AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

GAZA AFTER THE WAR: WHAT CAN BE BUILT ON THE WRECKAGE?

HEARING

BEFORE THE

SUBCOMMITTEE ON
THE MIDDLE EAST AND SOUTH ASIA

OF THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

FEBRUARY 12, 2009

Serial No. 111–1

Printed for the use of the Committee on Foreign Affairs

Available via the World Wide Web: http://www.foreignaffairs.house.gov/

U.S. GOVERNMENT PRINTING OFFICE

47–420PDF WASHINGTON : 2009

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2104 Mail: Stop IDCC, Washington, DC 20402–0001

COMMITTEE ON FOREIGN AFFAIRS

HOWARD L. BERMAN, California, *Chairman*

GARY L. ACKERMAN, New York
ENI F.H. FALEOMAVAEGA, American Samoa
DONALD M. PAYNE, New Jersey
BRAD SHERMAN, California
ROBERT WEXLER, Florida
ELIOT L. ENGEL, New York
BILL DELAHUNT, Massachusetts
GREGORY W. MEEKS, New York
DIANE E. WATSON, California
RUSS CARNAHAN, Missouri
ALBIO SIRES, New Jersey
GERALD E. CONNOLLY, Virginia
MICHAEL E. MCMAHON, New York
JOHN S. TANNER, Tennessee
GENE GREEN, Texas
SHEILA JACKSON LEE, Texas
BARBARA LEE, California
SHELLEY BERKLEY, Nevada
JOSEPH CROWLEY, New York
MIKE ROSS, Arkansas
BRAD MILLER, North Carolina
DAVID SCOTT, Georgia
JIM COSTA, California
KEITH ELLISON, Minnesota
GABRIELLE GIFFORDS, Arizona
RON KLEIN, Florida
VACANT

ILEANA ROS-LEHTINEN, Florida
CHRISTOPHER H. SMITH, New Jersey
DAN BURTON, Indiana
ELTON GALLEGLY, California
DANA ROHRABACHER, California
DONALD A. MANZULLO, Illinois
EDWARD R. ROYCE, California
RON PAUL, Texas
JEFF FLAKE, Arizona
MIKE PENCE, Indiana
JOE WILSON, South Carolina
JOHN BOOZMAN, Arkansas
J. GRESHAM BARRETT, South Carolina
CONNIE MACK, Florida
JEFF FORTENBERRY, Nebraska
MICHAEL T. MCCAUL, Texas
TED POE, Texas
BOB INGLIS, South Carolina
GUS BILIRAKIS, Florida

RICHARD J. KESSLER, *Staff Director*
YLEEM POBLETE, *Republican Staff Director*

SUBCOMMITTEE ON THE MIDDLE EAST AND SOUTH ASIA

GARY L. ACKERMAN, New York, *Chairman*

RUSS CARNAHAN, Missouri
MICHAEL E. MCMAHON, New York
SHEILA JACKSON LEE, Texas
SHELLEY BERKLEY, Nevada
JOSEPH CROWLEY, New York
MIKE ROSS, Arkansas
JIM COSTA, California
KEITH ELLISON, Minnesota
RON KLEIN, Florida
BRAD SHERMAN, California
ROBERT WEXLER, Florida
ELIOT L. ENGEL, New York
GERALD E. CONNOLLY, Virginia
GENE GREEN, Texas
VACANT

DAN BURTON, Indiana
MIKE PENCE, Indiana
JOE WILSON, South Carolina
J. GRESHAM BARRETT, South Carolina
JEFF FORTENBERRY, Nebraska
MICHAEL T. MCCAUL, Texas
BOB INGLIS, South Carolina
GUS BILIRAKIS, Florida
DANA ROHRABACHER, California
EDWARD R. ROYCE, California

DAVID ADAMS, *Subcommittee Staff Director*
HOWARD DIAMOND, *Subcommittee Professional Staff Member*
MARK WALKER, *Republican Professional Staff Member*
DALIS BLUMENFELD, *Staff Associate*

CONTENTS

Page

WITNESSES

Mr. David Makovsky, Director, Project on the Middle East Peace Process, The Washington Institute for Near East Policy 15
Ziad J. Asali, M.D., President & Founder, The American Task Force on Palestine 23
Michele Dunne, Ph.D., Senior Associate, Carnegie Endowment for International Peace 76
Ms. Danielle Pletka, Vice President, Foreign and Defense Policy Studies, American Enterprise Institute for Public Policy Research 82

LETTERS, STATEMENTS, ETC., SUBMITTED FOR THE HEARING

The Honorable Gary L. Ackerman, a Representative in Congress from the State of New York, and Chairman, Subcommittee on the Middle East and South Asia: Prepared statement 4
The Honorable Dan Burton, a Representative in Congress from the State of Indiana: Prepared statement 9
Mr. David Makovsky: Prepared statement 18
Ziad J. Asali, M.D.: Prepared statement 25
Michele Dunne, Ph.D.: Prepared statement 79
Ms. Danielle Pletka: Prepared statement 85

APPENDIX

Hearing notice 110
Minutes of hearing 111
Statement from the American-Arab Anti-Discrimination Committee 112

GAZA AFTER THE WAR: WHAT CAN BE BUILT ON THE WRECKAGE?

THURSDAY, FEBRUARY 12, 2009

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE MIDDLE EAST
AND SOUTH ASIA,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 9:43 a.m. in room 2172, Rayburn House Office Building, Hon. Gary L. Ackerman (chairman of the subcommittee) presiding.

Mr. ACKERMAN. The subcommittee will come to order.

I want to begin by welcoming our new ranking member, the gentleman from Indiana, Dan Burton———

Mr. BURTON. Thank you, Mr. Chairman.

Mr. ACKERMAN [continuing]. Whom I have had the pleasure of working with before. I especially welcome his dedication and enthusiasm and the verve that he brings to all of his work.

Mr. BURTON. Thank you, sir.

Mr. ACKERMAN. Pleasure working with you again.

On our side I would like to acknowledge one of our new members who is with us today, Gerald E. Connolly from Virginia, and welcome him to the subcommittee.

I would like to start with a quote, as follows:

> "Today the subcommittee had hoped to examine those realistic and productive measures that the parties directly and indirectly involved with the Palestinian-Israeli conflict might have taken to restore a sense of hope, and maybe even make some material progress toward peace. But in the light of," I will insert here the words what has occurred, "I am not sure what is left to discuss."

The quote continues:

> "Over the past 6 years there have been many plans and many envoys. And contrary to popular opinion, there has not been a deficit of attention, merely a deficit in performance. Commitments made to the United States or between the parties have often been honored only in the breach. The timing was never right. What was promised was never delivered. It was always a provocation, an incident, an upcoming election, a crisis, an attack. And so it is again today."

That was a quote.

If we strike the words that I inserted, what occurred, and insert the words Gaza conflict, these sentences which I read at this subcommittee's first hearing in 2007 are, to my dismay, equally applicable today.

It only looks like we are going in circles. In fact, we are spiraling downward. I don't know where the bottom is, but I know it is there, and I know we are getting closer every day. It will hit with shattering force when, through malice and terror, through shallow calculation and venal self-interest, through short-sightedness and through political cowardice, the two-state solution to the Israeli-Palestinian conflict is finally rendered impossible.

The downward pressure comes from terrorism in the march of settlements. It comes from the firing of rockets and the perpetration of settler pogroms. It comes in daily images of destruction and the constant reiteration that they only understand the language of force.

It comes in the form of a political party that is always just a few months away from reform, and in the form of government coalitions whose chief purpose it is to avoid new elections. It comes in the form of promises that bloodshed is what God desires, and declarations that dirt and stones mean more than human life. It comes from tunnels in Gaza, and yes, from diggings in Jerusalem, as well.

Let me not be misunderstood. There is no moral equivalence between these acts, but they are all part of the same destructive dynamic.

Since the end of the Clinton administration, the basic outlines of the peace agreement have been clear. And in fact, in its waning days, the government of Ehud Olmert, like other departing Israeli governments, further closed the gaps, and added even more detail. Except now there are three sides, and one of those sides is looking for a very different outcome than the other two.

Hamas is the odd man out. I don't know what to do about that. I don't know how you make peace with half of a wannabe country. I don't know how you sign an agreement with an entity who's legal, political, and administrative bona fides are all in question.

Which brings us to Gaza, where so many of the contradictions of this conflict come into focus. Start with Hamas, a terrorist organization, an entity beyond the pale. They are the enemy, and no one can talk to them until they accept the quartet's conditions of recognizing Israel, repudiating violence, and accepting the PLO's agreements with Israel.

Except for years Israel has been talking to Hamas through Egypt, and directly to Hamas through prisoners in Israeli jails. And when the IDF was in Gaza in force, with reserves building up outside, the Israelis announced that the destruction of Hamas was absolutely not their goal. Hamas is a deadly, vicious, implacable enemy, but somehow one that they left in place.

For their part, the Fatah-led PA blasted Israel for violence, while quietly hoping that the IDF would cripple Hamas and pave the way for the Palestinian Authority's return to Gaza. Likewise, the PA has continuously denounced Hamas for the 2007 coup in Gaza, and then intermittently engaged in direct talks to form a unity government with it.

And Hamas itself, the great paragon of ideological purity, insists in Arabic that its goal is the complete liberation of Palestine, which is to say the elimination of the State of Israel; while in English it declares that Israeli withdrawal to the 1967 borders would be sufficient for long-term, but not permanent, peace.

One real bright spot in all the chaos is the work of the U.S. Security Coordinator, Lt. Gen. Keith Dayton, who, without fanfare and very little money, has helped stand up a force of several hundred competent and disciplined Palestinian security forces, trained in Jordan and deployed successfully to major cities in the West Bank. These mostly young Palestinians have restored law and order in Jenin, in Nablus, and are finally starting to put some authority back into the Palestinian Authority, which for years has been leaking the stuff like a bucket with no bottom.

I think we have learned from our own awful experience in Iraq that between politics and security, security has to come first. So what can be made of the new and growing security dynamic in the West Bank remains to be seen. A lot will depend on whether Israel, in a break from years of habit, can recognize its own self-interest in the success of this Palestinian enterprise.

And even if that happens, and I think we really must try hard to help that process along, how developments in the West Bank can be used to reestablish a connection with Gaza is far from clear. And it is in Gaza that the United States, Israel, the PA, and Arab states have to start coming up with answers.

There are pressing humanitarian needs and a reconstruction vacuum that will surely be filled by someone, either for good or ill. Hamas is still in charge there. And depending on what polls you read and which people you talk to, is either badly damaged or fully in command. The war has either alienated them from the public, or powerfully reinforced their leadership. Hamas has either suffered a severe blow, or has benefitted immensely from merely surviving the Israeli onslaught.

The fact that so basic a question can still be in doubt should make all of us a little more circumspect in our assertions, and a little less confident in our understanding of this conflict.

