, 2006 HIRC	Seeks to enact an amendment similar to that in H.R. 5828.	No further action
H.R. 5869	Rep. McDermott	July 24, 2006 Ways and	Similar to H.R. 5865.	No further action
S. 3741	Sen. Lugar	July 26, 2006	Authorizes the Secretary of State to move funds from one account to another to cover the costs of evacuations. Increases funding available to the State Department for evacuation expenses (Wolf amendment).	P.L. 109-268 Aug. 4, 2006
H. Res. 972	Rep. Hastings	July 28, 2006 HIRC	Expresses the House's appreciation to Cyprus and Turkey for the roles each played in sheltering evacuees.	No further action

APPENDIX D: U.S. SANCTIONS⁹⁷

Syria, Iran, Hamas, and Hezbollah — the states and entities that Congress has noted for aggression against Israel, support for terrorism, or terrorist activities in the current crises — are currently subject to fairly comprehensive U.S. economic sanctions. The Secretary of State designated Syria and Iran as state sponsors of acts of international terrorism, in 1979 and 1984 respectively, thus triggering a myriad of statutorily required restrictions and prohibitions on aid, non-emergency agricultural aid, trade, support in the international banks, and other economic transactions.⁹⁸ Such a designation generally triggers a prohibition on all but the most basic of humanitarian exchanges.⁹⁹

Iran. Iran is also denied investment dollars intended for development of its petroleum industry under the Iran and Libya Sanctions Act of 1996.¹⁰⁰ Sanctions available under this Act, to be imposed on those who engage in unlawful investment in Iran, include a prohibition on Export-Import Bank funds, prohibition on exports, denial of loans from U.S. financial institutions, denial of rights to financial institutions to participate as a dealer in U.S. debt instruments, denial of procurement contracts, and any other transaction the President wishes to restrict if the authority to do so also is stated under the International Emergency Economic Powers Act (IEEPA). Petroleum-related investments are restricted also by Executive Order, and all new investments, regardless of the industry, are also restricted under the IEEPA.¹⁰¹

Syria. Although Syria has been identified as a state sponsor of acts of international terrorism since 1979, regulations that implement restrictions on trade and transactions with that country are less restrictive than those that pertain to other designated countries, reportedly because Syria is considered instrumental in the Middle East peace process. Congress took this into account when it sent the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 to the President.¹⁰² The act, triggered by increasingly organized and forceful efforts in Lebanon to shed itself of foreign forces, and reflecting recent statements from the Bush Administration targeting Syria's involvement with terrorism, development and trade of weapons of mass destruction, and support of the insurgency in Iraq, requires the President to curtail trade and transactions until certain conditions are met. The act requires the denial of export licenses for any item on the U.S. Munitions List (USML) or Commerce Control List (CCL). The act also requires the President to impose two or more of the following restrictions:¹⁰³

- prohibit export of all products (except food and medicine, as made exempt by the Trade Sanctions Reform Act of 2000);
- prohibit investment in Syria;
- restrict travel of Syrian diplomats to only the environs of Washington, DC and the United Nations in New York;
- prohibit Syrian-owned air traffic in or over the United States;
- reduce diplomatic contact; and
- block transactions in property.

The President implemented terms of the Syria Accountability and Lebanese Sovereignty Restoration Act on May 11, 2004, by complying with the mandatory restrictions on USML and CCL exports, and by prohibiting U.S. exports and restricting Syrian air traffic.¹⁰⁴

Lebanon. For FY2003 and each fiscal year thereafter, of any Economic Support Funds allocated or obligated to Lebanon, \$10 million shall be withheld:

unless and until the President certifies.. .that

- (1) the armed forces of Lebanon have been deployed to the international recognized border between Lebanon and Israel; and
- (2) the Government of Lebanon is effectively asserting its authority in the area in which such armed forces have been deployed.¹⁰⁵

To date, the President has not certified that these conditions have been met. Congress, however, has ensured that the \$10 million would be made available each year by overriding the restriction. Annual foreign operations appropriations measures have provided assistance to Lebanon “notwithstanding any other provision of law.”¹⁰⁶