Fortunately, we have with us today a panel with real expertise in the politics of Israel, the Palestinian Authority, and Egypt, to help us understand where the interests of the parties lie, and what equities they most need to protect in coming to grips with the future of Gaza.

It is our job to start answering these same questions for ourselves. What is it that we want? How can we achieve it? What has worked, and what has to be done differently? What assumptions have we made that haven't been borne out in fact? We can start today by learning from our distinguished witnesses.

I turn now to my friend, partner, Dan Burton.

[The prepared statement of Mr. Ackerman follows:]

HOWARD L. BERMAN, CALIFORNIA
CHAIRMAN

GARY L. ACKERMAN, NEW YORK
ENI F.H. FALEOMAVAEGA, AMERICAN SAMOA
DONALD M. PAYNE, NEW JERSEY
BRAD SHERMAN, CALIFORNIA
ROBERT WEXLER, FLORIDA
ELIOT L. ENGEL, NEW YORK
BILL DELAHUNT, MASSACHUSETTS
GREGORY W. MEEKS, NEW YORK
DIANE E. WATSON, CALIFORNIA
ADAM SMITH, WASHINGTON
RUSS CARNAHAN, MISSOURI
ALBIO SIRES, NEW JERSEY
GERALD E. CONNOLLY, VIRGINIA
MICHAEL E. MCMAHON, NEW YORK
JOHN S. TANNER, TENNESSEE
GENE GREEN, TEXAS
SHEILA JACKSON LEE, TEXAS
BARBARA LEE, CALIFORNIA
SHELLEY BERKLEY, NEVADA
JOSEPH CROWLEY, NEW YORK
MIKE ROSS, ARKANSAS
BRAD MILLER, NORTH CAROLINA
DAVID SCOTT, GEORGIA
JIM COSTA, CALIFORNIA
KEITH ELLISON, MINNESOTA
GABRIELLE GIFFORDS, ARIZONA
RON KLEIN, FLORIDA

RICHARD J. KESSLER
STAFF DIRECTOR

DOUGLAS J. CAMPBELL
DEPUTY STAFF DIRECTOR

DAVID S. ABRAMOWITZ
CHIEF COUNSEL

ONE HUNDRED ELEVENTH CONGRESS
CONGRESS OF THE UNITED STATES
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

TELEPHONE: (202) 225-5021
HTTP://WWW.FOREIGNAFFAIRS.HOUSE.GOV/

ILEANA ROS-LEHTINEN, FLORIDA
RANKING REPUBLICAN MEMBER

CHRISTOPHER H. SMITH, NEW JERSEY
DAN BURTON, INDIANA
ELTON GALLEGLY, CALIFORNIA
DANA ROHRABACHER, CALIFORNIA
DONALD A. MANZULLO, ILLINOIS
EDWARD R. ROYCE, CALIFORNIA
RON PAUL, TEXAS
JEFF FLAKE, ARIZONA
MIKE PENCE, INDIANA
JOE WILSON, SOUTH CAROLINA
JOHN BOOZMAN, ARKANSAS
J. GRESHAM BARRETT, SOUTH CAROLINA
CONNIE MACK, FLORIDA
JEFF FORTENBERRY, NEBRASKA
MICHAEL T. MCCAUL, TEXAS
TED POE, TEXAS
BOB INGLIS, SOUTH CAROLINA
GUS M. BILIRAKIS, FLORIDA

YLEEM D.S. POBLETE
REPUBLICAN STAFF DIRECTOR

MARK C. GAGE
REPUBLICAN SENIOR POLICY ADVISOR

DOUGLAS C. ANDERSON
REPUBLICAN CHIEF COUNSEL

February 12, 2009

"Gaza After the War: What Can Be Built on the Wreckage?"
Rep. Gary L. Ackerman, Chairman
House Subcommittee on the Middle East and South Asia

I'd like to start with a quote:

"Today, the subcommittee had hoped to examine those realistic and productive measures that the parties, directly and indirectly involved with the Israeli-Palestinian conflict might have taken to restore a sense of hope and maybe even make some material progress towards peace. But in light of [what's occurred]... I'm not sure what's left to discuss.

"Over the past six years there have been many plans and many envoys. And contrary to popular opinion, there hasn't been a deficit of attention, merely a deficit of performance. Commitments made to the United States, or between the parties, have often been honored only in the breach. The timing was never right. What was promised was not delivered. There was always a provocation, an incident, an upcoming election, a crisis, an attack. And so it is again today."

Strike "what's occurred" and insert "Gaza conflict" and these sentences, which I read at this Subcommittee's first hearing in 2007, are, to my dismay, equally applicable today.

It only looks like we're going in circles. In fact, we're spiraling downward. I don't know where the bottom is, but I know its there, and I know it's getting closer every day. It will hit with shattering force when, through malice and terror, through shallow calculation and venal self-interest, through short-sightedness and through political cowardice, the two-state solution to the Israeli-Palestinian conflict is finally rendered impossible.

The downward pressure comes from terrorism and the march of settlements and outposts; from the firing of rockets and the perpetration of settler pogroms. It comes in daily images of destruction and the constant reiteration that "they only understand the language of force." It comes in the form of a political party that's always just a few months away from reform and in the form of governing coalitions whose chief purpose is avoiding new elections. It comes in the form of promises that bloodshed is what God desires and declarations that dirt and stones mean

more than human life. It comes from tunnels in Gaza and from digging in Jerusalem as well. There is no moral equivalence between these acts but they part of the same destructive dynamic.

Since the end of the Clinton Administration, the basic outlines of a peace agreement have been clear. And in fact, in its waning days, the government of Ehud Olmert–like other departing Israeli governments–further closed the gaps and added even more detail. Except now there are three sides. And one of these sides is looking for an outcome very different than the other two. Hamas is the odd-man out.

I don't know what to do about that. I don't know how you make peace with half of a want-to-be country. I don't know how you sign an agreement with an entity whose legal, political and administrative bona fides are all in question.

Which brings us to Gaza, where so many of the contradictions in this conflict come into focus. Start with Hamas, a terrorist organization, an entity beyond the pale. They are the enemy and no one can talk to them until they accept the Quartet's conditions of recognizing Israel, repudiating violence, and accepting the PLO's agreements with Israel.

Except that for years, Israel has been talking to Hamas through Egypt, and directly to the Hamas prisoners in Israeli jails. And when the IDF was in Gaza in force, with reserves building up outside, the Israelis announced that the destruction of Hamas was absolutely not their goal. Hamas is a deadly, vicious, implacable enemy, but somehow, one that had to be left in place.

For their part, the Fatah-led PA blasted Israel for the violence while quietly hoping that the IDF would cripple Hamas and pave the way for the PA's return to Gaza. Likewise, the PA has continuously denounced Hamas for the 2007 coup in Gaza and then intermittently engaged in direct talks to form a unity government with it. And even Hamas itself–the great paragon of ideological purity–insists in Arabic that its goal is the complete liberation of Palestine, which is to say, the elimination of the State of Israel, while in English it declares that Israeli withdrawal to the 1967 borders would be sufficient for a long-term, but not permanent, peace.

The one real bright spot in all the chaos is the work of the U.S. Security Coordinator, Lt. Gen. Keith Dayton, who without fanfare, and with very little money, has helped stand up a force of several hundred competent and disciplined Palestinian security forces. Trained in Jordan, and deployed successfully to major cities in the West Bank, these mostly young Palestinians have restored law and order in Jenin and Nablus, and are finally starting to put some authority back into the Palestinian Authority, which for years has been leaking the stuff like a bucket with no bottom.

I think we've learned from our own awful experience in Iraq that between politics and security, security has to come first. So what can be made of the new and growing security dynamic in the West Bank, remains to be seen. A lot will depend on whether Israel–in a break from years of habit–can recognize its own self-interest in the success of this Palestinian enterprise.

And even if that happens–and I think we really must try hard to help that process along–how developments in the West Bank can be used to reestablish a connection with Gaza is far from clear.

And it is in Gaza that the United States, Israel, the PA and the Arab states have to start coming up with answers. There are pressing humanitarian needs and a reconstruction vacuum that will surely be filled by someone, either for good or ill.
Hamas is still in charge there, and, depending on what polls you read and which people you speak to, is either badly damaged or fully in command. The war either alienated them from the public or powerfully reinforced their leadership. Hamas has either suffered a severe blow or has benefitted immensely from merely surviving the Israeli onslaught. The fact that so basic a question can still be in doubt should make all of us a little more circumspect in our assertions and little less confident in our understanding of this conflict.

Fortunately, we have with us today a panel with real expertise in the politics of Israel, the Palestinian Authority and Egypt, to help us understand where the interests of these parties lie, and what equities they most need to protect in coming to grips with the future of Gaza.

It is our job to start answering these same questions for ourselves. What is it that we want? How can we achieve it? What has worked and what has to be done differently? What assumptions have we made that haven't been borne out in fact? We can start today by learning from our distinguished witnesses.

###

Mr. BURTON. Thank you, Mr. Chairman. It is nice to be your partner. We have had our differences over the years on the floor and in the committee. But one thing on which we have always agreed has been the Middle Eastern problems; and in particular, the survivability of our good friend, Israel.

I have a statement I would like to submit for the record, but I would like to make a few comments, if I may.

When Ariel Sharon decided to give Gaza away and they started destroying the settlements that were in Gaza, I, for one, was very concerned about that, because I thought there were no guarantees of Israel's right to exist from the parties involved. And I was concerned that Hezbollah would take advantage, or Hamas would take advantage of the situation in Gaza as soon as things took place.

And as I watched those people being removed from their homes and their homes being bulldozed, it was a very disheartening situation. But I had great confidence in Ariel Sharon, and I felt like his decisions were very well thought out, and that this was probably a step toward a lasting peace.

Unfortunately, that was not the case. The minute Gaza became independent, Hamas started moving very rapidly by getting weapons in from Iran through Syria, all kinds of rockets and other equipment, and started their attacks on Israel.

My concern today, and what I would like to get from the panelists, Mr. Chairman, is what they believe the long-term view is from their perspective on the situation in Gaza, what the long-term view is from their perspective on Iran. Will Iran start reducing or working with the rest of the world in trying to stop the weapons from getting into Gaza and into Lebanon and Hezbollah up there? And can we expect any real movement toward a lasting peace?

We have been talking about this for as long as I have been in Congress. I think you and I have been in Congress 26 years, and we come back to the same position year after year after year, where there is a determination by Iran, by Syria, by Hamas and Hezbollah to destroy Israel and deny their right to exist.

So I would like to ask the panelists today if they see any light at the end of the tunnel, if they think the ending of the hostilities that have taken place will lead to a lasting peace in Gaza, and what their prognostication is about as far as Iran is concerned.

The administration has indicated they want to try to open up a dialogue with Iran to try to find out if there is a pathway to peace. But unless there is a guarantee of Israel's right to exist, I don't think there is going to be any solutions to the problems over there.

And so if there are administration people here today, Mr. Chairman, I would say I hope they will be very careful when they discuss these issues with the Iranians, to make sure that the number one question at every meeting is will you finally agree to Israel's right to exist, and try to work out a peaceful solution to these problems over there.

So there is an awful lot of things that are going on that we would like to talk about today. I know I have covered quite a bit of the waterfront with my opening remarks. But these are all inter-related, so I would like to hear what your perspective is on all of these issues.

And in particular, in closing, I would like to thank Danni Pletka for being here. We worked together when she worked for Jesse Helms on a number of issues. She is a very bright lady, and we are really happy to have you here today. You are now with the American Enterprise Institute, a very fine group. And I look forward to working with you in the future.

Mr. Chairman, I look forward to working with you and your colleagues on your side of the aisle, and finding, hopefully, a solution to some of these problems in the Middle East.

I yield back my time.

Mr. ACKERMAN. Thank you very much. And without objection, your full statement will be put in the record, as it will for all other members.

[The prepared statement of Mr. Burton follows:]

Opening Statement
Ranking Member Dan Burton
Subcommittee on the Middle East and South Asia
Committee on Foreign Affairs
February 12, 2009

Gaza After the War: What Can Be Built on the Wreckage??

I would personally like to thank Chairman Ackerman for calling this hearing. I also want to thank our distinguished panel for being here today to help us sort through the implications of the various policy options open to the United States when it comes to intervening in the very complex humanitarian and security situation in Gaza.

Mr. Chairman, this is my first hearing as Ranking Member on the Middle East and South Asia Subcommittee. You and I have a long history of working together on matters of foreign policy. Over the last 26 years we have worked together, we have definitely not seen eye-to-eye on a few issues, which has occasionally led to some interesting exchanges. However, when it comes to this region of the world, we have agreed far more than we have disagreed. I expect that trend to continue. I look forward to working with you, and I anticipate an exciting two years.

The current situation in Gaza is far from ideal. I do not doubt that the humanitarian situation is grim. But let us be very clear, responsibility for the recent conflict, and the current humanitarian crisis, rests solely with Hamas. Israel, like any sovereign state must defend its citizens. Synagogues, schools, hospitals are all threatened by rockets from Gaza. Hamas has fired more than 6000 rockets and mortars into Israel, including more than 300 during the alleged case-fire during the last six moths of 2008. The troubling sign, and the reason Israel was compelled to act, was the increasing range of the rocket attacks—a range not associated with indigenous production in Gaza.

In fact, since Hamas' takeover of Gaza in June 2007, Hamas' single-minded ambition has been to stockpile arms; and tons of weapons and explosives have flowed into Gaza. Based on numerous briefs this committee has received, the tunnel smuggling system is so sophisticated and extensive that no one can say with any confidence what has gotten into the territory or how it arrived. Some tunnel operators are said to charge tolls like it is a regular commercial transaction. The security situation could be even worse than we think.

While I am all for humanitarian aid, I strongly believe that we must carefully consider what aid we provide, and more importantly, how that aid is provided. What we saw in Gaza during the fighting (and to some extent, in Lebanon last year) is what an unchecked Iranian ally does – terrorize civilians, use human shields, and target innocenct people. And they are just as willing to exploit our humanitarian goodwill for their own ends. In fact, earlier this month, United Nation's relief efforts had to be temporarily suspended due to interference by Hamas. At least 10 truckloads of rice and flour, and thousands of blankets and food parcels for needy residents were seized by Hamas gunmen. Shipments

were later resumed but the incident should underscore that Hamas is less interested in relieving the plight of the resident of Gaza than it is in rebuilding its army of militants. We cannot and should not allow Hamas to exploit American aid for that purpose.

Beyond resolving the current acute humanitarian crisis we need to resolve the longer term humanitarian crisis. And that means bringing Gaza back into the peace process. Gaza's rehabilitation into that dialogue is straightforward: Hamas must renounce violence, recognize Israel's right to exist and acknowledge previous peace agreements reached with Palestinian leaders. Unfortunately, so far this has proven too difficult for a terror organization that bases its entire existence on throwing Israel into the sea. At the moment, I believe that Hamas is clearly not a party we can negotiate with.

With that in mind, Mr. Chairman, I challenge the Obama administration to explain what exactly it believes it will achieve in dialogue with Hamas' chief sponsor, Iran. Other than dialogue with bad faith actors and the world's worst regimes, what is Secretary of State Clinton's plan for Gaza? What is Egypt's role in all this? And what is the Administration's plan for strengthening the government of Mahmoud Abbas in the West Bank? These questions will probably not be solved in the next two hours, but I thank you for calling this hearing to at least begin a dialogue on this Gordian knot.

In closing, I want to thank Danny Pletka of the American Enterprise Institute for being here today. Danny was a senior Foreign Relations staffer for ten years for Senator Jesse Helms ending in 2002. The late Senator Helms and I did some good work together, and I appreciate her being here.

Thank you, Mr. Chairman, and I look forward to hearing from our witnesses.

Mr. ACKERMAN. I sent out a notice to each of the members yesterday—I hope everybody saw it—that we would allow opening statements, but we want to keep them to an opening comment, maybe for 1 minute apiece. And we will do that as we usually do on the subcommittee, in order of the member's appearance at the committee.

Mr. Wexler, if you would like.

Mr. WEXLER. Thank you very much, Mr. Chairman. I just want to commend you for assembling an extraordinary group today. Mr. Makovsky is someone I have relied upon and continue to rely upon, and I don't think there is any more knowledgeable voice in this country in terms of the Middle East and the Israeli-Palestinian conflict.

Dr. Asali, as well, I think is a uniquely powerful and constructive both advocate and resource for the United States Congress. And we all—many of us—rely upon him greatly. And despite Mr. Burton's wonderful comments, Ms. Pletka, we too welcome you and Dr. Dunne, as well.

Mr. ACKERMAN. Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman. As one of our witnesses points out here today, many believe that there is a magical solution to the Israel-Palestine problem.

If only we can arrange the diplomatic talks a certain way, there is this feeling that it will be solved. And we have a new special envoy, Sen. Mitchell, who is going to spend considerable energy working this region. He will be working and reaching for peace.

But the idea that some type of grand bargain might be celebrated in the Rose Garden is very far off. Sen. Mitchell must contend with the fact that there are those in the region, Hamas and others, who do not even recognize Israel's existence. Israel must be replaced with an Islamic state, according to Hamas.

So this is a region of the world plagued with a growing extremism that will frustrate peace initiatives, and won't be easily or quickly reversed.

This hearing asks what can be built on the wreckage. I have yet to see the firm foundation upon which structures must be built, but that does not mean we don't try.

Thank you, Mr. Chairman, for this hearing.

Mr. ACKERMAN. The chair would like to recognize the presence of the chair of the full committee, Howard Berman, and ask the chairman if he would like to use his prerogative to—the chairman has waived.

We go next to Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chairman, and thank you for convening this hearing today.

I think that it is imperative we understand the lessons learned from the recent Gaza conflict. Only with a more durable cease-fire and a commitment from Hamas to forswear violence can we address the long-term humanitarian needs of the people of the Gaza Strip.

I, for one, look to this week's Israeli election as actually an encouraging sign in the effort for renewing the peace process. While the closeness of the vote may present some challenges, the edge ap-

pears to lie with those who vigorously want to pursue the peace process.

When taken together, the election results, the current cease-fire, no matter how tenuous, and the commitment of President Obama to invest U.S. capital by engaging personally in the peace process, as well as his appointment of Special Envoy George Mitchell, are encouraging signs that we can broker a long-term solution in the interest of all parties.

I welcome today's witnesses and look forward to hearing from them about their recommendations for moving forward in a positive direction.

Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you very much. Mr. Ellison.

Mr. ELLISON. Thank you, Mr. Chairman, for your indulgence here. I have got an abundance of paper in front of me.

Mr. Chairman, first of all I would like to thank you for hosting the subcommittee hearing today. It is a privilege and an honor to be here, and to be a member of this very important subcommittee.

As we all know, this is a very critical time to be hearing about the critical topic of Gaza. I am glad that we are here to help move forward on the necessary rehabilitation and reconstruction efforts in Gaza.

I take this opportunity to welcome all speakers and witnesses to the House Committee on Foreign Affairs. And I look forward to hearing your testimony, as well as the discussion and exchange of views on conflicts in Gaza, the reconstruction and Middle East peace.

And also, Mr. Chairman, I would ask unanimous consent. I was approached by an organization called the American Arab Anti-Discrimination Committee who would like to submit a statement, and was not able to do so. And so I ask unanimous consent that their statement be allowed to be put into the record.

Mr. ACKERMAN. Without objection.

Thank you very much. And Mr. Ellison, we welcome you to the committee, as well.

Ms. Berkley, welcome to the subcommittee.

Ms. BERKLEY. Thank you, Mr. Chairman. It is a pleasure to be back. And I also want to thank you for holding this hearing.

I was part of a Congressional delegation that was among the last civilians to leave the Gaza when the Israelis left. As a Jew, it was very difficult for me to watch other Jews being forcibly removed from their homes, many of whom had lived in the Gaza for three generations. But it was done by the Israelis in the interest of peace, and with the hope that the Palestinians would be able to demonstrate to the world that they were capable of self-governance.

We were hopeful, I was certainly hopeful, that schools would be built, infrastructure would be created, and that the Palestinians would take control of their own lives.

Unfortunately, the result has been quite different. Hamas has taken over, a terrorist organization that continues not only to terrorize Israel by raining rockets on innocent Israeli civilians from the Gaza, but raining terror on their own people.

It would be my hope, especially in the aftermath of the last action by the Israelis, precipitated by the continuous launching of

rockets into Israel, that the Palestinian people would see that Hamas is not their future; and making a just and lasting peace with Israel, and recognizing Israel's right to exist, and securing the borders would be in the best interest of both people. And that would be my hope.

But I have become, I must say, Mr. Chairman, very cynical over the last few years, and hopeful that we will see a new day. But I am very doubtful that that will happen. And I am anxious to hear our witnesses talk about this issue.

Thank you.

Mr. ACKERMAN. Thank you. Mr. Klein.

Mr. KLEIN. Thank you, Mr. Chairman, and thank you, Mr. Burton, for calling this meeting today. And thank you to the guests who will present to us.

The Gaza Strip has obviously been a problem for many, many years, both when Egypt was much more involved, when Israel has been involved, and obviously in its own sense right now. And of course, the movement of weapons and missiles and rockets into the Gaza Strip from a number of, a number of means of getting through there has been a problem which has continued to present more difficulties.

Now that the general fighting has stopped at the level it was a couple weeks ago, obviously there are still rockets being fired, and this is a very fragile situation.

I think we acknowledge that Egypt, who has been helpful, is in a position where they can continue to help limit the amount of weapons that come in through that area. Egypt does not want an unstable or destabilized Hamas or region to flow into its areas, as well. The presenters today can comment on the role that Egypt continues to play, and of course, we encourage their continued cooperation as we go forward.

Thank you.

Mr. ACKERMAN. Thank you. Mr. Carnahan.