Hamas and Hezbollah. In 1995, the President identified Hamas and Hezbollah as Specially Designated Terrorists (SDT) that threaten to disrupt the Middle East peace process and authorized the blocking of all assets and of transactions with persons associated with either organization.¹⁰⁷ Subsequent legislative and executive initiatives led to the creation of several other lists. Enactment of the Anti-Terrorism and Effective Death Penalty Act of 1996, which also authorizes deportation or exclusion from entry into the United States, generated the Foreign Terrorist Organization (FTO) list.¹⁰⁸ The President issued an executive order to create the Specially Designated Global Terrorists (SDGT)

list in the wake of events of September 11, 2001.¹⁰⁹ All these lists were subsequently consolidated into one Specially Designated Nationals and Blocked Persons list (the “SDN list”), administered by the Department of the Treasury’s Office of Foreign Assets Control in 2002.¹¹⁰ Hamas and Hezbollah, or individuals associated with each, are on each of the lists.

ENDNOTES

- ¹ Prepared by Jeremy M. Sharp, Analyst in Middle East Policy.
- ² For the purposes of this report, “Hezbollah” is used in referring to the Lebanese Shiite Muslim group. Common alternate spellings include Hizballah, Hizbullah, and Hizb`allah.
- ³ There also are tertiary actors with an interest in the war in Lebanon. The European Union, other Arab states, and the United Nations all have been closely involved in trying to resolve the crisis.
- ⁴ For an account of the creation of Hezbollah and the role of Iran see, Magnus Ranstorp, *Hizballah in Lebanon*, St. Martin’s Press, 1997, pp. 30-40.
- ⁵ Prepared by Alfred Prados, Specialist in Middle Eastern Affairs.
- ⁶ The Lebanese Prime Minister offered to deploy 15,000 military personnel. (See below.)
- ⁷ “Lebanese Armed Forces May Play Bigger Role in War,” *USA Today*, August 2, 2006.
- ⁸ Prepared by Carol Migdalovitz, Specialist in Middle Eastern Affairs.
- ⁹ “Israeli Sources Confirm Prisoner Exchange Contacts, PM Office Denies Knowledge,” *Yedi’ot Aharonot*, September 3, 2006, Open Source Center Document GMP2006090374 1001. Before the kidnaping, Israeli Prime Minister Ehud Olmert reportedly had been considering the release of a substantial number of Palestinian prisoners as a goodwill gesture toward Palestinian President Mahmud Abbas.
- ¹⁰ Eliot Jager, “For the Good of the Many,” *Jerusalem Post*, September 5, 2006.
- ¹¹ Prepared by Carol Migdalovitz, Specialist in Middle Eastern Affairs.
- ¹² Doug Struck, “Israel Siege Leaves Gaza Isolated and Desperate,” *The Washington Post*, August 28, 2006.
- ¹³ Prepared by Alfred Prados, Specialist in Middle Eastern Affairs.
- ¹⁴ The U.N. Secretary General noted that the Shib’a Farms comes under the mandate of the U.N. Disengagement Observer Force (UNDOF), which is monitors the Israeli-occupied Syrian Golan Heights. UNDOF has no role in

Lebanon. For more information, see CRS Report RL3 1078, *The Shib'a Farms Dispute and Its Implications*.