Mr. CARNAHAN. Thank you, Mr. Chairman and Ranking Member Burton. It is great to be back in this new session on this committee. I look forward to working with you on the timely and substantive work of this committee, and really getting it right in Gaza is central to really making progress in the Middle East. And so I thank the panel for being here, and look forward to hearing from you.

Mr. ACKERMAN. Thank you. We also want to welcome Mr. McMahon, a new Member to the Congress, new member to the committee and subcommittee. Would you like a minute, if you want to take that now? You are recognized.

Mr. MCMAHON. Thank you, Chairman Ackerman. And I thank the subcommittee for allowing me to speak today, my first hearing here, first time in.

I would like to thank our witnesses for sharing their knowledge with us here today, and I hope to share the conclusions with my constituents back home.

Clearly, the humanitarian situation in Gaza is very grave, yet Hamas still continues to exacerbate the humanitarian situation by using innocent civilians to leverage power over this broken region to advance their political agenda.

I think that most of my colleagues in this room would agree that as the premiere nation allocating assistance to Gaza, the U.S. is currently in quite a predicament. If Hamas increases influence through circumventing the assistance and manipulating civilians, what is to be expected for the future of our sister nation, Israel, and for the region as a whole?

Mr. Chairman, my constituents, both Arab and Jewish alike, are concerned for their families in the region, and cannot bear for their relatives to be treated as worthless pawns.

Despite the severity of the situation, I remain hopeful that a secure peace agreement that embraces the two-state solution can be reached through the leadership of President Barack Obama and Sen. Mitchell. And I hope through efforts here today, we can bring humanitarian relief to all those who suffer in the region.

I hope that we reaffirm our commitment that the only future for Israel and Palestine is a path to peace.

Thank you, Mr. Chairman. I yield the remainder of my time.

Mr. ACKERMAN. Thank you very much. We will now turn to our witnesses.

We are joined today by a truly first-rate group, each of whom brings years of hands-on expertise and analytical experience to this hearing.

David Makovsky is a senior fellow and director of the Washington Institute's Project on the Middle East Peace Process. He is also an adjunct lecturer in Middle Eastern Studies at Johns Hopkins University in the Paul H. Nitze School of Advanced International Studies.

Before joining the Washington Institute, Mr. Makovsky covered the peace process from 1989 to 2000 as executive editor of the Jerusalem Post and as diplomatic correspondent for Haaretz. Now a contributing editor to U.S. News and World Report, he served 11 years as the magazine's special Jerusalem correspondent.

Dr. Ziad Asali is president and founder of the American Task Force on Palestine, a nonprofit, non-partisan organization established in 2003, and based in Washington, DC. Dr. Asali was born in Jerusalem, and received his M.D. from the American University of Beirut Medical School in 1967. He completed his residency in Salt Lake City, Utah, and then practiced medicine in Jerusalem before returning to the U.S. in 1973.

Dr. Asali is also founder and chairman of the American Charities for Palestine.

Michele Dunne is a senior associate at the Carnegie Endowment for International Peace. She also edits the Arab Reform Bulletin, a monthly online journal exploring political, economic, and human rights developments in Arab countries. A specialist in the Middle East at the U.S. Department of State from 1986 to 2003, Dr. Dunne holds a Ph.D. in Arabic language from Georgetown University.

Danielle Pletka is vice president of foreign and defense policy at the American Enterprise Institute. Before joining AEI, she served for 10 years as a senior professional staff member for the Near East and South Asia on the U.S. Senate Committee on Foreign Relations.

In addition to her work at AEI, she was also a member of the congressionally-mandated U.S. Institute of Peace Task Force on the United Nations.

We will begin with Dr. Makovsky.

STATEMENT OF MR. DAVID MAKOVSKY, DIRECTOR, PROJECT ON THE MIDDLE EAST PEACE PROCESS, THE WASHINGTON INSTITUTE FOR NEAR EAST POLICY

Mr. MAKOVSKY. Thank you, Mr. Chairman, Mr. Ranking Member, distinguished members of the committee. It is an honor to be with you today.

Until post-conflict arrangements are settled, it is premature to reach a definitive conclusion on the recent war in Gaza. However, it is possible to make a preliminary assessment.

Israel set forward one major objective for itself at the start of this war; specifically, to avert Hamas rocket fire aimed at its southern cities. The objective of this war was not the toppling of Hamas.

Israel has also sought to restore the deterrents that it felt that it lost in the inconclusive 2006 war against Hezbollah and Lebanon. As a result, in contrast to the 2006 war, Israel's objectives were defined more carefully.

One of Israel's main tactics for ensuring that its cities are not the targets of Hamas rockets is to target the myriad of smuggling tunnels along the Egypt-Gaza border that Hamas uses to rearm itself. As such, Israel's success in shutting down or destroying these tunnels will also be part of the post-war evaluation.

First, some background to this Gaza conflict. As was noted here, Israel removed all of its settlers and left Gaza in 2005. Yet, Hamas rocket fire has been relentless, especially after Hamas ascended to power in 2006.

By mid-2008, Israel and Hamas have been observing a cease-fire for 6 months, which expired on December 19. Israel made clear that it wanted to extend the cease-fire, yet Hamas fired 200 rockets at Israeli cities.

There are those who argue that Hamas wanted to use rocket fire as a means of changing the terms of the cease-fire. However, Israel felt it had no choice but military action.

Hamas believed that by taking up positions in densely populated parts of the Gaza Strip in order to fire indiscriminately at Israeli cities, it would be immune to retaliation. This was not the case.

Israel embarked on what is called Operation Cast Lead, a campaign that went on for less than a month, first by air and then by ground, primarily in northern Gaza. While Hamas has sought to claim victory in the aftermath of the fighting, these claims are largely hollow. Its leadership was in hiding throughout the fighting.

Hamas did not offer serious opposition on the ground, a fact that will make it difficult for the organization to credibly claim that it defended Gaza, let alone scored a victory.

In contrast, Hezbollah, in 2006, offered substantial resistance and determined opposition to Israeli ground forces, employing the full range of its capabilities.

According to the Palestinian-run Jerusalem media communications center polling unit, only 35% of Palestinians in Gaza believe Hamas' assertion of victory.

Israel succeeded in degrading Hamas' ability to fire rockets at Israeli cities. Military analysts widely believe that the Israeli army was much better prepared for this conflict on nearly every level—planning, training, equipment, and force readiness—than it was in 2006.

Israel sustained far fewer casualties and injuries than it did in 2006. Arab casualties were lower in Gaza than Lebanon; but as I will point to later in my remarks, they were still considerable.

Although many thoughts Israel's deterrence was eroded in the 2006 war, Israeli officials state that it was restored after the current fighting with Hamas. Hamas is responsible for the Gaza population and manner that is not true for Hezbollah and Lebanon; therefore, there is hope that this deterrence will be sustained over time.

It is noteworthy that Hezbollah, Syria, and Iran were either unwilling or unable to assist Hamas during the conflict, excluding rhetorical support. This should give Hamas pause about the value of its alliances. Hezbollah did not open up a second front, contrary to speculation that it might, and this might be a sign that Israel did increase its deterrence during the 2006 war, which would be significant.

While Iran interpreted the inconclusive outcome of 2006 as a victory for its proxy, Hezbollah, and for Tehran's own regional influence, Iran will have to view the Gaza conflict as a setback. It could not believe that it gained any momentum with this episode.

Moreover, divisions surfaced within the Arab world. Egypt and Saudi Arabia boycotted an aborted Arab summit that they viewed as supportive of Hamas, and, implicitly, Iran. Egyptian leadership was willing to withstand demonstrations and criticism, and still refused to support Hamas' demand that it gain control of a key access point to Gaza. All these developments were negative from Hamas' perspective.

The Gaza war brought fresh international focus to the tunnel network between Egyptian Sinai and Gaza. The issue of border security has become increasingly important for Israel, particularly since the network is crucial to Hamas' ability to rearm.

During the recent conflict, Hamas fired 122-millimeter ground artillery rockets, a type of rocket that is designed by Iran to fit through the tunnels by hitting Gadera, 20 miles south of Tel Aviv. It fired many rockets, as well. One million Israelis are now within this rocket's range, including the largest city in southern Israel, Beersheba. If more sophisticated, longer-range rockets are smuggled into Gaza, Israel's international airport could come within range within the very near future.

For Israel, this international focus on the tunnel network is necessary, albeit not sufficient. International focus is not synonymous with action.

For example, in 2006 the U.N. Security Council Resolution 1701 addressed the issue of arms smuggling for Hezbollah by calling on an embargo on weapons to Hezbollah militias, Lebanese militias. This provision, however, has never been enforced. There are esti-

mates that Hezbollah has in fact tripled the number of its rockets since 2006.

Therefore, a more practical approach was being tried now. Toward the end of this war, the United States and Israel signed a memorandum of understanding, an MOU, that authorizes United States assistance to Egypt to halt the flow of arms. This international assistance could potentially involve the U.S. Navy and NATO, elements to help police international waters, since the grads are believed to come from transit points in Iran, Somalia, Eritrea and Yemen.

Mr. ACKERMAN. I am going to have to ask you to start to sum up.

Mr. MAKOVSKY. Okay. The question will be: Will Egypt indeed recognize that its national security is at stake? Because this is not a favor to Israel, it clearly has an interest in the Palestinian Authority being stronger, and also weakening its own opposition at home, the Muslim brotherhood. And it clearly does not want to see Iran gain, as President Mubarak made clear in a speech the other day.

If Egypt acts, this will be the optimal situation. I fear if Egypt does not act, Israel will go back into southern Gaza, occupy the Philadelphi Corridor, as it is known, and on its own, try to explode these tunnels.

To avoid this scenario, Egypt is critical, but so is the MFO, the multi-national forces of the Sinai. It was put in place to, as an early-warning system against possible Egyptian attack against Israel, given the wars in the sixties and seventies. But given the new threats, maybe we should think of an enhanced role for the MFO, given the problem of tunnels. Like monitoring some of the main roads that traverse the Sinai; there are very few of them.

The U.S. Army Corps of Engineers has been helpful.

Mr. ACKERMAN. You are going to need to conclude.

Mr. MAKOVSKY. Okay. I would just conclude here by saying the question here of Gaza reconstruction is something that we will discuss. I am happy in the Q and A to discuss this, as well.

It is clear to me that the pivot point is the Palestinian Authority being in Gaza, and making that difference. The Arab world could provide assistance, but they could also provide assistance by delegitimizing Hamas.

Mr. ACKERMAN. Thank you.

Mr. MAKOVSKY. I promise to stay in these Israeli elections and what next steps will be taken by Mitchell, but I will do that in the Q and A.

Thank you very much.

[The prepared statement of Mr. Makovsky follows:]

Statement: David Makovksy

Mr. Chairman, Mr. Ranking Member,

It is an honor to be with you today.

Until post-conflict arrangements are settled, it is premature to reach a definitive conclusion on the recent war in Gaza. However, it is possible to make a preliminary assessment.

Israel set forward one major objective for itself at the start of this war: specifically, to avert Hamas rocket fire aimed at its southern cities. The objective of this war was not the toppling of Hamas. Israel also sought to restore the deterrence that it felt it had lost in the inconclusive 2006 war against Hizbullah in Lebanon. As a result, in contrast to the 2006 war, Israel's objectives were defined more carefully.

One of Israel's main tactics for ensuring that its cities are not the targets of Hamas rockets is to target the myriad smuggling tunnels along the Egypt-Gaza border that Hamas uses to rearm itself. As such, Israel's success in shutting down or destroying these tunnels will also be part of the post-war evaluation.

First, some background to this conflict. Israel and Hamas had been observing a ceasefire for six months, but which expired on December 19th. Israel made clear that it wanted to extend the ceasefire, yet Hamas fired 200 rockets at Israeli cities. There are those who argue that Hamas wanted to use rocket fire as a means of changing the terms of the ceasefire. However, Israel felt it had no choice but military action. Hamas believed that, by taking up positions in densely populated parts of the Gaza Strip in order to fire indiscriminately at Israeli cities, it would be immune to retaliation. This was not the case. Israel embarked on what it called "Operation Cast Lead," a campaign that went on for less than a month, first by air and then by ground, primarily in northern Gaza.

While Hamas has sought to claim victory in the aftermath of the fighting, these claims are largely hollow. Its leadership was in hiding throughout the fighting. Hamas did not offer serious opposition on the ground -- a fact that will make it difficult for the organization to credibly claim that it defended Gaza, let alone scored a victory. In contrast, Hizballah in 2006 offered substantial resistance and determined opposition to Israeli ground forces, employing the full range of its capabilities. According to the Palestinian-run Jerusalem Media and Communication Center polling unit, only 35% of Palestinians in Gaza believe Hamas's assertions of victory.

Israel succeeded in degrading Hamas's ability to fire rockets at Israeli cities. At the start of the war, Hamas was able to fire up to eighty rockets per day, but by the end, that number dropped to no more than twenty. Military analysts widely believe the Israeli army was much better prepared for this conflict on nearly every level -- planning, training, equipment, and force readiness -- than it was in 2006. In particular, reserve units were carefully deployed and only committed after a period of training. Israel sustained far

fewer fatalities and injuries than it did in 2006. Arab casualties likewise were lower in Gaza than in Lebanon, but were still considerable.

Although many thought Israel's deterrence was eroded in the 2006 war, Israeli officials state that it was restored after the current fighting with Hamas. Hamas is responsible for the Gaza population in a manner that is not true for Hizbullah in Lebanon. Therefore, there is hope that this deterrence can be sustained over time.

It is noteworthy that Hizbullah, Syria, and Iran were all either unwilling or unable to assist Hamas during the conflict, excluding rhetorical support. This should give Hamas pause about the value of its alliances. Hizbullah did not open up a second front, contrary to speculation that it might. This may be a sign that Israel did increase its deterrence during the 2006 war, which would be significant.

While Iran interpreted the inconclusive outcome in 2006 as a victory for its proxy, Hizbullah, and for Tehran's own regional influence, Iran will have to view the Gaza conflict as a setback. It cannot believe that it gained any momentum with this episode. Moreover, divisions surfaced within the Arab world. Egypt and Saudi Arabia boycotted an aborted Arab summit that they viewed as supportive of Hamas, and, implicitly, Iran. The Egyptian leadership was willing to withstand demonstrations and criticism and still refused to support Hamas's demand that it gain control of a key access point to Gaza. All these developments were negative from Hamas's perspective.

The Gaza war brought fresh international focus to the tunnel network between the Egyptian Sinai and Gaza. The issue of border security has become increasingly important for Israel, particularly since the network is crucial to Hamas's ability to rearm. During the recent conflict, Hamas fired 122-mm Grad artillery rockets -- a type of rocket that was designed by Iran to fit through the tunnels -- hitting Gadera, twenty miles south of Tel Aviv. One million Israelis are now within this rocket's range, including the largest city in southern Israel, Beersheva. If more sophisticated, longer-range rockets are smuggled into Gaza, Israel's international airport could come within range in the near future. For Israel, this new international focus on the tunnel network is necessary, albeit not sufficient.

However, international focus on an issue is not synonymous with action. In 2006, UN Security Council Resolution 1701 addressed the issue of arms smuggling by calling for an embargo on weapons to Lebanese militias; this provision, however, has never been enforced. As a result, Israeli sources estimate that Hizbullah has nearly tripled the number of rockets in its arsenal since 2006. This time, however, international parties have chosen to adopt a practical method of intercepting rockets, rather than relying on UN resolutions. Towards the end of the war, the United States and Israel signed a memorandum of understanding (MOU) that authorizes U.S. assistance to Egypt to halt the flow of arms. This international assistance could potentially involve U.S. Navy and NATO elements to help police international waters, since the Grads are believed to come from transit points in Iran, Somalia, Eritrea, and Yemen. The Obama administration must follow up, work with allies, and make sure that verbal commitments to stop arms smuggling are transformed into reality.

In theory, the Gaza conflict sobered Egypt to the implications of an Islamist-ruled entity on its eastern border, armed with sophisticated weaponry. The hope is that Cairo will now take steps to prevent Hamas from rearming -- rather than casting a blind eye to the smuggling -- and thereby protect Egyptian security interests. Moreover, failure to act by Egypt will lead Israel to ultimately launch a second operation. I don't like to make grand predictions, yet I am willing to be very explicit. If Egypt does not handle the problem, Israel will occupy the southern corridor of Gaza known at the Philadelphi Corridor, where the tunnels are located, which in turn could lead Palestinians in the Rafah area to force their way across the border and pour into Egypt. If the current effort fails, the Egypt-Gaza border will assuredly become a flashpoint, triggering another Israeli intervention.

A key question is whether Egypt recognizes that its national security is at stake. This is not a favor to Israel. As senior Egyptian officials point out, an armed Gaza on its eastern frontier hurts Egypt. It weakens the Palestinian Authority, of which Egypt has a leading champion. It also strengthens the Muslim Brotherhood, Egypt's main opposition group. As President Mubarak made clear in a public speech last week, Hamas adventurism serves Iranian interests in the region. In rare remarks, Mubarak spoke cryptically but unmistakably. He declared, "they are trying to take advantage of Israeli aggression to force a new reality on the current Palestinian and Arab situation. A new reality that will alter the equation and reorganize the balance in favor of known regional powers and will serve their agenda."

The hoarding of weapons in Gaza poses a risk to Egyptian sites in the Sinai. Egyptian tourist areas in the Sinai have already been the targets of terrorism. Finally, fighting in southern Gaza risks the specter of Gazans fleeing over the border as they did in January 2008. Egypt and the United States need to work closely, and Cairo should update Washington regularly on its arms interdiction efforts.

Consequently, the moment seems right to consider enhancing the mission of the U.S.-led Multinational Forces Organization (MFO) in the Sinai. The MFO was created after the 1979 Israeli-Egyptian peace treaty to prevent renewed hostilities. Given the thirty years of bilateral peace, the MFO could be enlisted to monitor the weapons smuggling that occurs on the very few roads that actually traverse the Sinai.

Another idea is for Egypt to engage in more extensive border security arrangements. This could mean setting up needed facilities--scanners, fences and the like--south of the Egyptian town of Rafah, given the limited space between that town and the actual border.

Thanks to Congressional assistance, the US Army Corps of Engineers has been helpful, but more is required.

Apart from the border security question, the Gaza operation raised another issue, namely the humanitarian dimension of the conflict. In their respective urban warfare conflicts with Israel, both Hizbullah in 2006 and Hamas in 2009 used Arab civilians as human

shields to launch attacks on Israeli cities, forcing Israel into making terrible choices, as its enemies care little about their own populations. Israel must grapple with how to stop rocket attacks on its own citizens while also minimizing the Arab human toll. Israel believes that its actions during the offensive, such as dropping leaflets before bombing an area or evacuating wounded Palestinians, is something that Hamas would never do. Nonetheless, given the shift of warfare away from traditional battlefields to urban areas, Israel might consider setting up an "urban corps" dedicated to designating safe havens for civilian evacuees. Israel could post soldiers in these areas, so its good will cannot be exploited by terrorists seeking refuge. As the nature of warfare has moved from battlefields to urban zones, the humanitarian dimension is increasingly viewed as vital for military success.

In terms of the post-conflict period, there is likely to be an effort to see if the Palestinian Authority (PA) can return to the Gaza crossing points and whether it can manage reconstruction. As you know, Hamas staged a takeover of Gaza in June 2007, expelling PA officials even though the PA still pays salaries to 80,000 Gazans. I think if there is an effort to have the Palestinian Authority take over the crossing points, there may need to be a buffer of international troops to separate them from Hamas given the enmity between them. If the PA is to lead a reconstruction effort in Gaza, it has to be done carefully so it is the PA and not Hamas that gets the credit. If it pursues this path as a result of a donors meeting in Cairo in the coming weeks, the PA is likely to bring together a group of technocratic experts in Gaza who are best positioned to make reconstruction happen.

Yet, the Arab world should not just aid Gaza reconstruction. It needs to delegitimize Hamas. Arab efforts are more meaningful than what is said by the United States and Israel. Here again, we should note Mubarak's rare remarks. He accused the Islamist Palestinian movement of being responsible for the shedding of Arab blood. "How long will Arab blood continue to be spilled, only to hear those who admit to miscalculating the scope and scale of Israel's response?" Mubarak asked in a speech marking Egypt's national day to honor its police force. Mubarak's comment came in reference to remarks reportedly made by Hamas political leader Khaled Meshal who admitted at the end of the three-week Israeli offensive in the Gaza Strip that he did not anticipate the scope of Israel's operation. Mubarak went on to say that resistance movements must take responsibility over the welfare of their people. "The resistance must take into account victories and losses. It is responsible for the people, who in turn should settle the score [with the resistance] over the gains it has achieved, but also the sacrifices, the pain and the destruction it has caused," he said.

The Israeli elections were also affected by the Gaza conflict. While it is still uncertain whether it will be Israeli Foreign Minister Tzipi Livni or Likud leader Benjamin Netanyahu who will head the next coalition, it seems very possible that neither will be able to govern alone. At the same time, there is no doubt that the right-wing bloc has gained 14seats in the 120-member Knesset, and that can be traced to Hamas and Hizbullah rockets. Israelis thought when they exited Lebanon in 2000 and Gaza in 2005 they would become more secure, but now believe they are more vulnerable to rocket fire.

Sharp increases in votes for right-wing parties can be seen in towns in southern Israel which were rocketed by Hamas.

The belief among Israelis and Palestinians that peace is not possible is due at least in some measure to the plethora of peace ceremonies that they have witnessed over the years, which ultimately yielded nothing. An all or nothing approach usually ends up being nothing in the Middle East. If people do not see how peace impacts their daily lives, they are likely to remain cynical. Therefore it is important to maintain a societal foundation for peacemaking. U.S. policy needs to be geared to making peace relevant for people.