- ¹⁵ "Annan says Assad [variant spelling] will respect Hezbollah arms embargo," AFP News Wire, September 1, 2006.
- ¹⁶ Interview with Syrian President Bashar al-Asad carried by Dubai TV on August 23, 2006.
- ¹⁷ This section was prepared by Steve Bowman, Specialist in National Defense.
- ¹⁸ "Arming of Hezbollah Reveals U.S. and Israeli Blindspots," *The New York Times*, July 19, 2006; "Best Guerrilla Force in the World," *The Washington Post*, "The Iranian Connection," *Aviation Week and Space Technology*, August 14, 2006. Other sources include Robin Hughes, "Iran answers Hizbullah call for SAM systems," *Jane's Defence Weekly*, August 9, 2006; Alon Ben-David, "Iran 'supplied Zelzal-2 rockets to Hizbullah,'" *Jane's Defence Weekly*, August 16, 2006; *Jane's Terrorism & Security Monitor*, "Hizbullah's Islamic Resistance," September 13, 1006.
- ¹⁹ "Israeli Commandos Raid Tyre," *USA Today*, August 5, 2006; "Hezbollah Launches Rocket Barrage," *BBC News*, August 6, 2006. More recent source: Interview with Under Secretary of State for Political Affairs Nicholas Burns, "Assessing Hezbollah's Post-Conflict Power," *National Public Radio: Morning Edition*, August 18, 2006.
- ²⁰ Prepared by Carol Migdalovitz, Specialist in Middle Eastern Affairs, September 6, 2006.
- ²¹ Nasrallah's August 27, 2006 interview with Lebanon television, cited by Joshua Mitnick, "Hezbollah Says Its War with Israel Was a Mistake," *Washington Times*, August 28, 2006.
- ²² Dahaf poll results published in "Israel: Majority Favor Inquiry Commission," *Yedi 'ot Aharonot*, August 16, 2006, Open Source Center Document GMP 20060816738001.
- ²³ Halutz claims that the stock sale was made before he learned of the kidnappings in northern Israel. Halutz interview by Sima Qadmon, "Clipped Wings," *Yedi 'ot Aharonot*, August 18, 2006, Open Source Center Document GMP 20060818738004.
- ²⁴ Aluf Ben and Yuval Yo'az, "Ex-judge Winograd Tapped to Head Government War Probe," *Ha 'aretz*, September 12, 2006.
- ²⁵ David R. Sands, "Hezbollah takes lead in rebuilding," *The New York Times*, August 17, 2006; and Daniel Steinvorth, "The Footrace to Rebuild Lebanon," *The New York Times*, September 4, 2006.
- ²⁶ "The War for Hearts and Minds," *Time*, August 27, 2006.

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- ²⁷ David Shelby, "United States Extends Loan Guarantees to Israel," *Washington File*, August 31, 2006.
- ²⁸ In an interview with Lally Weymouth published in the May 1, 2006 edition of *Newsweek*, Prime Minister Siniora "Syria has its men and people in the country: supporters, some politicians and quite a number of Syrian intelligence." According to the U.N. Secretary-General, a U.N. team attempting to verify the withdrawal of all foreign armies from Lebanon under Security Council Resolution 1559 noted that the government of Lebanon "is confident that, by and large, Syrian intelligence has withdrawn," but allegations of "ongoing Syrian intelligence activity in Lebanon have continued to surface on occasion." United Nations Security Council, Document S/2006/248, Letter dated 18 April 2006 from the Secretary-General addressed to the President of the Security Council, Paragraph 19.
- ²⁹ Sharon Behn, "U.S., Hezbollah vie to rebuild for Lebanese; Hope to win public opinion," *The Washington Times*, August 18, 2006; Paul Richter, "Cease-Fire in the Middle East," *Los Angeles Times*, August 17, 2006.
- ³⁰ Edward Cody, "Italian Troops Land in Southern Lebanon," *The Washington Post*, September 3, 2006, p. A15.
- ³¹ Prepared by Connie Veillette, Analyst in Foreign Policy.
- ³² Herb Keinon, "U.S. to Israel: No Financial Aid for War," *The Jerusalem Post*, August 22, 2006, and "Finance Minister: U.S. Loan Guarantee Extension Shows 'Faith' in Israeli Economy," *Tel Aviv Ynetnews*, August 20, 2006.
- ³³ For more information, see CRS Report RL33222, *U.S. Foreign Aid to Israel*, by Jeremy M. Sharp. And RL32260, *U.S. Foreign Assistance to the Middle East: Historical Background, Recent Trends, and the FY2007 Request*, by Jeremy M. Sharp.
- ³⁴ "United States Extends Loan Guarantees to Israel," *Jerusalem Post*, August 19, 2006.
- ³⁵ See also CRS Report RL33 509, *Lebanon*, by Alfred B. Prados.
- ³⁶ FMF to Lebanon has moderately increased since the withdrawal of Syrian troops from Lebanon. U.S. officials would like to improve the capabilities of Lebanon's Internal Security Forces and the Lebanese Armed Forces which protect the country from external threats. See, "U.S. Pledges More Aid to Lebanon in '07," *DefenseNews.com*, July 10, 2006.
- ³⁷ "Pentagon Aid Package For Lebanon Designed To Counter Hezbollah," *Inside the Pentagon*, August 31, 2006.
- ³⁸ Prepared by Christopher M. Blanchard, Middle East Policy Analyst.

- ³⁹ “Expert Views Effect, Breakdown of Hizballah Rocket Attacks on Northern Israel,” *Jerusalem Post*, September 6, 2006.
- ⁴⁰ “Amnesty International Says Hezbollah Committed War Crimes,” *New York Times*, September 14, 2006.
- ⁴¹ David S. Cloud, “Inquiry Opened Into Israeli Use Of U.S. Bombs,” *New York Times* August 25, 2006. An August 26, 2006, presentation by United Nations Mine Action Coordination Center (UNMAS) South Lebanon office catalogued the following numbers of U.S.-manufactured cluster weapon sub-munitions during surveys in southern Lebanon (source weapons in parentheses): 715 M-42’s (105-millimeter artillery shells), 820 M-77 ’s (M-26 rockets), and 5 BLU-63 ’s (CBU-26 cluster bombs). The UNMAS teams also reported 631 M-85 Israeli-produced sub-munitions had been found. See, UNMAS South Lebanon, “Cluster Bomb Situation - South Lebanon July/August 2006,” August 26, 2006. Available at [<http://www.stopclustermunitions.org/files/CB%20South%20Lebanon.pdf>]
- ⁴² *Agence France Presse*, “Israel Spewed Cluster Bombs over Lebanon in Last Days of War: UN,” August 30, 2006.
- ⁴³ UNMAS, “Lebanon Unexploded Ordnance Fact Sheet, September 7, 2006.” Response to CRS Inquiry.
- ⁴⁴ See, Human Rights Watch, “Memorandum to Delegates to the Convention on Conventional Weapons Group of Governmental Experts On Explosive Remnants of War,” March 2003; and, Paul Wiseman, “Cluster Bombs Kill in Iraq, Even After Shooting Ends,” *USA Today*, December 11, 2003. According to the U.S. Defense Department, the U.S. military used air and ground launched cluster weapons during Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom, including in urban combat during the fall of Baghdad. Civilian casualties have been reported from unexploded U.S. cluster weapon sub- munitions in both countries.
- ⁴⁵ *Agence France Presse*, “Israel Says Arms Used in Lebanon Keep by International Law,” August 31, 2006. No treaty or international convention specifically governs the deployment or use of cluster munitions in war. However, unexploded ordnance (UXO) removal specialists and advocates for moratoria and bans on the use of cluster munitions argue that the articles of the Geneva Conventions relating to the differentiation and protection of civilian populations prohibit the use of cluster munitions in civilian areas. For example, this view is advanced by the Cluster Munition Coalition, an anti-cluster weapon network that advocates on behalf of sub-munition victims and campaigns to ban use of the weapons.

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- ⁴⁶ See Israel Ministry of Foreign Affairs, "Behind the Headlines: Legal and operational aspects of the use of cluster bombs," September 5, 2006; and, Meron Rapoport, "IDF: No Prohibition on Cluster Bombs," *Ha'aretz* (Tel Aviv), September 8, 2006.
- ⁴⁷ The United Nations Joint Logistics Center (UNJLC) works in partnership with the Vietnam Veterans of America Foundation. For more information, see UNJLC, "Mine-UXO in Lebanon," August 2006. Available at [http://www.unjlc.org/lebanon/infosheets/mine/index_html/view]
- ⁴⁸ The grants will support the activities of the Mines Advisory Group (MAG). U.S. Department of State - Office of the Spokesman, Fact sheet: "United States Emergency Aid to Lebanon to Clear Explosive Remnants of War," August 23, 2006. Available at [<http://www.state.gov/r/pa/prs/ps/2006/71047.htm>]
- ⁴⁹ David S. Cloud, "Israel Asks U.S. to Ship Rockets With Wide Blast," *New York Times*, August 11, 2006.
- ⁵⁰ David S. Cloud, "Inquiry Opened Into Israeli Use Of U.S. Bombs," *New York Times* August 25, 2006.
- ⁵¹ S.Amdt.4882 to H.R.5631; and, Office of Senator Dianne Feinstein, Press Release: "Senators Feinstein and Leahy Call for New Policy on Use of Cluster Bombs," September 5, 2006.
- ⁵² See Congressional Record, Senate, September 6, 2006, Department of Defense Appropriations Act, 2007 pp. S8992-S8996.
- ⁵³ Lebanese Communications Group - Al-Manar TV Available online at [<http://www.manartv.com.lb/NewsSite/News.aspx?language=en>].
- ⁵⁴ U.S. Designates Al-Manar as a Specially Designated Global Terrorist Entity Television Station is Arm of Hizballah Terrorist Network, 23 March, 2006, The Department of Treasury website [<http://www.treas.gov/press/releases/js4134.htm>].
- ⁵⁵ "Terror Linked Migrants Channeled Into U.S.," *Fox News*, July 03, 2005, [<http://www.foxnews.com/story/0,2933,161473,00.html>].
- ⁵⁶ Walter Pincus, "New Yorker Arrested for Providing Hezbollah TV Channel," *The Washington Post*, August 25, 2006.
- ⁵⁷ Prepared by Christopher M. Blanchard, Middle East Policy Analyst.
- ⁵⁸ U.S. Department of the Treasury, "HP-73: Treasury Designates Key Hizballah Fundraising Organization," August 29, 2006.
- ⁵⁹ U.S. Department of the Treasury, "HP-83:Treasury Designation Targets Hizballah's Bank," September 7, 2006.