There are things that certainly would improve the quality of Palestinian life and not come at the expense of Israel security. If the parties cannot reach a grand deal, perhaps smaller, practical steps can be taken. The differences on where the border between Israel and the West Bank will ultimately be has narrowed greatly. If this border could be demarcated even if the IDF needs to remain in the West Bank until trust can be built up, perhaps tension could be reduced. This could end the mistrust on the settlements issue that has plagued the conflict since 1967. There could also be a U.S.-led effort like the US Customs Service applies in a variety of countries of sealing shipping containers in order to facilitate Palestinian exports. Another idea would be to upgrade Israeli crossing points with appropriate biometrics, in order to shorten the line for visitors. The United States should ask the wealthy Gulf Arab states to fund major construction projects that could kick-start the Palestinian economy.

In this cost-benefit equation, it is important to demonstrate that Palestinians in the West Bank are better off being under the jurisdiction of the PA rather than Hamas. It should be pointed out that there were few pro-Hamas demonstrations in the West Bank during the recent Gaza conflict. Indeed, economic strides have been made in the West Bank as evidenced by progress in Jenin and other areas, thanks to a variety of players ranging from PA Prime Minister Salam Fayyad, Quartet Envoy Tony Blair, national security advisor Jim Jones, and Lt. Gen Keith Dayton, who is doing the work of training and equipping the PA security services. Their efforts should be commended, and bolstered wherever needed.

For Israel, it wants to know that the educational curriculum being taught to a younger generation is geared to coexistence and not hatred since it is vital to send favorable messages to the younger generation. Both sides will not believe the change, until they see the change.

There is a new administration here and there will be one shortly in Israel. The strength of this alliance is its dynamism. Its dynamism will be tested in the coming months if we can find ways to bolster moderates and weaken the radicals.

Thank you.

Mr. ACKERMAN. Thank you. Dr. Asali. Push your button on.

STATEMENT OF ZIAD J. ASALI, M.D., PRESIDENT & FOUNDER, THE AMERICAN TASK FORCE ON PALESTINE

Dr. ASALI. As requested by your staff, allow me to state for the record that the recently signed memorandum of understanding mentioned in my bio between American Charities for Palestine and USAID is only for the purposes of vetting recipients of donations made by ACP. Neither I nor ACP has received any further gain.

Now I will start my testimony.

Mr. ACKERMAN. We will restart your time.

Dr. ASALI. Thank you very much, and I will not go beyond.

Mr. ACKERMAN. We will allow you the same latitude.

Dr. ASALI. Thank you. Mr. Chairman, I wish to thank you and the subcommittee's esteemed members for the privilege to testify before you and summarize my 51-page written testimony.

Although Hamas launched reckless and provocative rocket attacks against Israel, Gazans are not Hamas. They are not combatants, and should not be punished. As a human being and as a physician, I was horrified by the tragedy that has befallen the people of Gaza by Israel's disproportionate use of force.

After an estimated 1,400 deaths and 5,400 injuries, 80% of surviving Gazans now depend on food aid, and 51,000 need shelter. Their suffering must come to an immediate stop.

Gaza lies in ruins, but Hamas still controls Gaza.

Mr. ACKERMAN. I am afraid we cannot have any approbation, approval or disapproval from the audience. Everybody is welcome to be here, so we want to just constrain our approval or disapproval of any of the witnesses, or even any of the members. You can criticize us someplace else, but not in this room. Thank you.

Dr. ASALI. Thank you. Restart the clock for me? [Laughter.]

Mr. ACKERMAN. We will not subtract our comments.

Dr. ASALI. Gaza lies in ruins, but Hamas still controls Gaza. And the responsible policies of the PA and other U.S.-Arab allies have been undermined.

Mr. Chairman, the challenge now is providing essential aid and reconstruction to the people of Gaza without bolstering Hamas. Opening the crossings and implementing the Access and Movement Agreement of 2005 is essential.

Immediate humanitarian assistance should proceed unimpeded and without politicization, to deliver food, shelter, medical, fuel, and educational supplies, as well as power and sanitation. It should be provided and expanded through existing agencies, including UNRWA and international NGOs. If Hamas again attempts to interfere, it risks suspension of aid.

Reconstruction, however, takes time, and requires a new international mechanism that can ensure entry of construction materials into Gaza, secure from political interference. And any party blocking the reconstruction process must publicly bear the blame.

This mechanism should be structured to quickly grant contracts, vet recipients, and have security and logistical components. This must be coordinated by the new U.S. Special Envoy to the Middle East and composed of the Quartet, the PA, and the indispensable Egypt.

Private reconstruction should be managed through direct bank transfers from the PA to beneficiaries, as proposed by Prime Minister Fayyad, which will benefit 21,000 property owners at a cost of $600 million to $800 million.

The Palestinian partner for reconstruction can only be the PA under President Abbas. A non-partisan Palestinian national accord government could help, but it must meet the Quartet conditions, exert security control, and have the specific mandate of overseeing reconstruction and preparing for elections.

Mr. Chairman, there is no military solution to this conflict. And until it is resolved through two states, a secure Israel alongside a viable Palestine freed from occupation, further violence is inevitable.

Unless progress is made on advancing Palestinian statehood and quality of life through negotiations, and unless the PA and Fatah implement serious and genuine reform, the PA will continue to weaken. Without progress, anything rebuilt will be destroyed. Our own actions can either foster hope or feed hate.

Permanent status negotiations must continue, but cannot be sustained without expanding the space of freedom in Palestinian cities, and in delivering tangible improvements in access, mobility, and economic opportunities.

Settlements entrench the occupation, and are the most pressing political and logistical impediment to peace. All hopes for progress depend on an immediate settlement freeze, and this is where U.S. leadership must be asserted to preserve the credibility of the two-state solution.

U.S. assistance must be intensified to help the PA further develop the new professional security system, which has proven its effectiveness under very difficult circumstances. It also has to develop the fledgling economy unimpeded by unreasonable restrictions, and pursue good governance reform, transparency, and the rule of law.

A devastated Gaza, a stagnant West Bank, and a moribund peace process would benefit extremism. The losers then will be Palestinians, Israel, and the cause of peace, and most importantly, our own national interest.

Thank you very much.

[The prepared statement of Dr. Asali follows:]

TESTIMONY OF DR. ZIAD J. ASALI
President, American Task Force on Palestine
House Committee on Foreign Affairs, Subcommittee on Middle East and South Asia
Chairman Gary L. Ackerman (D-NY)
January 12, 2009

Contents:

Executive Summary

1) **Historical background/political context of the Gaza war**
   a. 1988-1993: the PLO and a negotiated two-state solution
   b. The origins of Hamas
   c. Hamas' rise to power
   d. Hamas in power
   e. The lost opportunity at Annapolis
   f. Build up to the Gaza War

2) **Timeline of the Gaza war**

3) **Humanitarian and infrastructure impact of the Gaza war**
   a. Deaths and injuries among Palestinians, including civilians
   b. Deaths and injuries among Israelis, including combatants
   c. Use of civilians as human shields by both sides
   d. Particularly troubling incidents involving civilians
   e. Targeting United Nations relief efforts and workers
   f. Economic and Infrastructure damage due to the conflict

4) **Reconstruction requirements for the Gaza Strip**
   a. Immediate human needs
   b. Immediate infrastructure/border crossings
   c. Long-term reconstruction

5) **The political impact of the Gaza war**
   a. A stronger Hamas?
   b. Is there a future for the PA?
   c. Palestinian national unity: desirable and possible?
   d. Is it time for the international community to directly engage Hamas?
   e. Is the schism between Gaza and the West Bank beyond repair?

6) **Lessons from the politics of reconstruction in Lebanon following the 2006 conflict**

7) **Recommendations on modalities for funding reconstruction in the Gaza Strip**
   a. Reconstruction through the private sector
   b. Using existing international aid mechanisms

c. Creating new international mechanisms

8) **Supporting documents**

a. What Lies Ahead for Gaza? Policy Focus by ATFP - March 5, 2008

b. "Miscalculation" *The Washington Times* (opinion section), June 17, 2008

9) Additional references

Executive Summary

The Gaza war and the current deterioration of the security situation between Palestinians and Israelis can only be understood as a function of the erosion of the peace process. The direct causes of the war can be traced to Hamas' violent takeover of Gaza in 2007 and to the Israeli siege of the Gaza Strip.

The war was triggered by Hamas' reckless provocations and was characterized by Israel's disproportionate use of force. By the end of the war, though, the status quo ante was not fundamentally changed. Hamas remained in control of Gaza, the PA in charge of the West Bank, and the cause of peace continued to erode.

The war extracted a heavy human toll, and resulted in extensive destruction in Gaza. As happened in Lebanon after the 2006 war, a failure by the international community and the legitimate government to respond to reconstruction needs would create a vacuum that could be filled by and benefit Hamas.

Responding to humanitarian and reconstruction needs requires Israel to open the Gaza border crossings, and Hamas not to interfere with aid for political or financial gain. Any party that impedes aid and reconstruction must publicly bear the blame.

Provision of basic humanitarian needs must proceed immediately and in an unimpeded manner through existing channels, whether the United Nations Relief and Works Agency (UNRWA), other UN agencies or international NGOs. Basic humanitarian aid should remain apolitical.

Reconstruction can proceed through a number of channels. Reconstruction of damaged private properties and businesses can be funded through direct bank transfers from the Palestinian Authority (PA) to beneficiaries. Larger projects can be undertaken by international agencies that exist on the ground.

In addition, a new international mechanism composed of the Quartet, Egypt and the PA and coordinated by the US Special Envoy to the Middle East should be created to function as an umbrella for the reconstruction efforts, ensure the continued flow of needed materials, and guard against interference by Israel or Hamas at all stages of the reconstruction process.

Aid and reconstruction efforts would benefit from Palestinian national unity, or at least from an agreed-upon, non-partisan government. Any unity arrangement, however, must accept the Quartet conditions. Short of that, national unity would be counterproductive.

The extent to which Hamas will politically benefit from the war in Gaza remains to be seen and will depend on the conditions that develop in the aftermath of the conflict. The PA, and its platform of seeking a negotiated, peaceful two-state solution, has suffered political damage. It needs to be supported and its political message validated. The peace process needs to be resumed to create the political context for progress. A settlement freeze is essential to preserve the physical viability and political credibility of, and to revive public confidence in, the peace process. Economic and security assistance and development need to continue and intensify. The Fatah movement needs to be reformed.

28

The Gaza Strip and the West Bank are part of one political, cultural, and national unit. Though they are divided today between two competing parties with incompatible agendas, they must ultimately be reunited, as neither is viable without the other. This reunification needs to happen through elections.

1. Historical background/political context of the Gaza war

The immediate history leading to the war in Gaza can be traced to the situation prevailing after the Hamas takeover of the Gaza strip in June 2007. However, to fully understand the conflict, its wider implications, and ways to ensure that it does not recur requires an examination of its larger political context.