- ⁶⁰ U.S. Department of the Treasury, "HP-87: Treasury Cuts Iran's Bank Saderat Off From U.S. Financial System," September 8, 2006.
- ⁶¹ Adam Ciralsky and Lisa Myers, "Hezbollah Banks Under Attack in Lebanon" *MSNBC News*, July 25, 2006.
- ⁶² This section was prepared by John Rollins, Specialist in Terrorism and International Crime.
- ⁶³ Al-Manar TV on the web at [<http://web.manartv.org/html/about.html>].
- ⁶⁴ "Hizbullah's Al Manar TV Budget More than Israel's PR Outlay," *Arutz Sheeva*, 28 August, 2006.
- ⁶⁵ "Hizbollah Rockets Hit Haifa", *Reuters UK*, July 16, 2006.
- ⁶⁶ "Hezbollah's al-Manar TV survived attacks", *Examiner*, August 25, 2006.
- ⁶⁷ This section was prepared by Christopher Blanchard, Middle East Policy Analyst.
- ⁶⁸ For discussions of these competing views, see Bernard Haykel, "The Enemy of My Enemy Is Still My Enemy," *New York Times*, July 26, 2006; and, Annia Ciezadlo, "Sheikh Up," *New Republic*, August 7, 2006.
- ⁶⁹ "Islamic Cleric Al-Qaradawi Supports Hizballah, HAMAS," *Al-Jazirah Television* (Doha), OSC Document GMP20060730638004, July 30, 2006.
- ⁷⁰ Reuters, "Egypt's Mufti Defends Hizbollah Operations," July 28, 2006.
- ⁷¹ Sheikh Abdallah Bin-Jibrin, "Is It Permissible to Support the So-Called Rafidi [Shiite] Hizballah?" *Nur al-Islam* (website), OSC Document GMP20060721827005, July 19, 2006; and, Abdallah al-Rashid, "Al-Awdah: We Disagree with Hizballah, But We Reject Israel's Aggression," *Islam Today* (Riyadh), OSC Document GMP20060724837002, July 24, 2006.
- ⁷² "Al-Qa'ida in Saudi Arabia Urges Countering Hizballah," OSC Document - FEA20060802025964 August 2, 2006.
- ⁷³ "Al-Zawahiri Comments on Lebanon, Gaza" OSC Document - FEA20060727025705, July 27, 2006.
- ⁷⁴ Interview with Hezbollah Political Council member, Hasan Hudruj, "Al-Jazirah TV: Hizballah Official Comments on Al-Zawahiri's New Videotape," *Al-Jazirah Television* (Doha), OSC Document - GMP20060727648002, July 27, 2006.
- ⁷⁵ "Jihadist Website Posts Al-Zawahiri 9/11 Anniversary Video," OSC Document - FEA20060912027565, September 11, 2006.
- ⁷⁶ Michael Hirsh, "The Legacy On the Line," *Newsweek*, July 24, 2006, p. 30.
- ⁷⁷ The following sections were prepared by Christopher Blanchard, Middle East Policy Analyst.

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- ⁷⁸ Hamas is an acronym for its full name in Arabic, *Harakat al-Mu qawamah al-Islamiyyah* (the Islamic Resistance Movement).
- ⁷⁹ Quartet Statement on Palestinian Legislative Council Elections, January 26, 2006.
- ⁸⁰ Quartet Statements released January 30, 2006, and March 30, 2006. "The Roadmap" refers to the Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict, which was presented to Israel and the Palestinian Authority on April 30, 2003, by the Quartet as a plan to achieve a comprehensive settlement of the conflict in three phases by 2005.
- ⁸¹ The PLC approved the majority Hamas-bloc on March 28, 2006.
- ⁸² Press reports suggested that Israel's Bank Discount and Bank Hapoalim have agreed to postpone their plans until August 15, 2006. The proposals would directly affect Palestinian civilians by severely complicating or preventing most Palestinian commercial financial transactions in Israeli shekels, the principal currency used in the West Bank and Gaza Strip.
- ⁸³ For more information see CRS Report RS22370, *U.S. Foreign Aid to the Palestinians*.
- ⁸⁴ The following sections were prepared by Carol Migdalovitz, Specialist in Middle Eastern Affairs, on August 3, 2006.
- ⁸⁵ "Olmert Says No Deal With 'Bloody' Hamas," *FoxNews.com*, July 10, 2006.
- ⁸⁶ As reported to the U.N. Security Council, July 21, 2006, meeting record S/PV.5493.
- ⁸⁷ Reported on Al-Jazirah Satellite Channel Television, July 31, 2006, Open Source Center Document GMP2006073 1635002.
- ⁸⁸ "Lebanon: Hezbollah Leader Holds News Conference on Captured Israeli Soldiers," *Al-Manar Television*, July 12, 2006, Open Source Center Document, GMP 20060712617001.
- ⁸⁹ "PA's Abbas Speaks to Journalists on Palestinian, Lebanese Developments," *Al-Hayah al-Jadidah*, July 16, 2006, Open Source Center Document, GMP 200607116620002.
- ⁹⁰ Syria already has benefitted somewhat from the conflict as the U.N. envoy investigating the assassination of former Lebanese Rafiq Hariri, and possible Syrian involvement in that killing, was evacuated from Beirut.
- ⁹¹ Greg Myre and Jad Mouawad, "Israel: Build up at Lebanese Lines as Fight Rages," *The New York Times*, July 22, 2006.

- ⁹² Sarah Baxter and Uzi Mahnaimi, “Iran’s President Recruits Terror Master,” *Sunday Times (London)*, April 23, 2006.
- ⁹³ Observation of Mahmoud Komati, an Hezbollah political official, quoted by Greg Myre and Helene Cooper, “Israel to Occupy Area of Lebanon as a Security Zone,” *New York Times*, July 26, 2006.
- ⁹⁴ The following section was prepared by Dianne Rennack, Specialist in Foreign Policy Legislation.
- ⁹⁵ It was reported that some Members drafted a resolution that would have cast Lebanon’s responsibility differently than those resolutions agreed to, and would have called for restraint from all sides. See Flaherty, Anne Plummer. “House on Track to Voice Support for Israel’s Military Campaign in Lebanon,” *Associated Press*, July 20, 2006. By contrast, S.Res. 534 “urges all sides to protect innocent civilian life and infrastructure...”. H. Res. 921 “recognizes Israel’s longstanding commitment to minimizing civilian loss and welcomes Israel’s continued efforts to prevent civilian casualties”.
- ⁹⁶ § 4(b)(2)(A) of the State Department Basic Authorities Act of 1956, as amended (22 U.S.C. 2671), authorizes the Secretary of State to expend funds to evacuate “U.S. citizens or third-country nationals, on a reimbursable basis to the maximum extent practicable” “when their lives are endangered by war, civil unrest, or natural disaster”.
- ⁹⁷ Prepared by Dianne Rennack, Specialist in Foreign Policy Legislation. For more on U.S. economic sanctions imposed on Iran, see CRS Report RL32048, *Iran: U.S. Concerns and Policy Responses*, by Kenneth Katzman. For Syria, see CRS Report RL33487, *Syria: U.S. Relations and Bilateral Issues*, by Alfred B. Prados.
- ⁹⁸ § 6(j) of the Export Administration Act of 1979 (P.L. 96-72; 50 U.S.C. 2405(j)), under which the state sponsor of acts of international terrorism designation is made, authorizes the curtailment of commercial trade in dual-use goods and technology to named countries. § 620A of the Foreign Assistance Act of 1961 (P.L. 87-195; 22 U.S.C. 2371) prohibits most foreign aid, non-emergency agricultural aid, Peace Corps programs, or Export-Import Bank funding to designated countries. § 40 of the Arms Export Control Act (P.L. 90-629; 22 U.S.C. 2780) prohibits government sales or leases of defense goods or defense services to named countries. § 505 of the International Security and Development Cooperation Act of 1985 (P.L. 99-83; 22 U.S.C. 2349aa-9) authorizes the President to ban the importation of goods and services from any state found to support acts of international terrorism. § 1621 of the International Financial Institutions Act (P.L. 95-118; 22 U.S.C.