The rise of Hamas, and the ongoing deterioration of the political and security environment between the Palestinians and the Israelis, is organically linked to the deterioration of the peace process.

a. 1988-1993: the PLO and a negotiated two-state solution

The period between 1988 and 1993 saw a fundamental shift in the Palestinian definition of their national aspirations and the means to achieve them. In 1988, the PLO formally accepted UN Security Council Resolution 242, giving up claims to all of mandatory Palestine and instead seeking to establish a Palestinian state in the territories occupied by Israel in 1967. Concurrent with this, the PLO renounced violence and terrorism, giving up armed struggle and adopting diplomacy and negotiations as the means for ending the conflict and achieving statehood. The PLO, and its dominant faction, the centrist national secular Fatah movement, linked their political future to the peace process.

This approach seemed to be validated by the signing of the Oslo Accords in 1993 and the subsequent establishment of the PA. In the period immediately following, support for the peace process among Palestinians was overwhelming, as negotiations were seen as a credible path towards independence.

In the ensuing negotiations, the minimum contours of a peace deal that the Palestinians could accept emerged: a non-militarized Palestinian state along the 1967 borders, with limited, mutually agreeable and equal land swaps for some heavily settled occupied territory to be annexed by Israel. East Jerusalem would serve as the capital of a Palestinian state. An agreed upon solution to the refugee problem would be found, balancing refugee rights and interests with Israel's sovereign prerogatives and demographic imperatives. Anything short of this formula would not be acceptable to the Palestinian public and cannot be agreed upon by the Palestinian leadership.

However, as the Oslo process stalled, and as Israeli settlements continued to expand, the initial euphoria began to dissipate.

b. The origins of Hamas

Hamas is a Palestinian national-religious group opposed to the two-state solution and committed to using violence as a means to achieving its goals. Its raison d'être is to serve in so far as possible as the complete antithesis of, and alternative to, the PLO.

Founded in 1987 by Palestinian members of the Muslim Brotherhood movement based in Gaza, Hamas is a multi-dimensional organization. It has a domestic Palestinian agenda, namely the establishment of a theocratic state in Palestine. It is part of the larger regional Muslim Brotherhood movement, and shares the aim of replacing secular regimes with "Islamic" governments. As such it is an integral part of the ongoing challenge to the state system in the Arab world.

However, it primarily defines itself domestically by its opposition to the two-state solution and to negotiations with Israel, and by its commitment to the use of violence and terrorism to achieve these goals. As such, the rise and fall of its political fortunes are organically linked to the credibility – and the loss thereof – of the peace process.

In its early years, Hamas occupied a fairly minor place within the Palestinian political map. Its initial attempts to undermine the peace process through terrorism were opposed by most Palestinians. Indeed, following a series of suicide attacks against Israeli civilian busses in 1996, the PA undertook an extensive security crackdown against Hamas. These security actions were generally supported by Palestinians, as the PA succeeded in framing Hamas' actions as detrimental to Palestinian national interest.

c. Hamas' rise to power

The collapse of the peace process in 2000, and the ensuing militarized second Intifada, which began at the end of September, marked the resurgence of Hamas. During this period, the personal safety of Palestinians was tenuous (of the 4,281 Palestinians killed by Israeli forces and civilians during the second Intifada, over 2,038 were Palestinian civilians according to the Israeli human rights group B'Tselem), their freedom of movement curtailed (through numerous and onerous checkpoints, highways reserved for Israeli citizens in the occupied territories, the separation barrier and other serious restrictions of movement and access) and their dignity routinely violated in countless ways. This period saw widespread despair and a total loss of confidence among Palestinians in the peace process and in Israel's intentions.

During the first few months of the second Intifada, especially October and November, the great majority of civilian casualties incurred were on the Palestinian side, including numerous children. Hamas, along with other Palestinian factions, beginning in December, embarked on a campaign of suicide bombings and other terrorist attacks against Israel, killing numerous Israeli civilians, while asserting the futility of negotiations. It is estimated that during the second Intifada, 1,053 Israelis were killed, including 334 combatants and 719 civilians. Israel responded to the suicide bomb attacks primarily by targeting the PA's security agencies.

The unilateral Israeli disengagement from Gaza in 2005 provided another boost for Hamas, which claimed that Israel withdrew as a result of its "resistance." Attempts by the newly-elected Palestinian President Mahmoud Abbas to turn this from a unilateral to a negotiated process were rejected by Israel. As a result, the PA was unable to politically

capitalize on this event. In the end, Hamas was able to claim that "three years of resistance beat ten years of negotiations."

Hamas participated in the January 2006 Palestinian Legislative Council (PLC) elections. It ran on a campaign of change and reform that capitalized on the failure of the peace process, and on the corruption and mismanagement that marred Fatah's rule. It emerged as the largest party in the PLC.

d. Hamas in power

Upon winning the elections, Hamas refused to renounce violence or recognize the framework that brought it to power – namely prior Palestinian-Israeli agreements, including the letters of mutual recognition between the PLO and Israel. In response, the international community – through the Quartet – announced that it would not engage Hamas until it renounces violence, accepts existing Palestinian commitments, and recognizes Israel's right to exist.

Hamas relied on support from Syria, in which a number of its senior leaders reside; Iran, which provides it with financial and military supplies, as well as training; and, increasingly, Qatar, which provides it with financial and diplomatic support.

The first government formed by Hamas in 2006 was boycotted by the international community, leading to its inability to pay salaries and provide basic services. Similarly, the Hamas members of the so-called "national unity" government, which was formed in early 2007 as a result of Saudi sponsored talks in Mecca, were boycotted by the international community.

In June 2007, Hamas initiated a bloody takeover in Gaza and seized control of the Strip. In response, Israel tightened its already onerous closure of Gaza, imposing a full blockade against the movement of goods and individuals.

The aim of the blockade was to weaken Hamas' control and to foment dissent against it. This failed. Instead of driving a wedge between Hamas and the civilian population, Gazans felt targeted by the blockade. According to B'Tselem, "since June 2007, no raw materials have entered Gaza, forcing 90 percent of the enterprises to cease operations. 3,500 businesses … closed down and over 75,000 workers, who support half a million dependants, … lost their jobs." In addition, "80 percent of Gazan households [lived] below the poverty line... Households in deep poverty, living on less than 1,837 shekels a month, … comprised 66.7 percent of the population. 80 percent of all Gazan families would literally starve without food aid from international agencies." On March 7, 2008, several international aid groups, including Amnesty International, CARE International UK, and Oxfam, issued a report saying that the humanitarian situation in the Gaza Strip was more acute than at any time since the beginning of the Israeli occupation in 1967. They characterized the blockade as "collective punishment" against the 1.5 million residents of the territory. Palestinian anger and mistrust were directed at Israel and the West. The failure of the Annapolis process to produce tangible results compounded the situation.

e. The lost opportunity at Annapolis

After the Hamas takeover of Gaza, the international community under US leadership sought to reverse this dynamic by reviving the peace process. The Annapolis process aimed to make parallel progress on reaching a permanent status agreement while creating tangible improvements on the ground. The logic was to contrast an isolated Gaza under Hamas with the political, economic and security progress that was to take place in the West Bank under the PA.

The promise of Annapolis never materialized in a significant, tangible manner. A peace deal was not reached and quality of life in the West Bank did not improve. While advances were made in governmental reform – in terms of financial accountability and institutional reform – these remained largely at the macro level. Significant progress was made in improving law and order, due to the exceptional efforts and dedication of the Palestinian security services and US Security Coordinator Lieutenant-General Keith Dayton. However, these achievements were overshadowed by lack of progress on other fronts. Settlements continued to grow with 1,518 new structures built or set up in settlements and outposts in 2008, compared to 898 structures in 2007. Checkpoints proliferated, with more than 600 checkpoints and roadblocks imposed throughout the West Bank. The economic wellbeing of average Palestinians in the West Bank was not improved.

Palestinians were left coping with an isolated Gaza, a stagnant West Bank, and a moribund peace process.

This outcome further eroded the credibility of the PA's policy of negotiations. Hamas, which always claimed that Israel and the United States were never genuine about wanting a reasonable peace agreement, claimed vindication.

f. Build up to the Gaza War

After June 2007, Hamas and Israel became locked in a dynamic that led, inevitably, to the war in Gaza. It gives me no satisfaction to point to two publications by the American Task Force on Palestine in March and June of 2008, submitted as supporting documents at the end of this written testimony, that predicted and strongly warned against these developments.

Hamas and Israel were engaged in ongoing low intensity confrontations, defined by what seemed at that time as politically manageable levels of violence. This ongoing pattern was repeatedly punctuated by episodes of intense confrontations triggered by actions by both sides. Such flare ups followed a progressively worsening trend, where each episode became more intense than the previous one. Both Israel and Hamas were rapidly exhausting the means to maintain the armed conflict at manageable levels. Each time a

new tool was used, it lost its deterrence value, and created public demand for harsher measures the next time around.

Israel exhausted many of its non-military or limited military options. The full scale blockade – cutting off humanitarian, fuel and electricity supplies – it employed against the Gaza Strip proved ineffective. The international response, along with the skillful way Hamas turned the blockade to its tactical political advantage, removed its strategic utility for Israel. Similarly, progressively increased levels of localized use of Israeli ground and air forces failed to produce increased security for the inhabitants of the Western Negev. Instead, they gradually increased Israeli public demands for harsher responses.

Hamas also moved beyond manageable levels of violence. As long as Hamas was using short-range, low-impact Qassam rockets against sparsely populated areas in the south of Israel, Israeli response was likely to be limited. By introducing Grad missiles into the equation – which are capable of hitting more significant population centers and to inflict greater damage – Hamas also raised the threshold. As Israeli reprisals increased and intensified, Hamas was under similar pressure from its own constituents to step up its responses.

This dynamic was briefly interrupted through a temporary six-month lull – *tahdiya* in Arabic – that was brokered by Egypt and started on June 19, 2008. This lull, however, did not change the status quo ante: Hamas did not commit to ending arms smuggling and Israel did not commit to lifting the siege of Gaza. Both sides committed significant violations of the cease-fire inherent in the lull, with the most dramatic incident being an Israeli raid on November 4, in which six Hamas fighters were killed.

Towards the end of the agreed-upon lull, which expired on December 19, Hamas opted not to renew it, and resumed firing rockets into Israel. Predictably, Israel launched its wide-scale attack on Gaza on December 27.

2. Timeline of the conflict

27 December, 2008

Israeli armed forces began operations at approximately 11:30 a.m., using more than 50 fighter jets and attack helicopters. An estimated 225-292 Palestinians were killed and more than 1,000 wounded in the initial bombardment, the heaviest loss of life in the occupied territories since the 1967 war. The Israeli military said that it had attacked Hamas bases, training camps, and various rocket launching facilities, but attacks were also launched against equipment and government offices, police stations, and the Hamas headquarters. The bombed areas included a ceremony for new police officers. About 40 graduates were killed. At least 15 Palestinian civilians were killed.