262p-4q), § 6 of the Bretton Woods Agreements Act amendments, 1978 (P.L. 95-435; 22 U.S.C. 286e-1 1) each state similar prohibitions relating to international bank programs. § 502(b)(2)(F) of the Trade Act of 1974 (P.L. 93-618; 19 U.S.C. 2462) requires the withholding of favorable trade terms with cited countries. Annual foreign operations appropriations measures usually restrict or prohibit most forms of aid to designated countries. Other legislation prohibits certain transactions with countries found to be not cooperating with U.S. antiterrorism efforts, and still other legislation prohibits or curtails economic relations with third countries that aid terrorist-designated states.

⁹⁹ Some trade, albeit highly restricted, is allowed with Iran and Syria. U.S. exporters may, for example, market agricultural commodities, medicines, and medical supplies to countries designated as supporters of international terrorism under terms of the Trade Sanctions Reform Act of 2000 (P.L. 106-387; 22 U.S.C. 7201 *et seq.*). Suppliers may provide spare parts related to civil air safety. U.S. persons may import and export informational material and propaganda. And since 2000, in an attempt through trade diplomacy to open relations with Iran, one may import nuts, dried fruit, caviar, and carpets from that country.

¹⁰⁰ P.L. 104-172 (50 U.S.C. 1701 note). This Act no longer applies to Libya, following the President's determination that the country was in compliance with terms of the Act (Presidential Determination No. 2004-30; 69 F.R. 24907; May 5, 2004).

¹⁰¹ Petroleum-related investments in Executive Order 12957 (March 15, 1995; 60 F.R. 14615; 50 U.S.C. 1701 note); other new investments in Executive Order 12959 (May 6, 1995; 60 F.R. 24757; 50 U.S.C. 1701 note); and a consolidation of earlier orders in Executive Order 13059 (August 19, 1997; 62 F.R. 44531; 50 U.S.C. 1701 note).

¹⁰² P.L. 108-175 (22 U.S.C. 2151 note).

¹⁰³ The act provides the President the authority to waive the application of sanctions if he finds it in the national security interest of the United States to do so (§ 5(b)).

¹⁰⁴ Executive Order 13338 (69 F.R. 26751; May 13, 2004). The Order also cited the National Emergencies Act and the International Emergency Economic Powers Act as its underlying statutory basis.

¹⁰⁵ § 1224 of the Security Assistance Act of 2002 (division B of the Foreign Relations Authorization Act, Fiscal Year 2003; P.L. 107-228; 22 U.S.C. 2346 note).

- ¹⁰⁶ Most recently, in sec. 534(a) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (P.L. 109-102).
- ¹⁰⁷ Executive Order 12947 (January 23, 1995; 60 F.R. 5079; 50 U.S.C. 1701 note). Each of the executive orders cited in this paragraph are issued under the authority vested in the President in the National Emergencies Act (P.L. 94-412; 50 U.S.C. 1601 *et seq.*), and § 203 of the International Emergency Economic Powers Act (P.L. 95-223; 50 U.S.C. 1702).
- ¹⁰⁸ Anti-Terrorism and Effective Death Penalty Act of 1996 (P.L. 104-132), particularly as it amends the Immigration and Nationality Act at § 219 (8 U.S.C. 1189).
- ¹⁰⁹ Executive Order 13224 (September 23, 2001; 66 F.R. 49079).
- ¹¹⁰ Office of Foreign Assets Control SDN list: [<http://www.treas.gov/offices/enforcement/ofac/sdn/index.shtml>]

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