Hamas launched approximately 70 rockets and mortars at Israel. A rocket hit an

apartment building in Netivot, killing one man, Beber Vaknin, and wounding six. Another rocket hit a synagogue in the Eshkol Regional Council on the same day, injuring two.

Israel closed access to the entire Gaza Strip to all international journalists at the outset of its operations, and continued to enforce the ban at almost all points during the hostilities, eventually in defiance of Israeli court orders.

28 December, 2008

Twenty-five airstrikes were conducted bringing the Palestinian toll to 287 dead and 900 wounded. Israeli jets also bombed tunnels in the Rafah area. Attacks also destroyed a metal workshop, and damaged the headquarters of the Al-Noor organization, and the Hamas-owned Al-Aqsa TV station.

Hamas rockets landed near the cities of Ashdod and Nahal Oz. An Ashdod woman, Irit Sheetrit, was killed at a bus stop and another person near Nahal Oz was also killed. Five other civilians were also wounded, two seriously.

In a clash at the Gaza-Egypt border, an Egyptian border security officer was killed by Palestinian gunmen, and several Palestinians were wounded by Egyptian gunfire.

The United Nations Security Council issued a statement calling "on the parties to stop immediately all military activities ... [and] to address the serious humanitarian and economic needs in Gaza and to take necessary measures, including opening of border crossings…"

29 December, 2008

The Israeli Air Force attacked the Islamic University of Gaza, claiming that it was both an important "cultural symbol" of Hamas authority in Gaza, but also that it was involved in paramilitary activities and was therefore "a fair target." The Palestinian interior ministry was also struck, as well as a mosque in the Jabaliya refugee camp.

The Palestinian death toll reached an estimated 415, including five young girls whose house was adjacent to the bombed mosque, as well as Ziad Abu-Tir, a senior member of the Islamic Jihad organization. The International Red Cross reported that hospitals in the Gaza Strip were overwhelmed and unable to cope with the casualties.

The Israeli city of Ashkelon was hit by a Hamas rocket, killing a Palestinian citizen of Israel, Hani al-Mahdi, and seriously wounding three other people.

30 December, 2008

Israeli air-strikes struck five ministerial buildings, another structure owned by Islamic University, a sports center, two Hamas training camps, the home of a senior Hamas

commander, and offices of the Popular Resistance Committees. The "whole compound" of ministerial buildings in Gaza City, including the Ministries of Finance, Interior and Education, were "completely destroyed." The headquarters of the Gaza Community Mental Health Program was also destroyed.

A Grad missile launched from Gaza landed in an empty kindergarten in Beersheba, causing damage.

Israel permitted 100 trucks carrying humanitarian supplies, and five ambulances donated by Turkey, to enter the Gaza Strip via the Kerem Shalom border crossing.

31 December, 2008

40 more Palestinians, including at least five civilians, were killed, and another mosque in Gaza, which Israel claimed was being used as a military storage site, was bombed.

Additional rocket attacks continued against Israel. A rocket hit the Makif Alef high school in Beersheba, with no injuries reported.

Ninety-three trucks carrying medicine, medical supplies and food donated by Jordan and international organizations were allowed entry to the Gaza Strip, through the Kerem Shalom border crossing.

January 1, 2009

Israeli air strikes hit Gaza's parliament building, and the offices of the education and justice ministries, leaving four dead and 25 wounded, among numerous other sites. The Israeli Air Force dropped a one-ton bomb on the home of Nizar Rayyan, a senior Hamas political leader, in the Jabaliya refugee camp, killing him, and reportedly also 9 women (including at least two of his four wives,) and 11 of his children, and wounding another 30 persons.

Additional rocket attacks on Israel caused limited damage.

Ninety trucks carrying food and medical supplies provided by international organisations entered the Gaza Strip through the Kerem Shalom border crossing.

January 2, 2009

Israel bombed the homes of 20 Hamas officials and one of these attacks, in Khan Yunis, killed five civilians. Israel briefly opened the Erez crossing to allow about 440 residents with foreign passports to leave the Gaza Strip. In a particularly disturbing incident near Deir al-Balah, a Red Cross ambulance, which had arrived to transport survivors following an initial attack, was destroyed by a secondary Israeli attack. The two crew members in the ambulance were injured and hospitalized.

Thirty Hamas rockets were fired at Israel, resulting in three people being lightly injured.

January 3, 2009

Israeli ground troops entered Gaza for the first time since the outbreak of hostilities on December 27. Israel also bombed the Maqadna Mosque in Beit Lahiya, in which 200 Palestinians had gathered, killing 13, including six children, and wounding many more. The American International School in Gaza was also destroyed in an Israeli attack that killed one person. Abu Zakaria al-Jamal and Jamal Mamduh, along with other senior Hamas figures, were killed in attacks on their homes along with various family members.

At least 34 rockets were fired at Israel, damaging several buildings, and lightly injuring one woman in Netivot. An apartment building in Ashdod was hit, wounding two, as well as a playground in Ashkelon and a cafeteria in a kibbutz bordering the Gaza Strip.

January 4, 2009

Israeli ground troops entered Beit Lahiya and Beit Hanoun, bisected Gaza and surrounded Gaza City, which was the scene of heavy fighting. Senior Hamas figures Hussam Hamdan and Muhammad Hilou, among others, were killed in Israeli attacks.

At least 17 people were reportedly killed and 130 injured when Israeli shells fell near a school and the central market in Gaza City. An Israeli tank shell fired in northern Gaza killed 12 people, apparently including civilians. An Israeli missile hit a house in the Shuja'iyya neighborhood, killing a mother and her four children. An ambulance operating out of Al-Awda hospital in the northern city of Beit Lahiya was shelled, seriously injuring four medical staff. The Israeli military fired tank and naval shells into houses in the Tuffah district and Shati refugee camp, killing numerous civilians. In the notorious "Zeitoun incident," at least 30 Palestinian civilians including 11 members of the Samouni family, were killed by Israeli forces after reportedly being herded, without explanation, into a warehouse and then attacked.

Fatah officials in Ramallah accused Hamas operatives of a systematic campaign of maiming and killing its Palestinian political rivals in Gaza during the hostilities with Israel, while Hamas announced that it had killed 35 Palestinians suspected of collaborating with Israel.

At least 41 rockets and mortars were fired into Israel, lightly wounding three civilians.

January 5, 2009

Israeli ground forces seized control of large parts of the Gaza Strip, and tens of thousands of Palestinian civilians sought refuge in Gaza City, which was reportedly the scene of numerous street battles. Reports began to emerge that Israel might be using white phosphorous munitions and cluster bombs in the operation.

Israeli tank shelling killed at least 24 civilians in the Gaza Strip, 13 of them children. A family of seven were killed by an Israeli airstrike in al-Shati Camp east of Gaza City. In Gaza's Zeitoun neighborhood, seven members of another family were killed and in separate incident, a pregnant Palestinian woman and her four children were also killed. Three paramedics were killed in an Israeli attack on a Palestinian ambulance.

Israel claimed to have killed approximately 100 Hamas fighters, and Hamas claimed to have killed nine Israeli soldiers. Israel claimed most of its losses were the consequence of "friendly fire" errors.

Over 40 rockets were fired at Israel, injuring four Israelis.

January 6, 2009

In the third Israeli military attack on a UN-operated school since the beginning of hostilities, tank shells exploded outside the Al-Fakhura school in which hundreds of Palestinians had sought refuge, killing at least 43 civilians and injuring many more.

An Israeli military attack on Deir al-Balah and the Bureij refugee camp reportedly killed 10 Palestinian civilians, including a father and his three children, and at least 10 more Palestinian civilians were killed in other incidents. One Israeli soldier was reported killed.

An Israeli attack on an apartment building the previous evening reportedly killed 12 members of the same extended family; the bodies of 7 children aged one to twelve years old, 3 women and 2 men from the Daya family were reportedly retrieved from the wreckage.

At least 30 rockets were fired into Israel, one hitting Gedera for the first time and lightly injuring a 3-month old girl.

January 7, 2009

At least 12 Palestinians were killed in Israeli military attacks, while at least 15 rockets hit Israel, causing no casualties.

Following the strikes, Israel initiated a three-hour "humanitarian truce." During the temporary truce, 80 aid trucks were allowed to enter the Strip, some of which delivered industrial fuel to Gaza's power plant.

January 8, 2009

At least four Palestinians were killed and at least 22 wounded in additional Israeli military actions. Two Israeli soldiers were also killed.

A UN aid convoy was fired upon by Israeli forces, killing a driver. The UN claimed the attack happened in spite of coordinating its movements with the IDF, and suspended all

relief activities in Gaza pending security guarantees from Israel.

Three Katyusha rockets were fired from Lebanese territory into northern Israel, injuring three civilians.

The UN Security Council adopted Resolution 1860, "stressing the urgency of and calls for an immediate, durable and fully respected ceasefire, leading to the full withdrawal of Israeli forces from Gaza," and welcoming Egyptian mediation and cease-fire efforts. The United States abstained.

January 9, 2009

Both Israel and Hamas rejected the UN Security Council Resolution. The UN said it would resume relief efforts in Gaza, since it had received regrets and security guarantees from Israel. The Israeli attacks continued to sustain Palestinian casualties, while at least 30 rockets were fired deeper than ever into southern Israel, with no casualties reported.

January 10, 2009

Israeli attacks in Gaza continued, with at least eight Palestinian civilian killed by tank fire in the town of Jabaliya. Israel claimed to have killed at least 15 Hamas fighters, including a senior Hamas leader, Amir Mansi.

A relatively small number of rockets were fired into Israel, lightly wounding two people.

The Israeli military continued its policy of daily three hour cease-fires to allow for food distribution and other essential activities.

January 11, 2009

Israel bombed a mosque in the town of Rafah, which it claimed was being used for military purposes. Reports suggested that heavy fighting in the Gaza City neighborhood of Sheikh Ajalin left at least 40 Hamas fighters dead, among numerous other instances of intense violence. Palestinian medical officials accused Israel of using white phosphorous munitions in attacks near the village of Khouzaa to the east of Khan Younis.

Two rockets landed in the Israeli city of Beersheba, and several other cities were also targeted, one rocket hitting the outer wall of a kindergarten in Ashdod and another exploding adjacent to a school in Sderot.

January 12, 2009

At least nine Palestinians, including five civilians, were killed by Israeli forces. Four Israeli soldiers were wounded, and Hamas claimed to have destroyed two Israeli tanks, which Israel denied. Some sources reported that Hamas seized 100 trucks with humanitarian aid meant for civilians.

January 13, 2009

Israeli bombardment of numerous sites in the Gaza Strip continued, while its ground forces advanced into the southern and eastern suburbs of Gaza City. Three Israeli soldiers were reportedly injured, and numerous Palestinians killed.

January 14, 2009

Israel persisted with heavy bombardment of the Gaza Strip, including areas along the border with Egypt and at a cemetery in Gaza City. Numerous reports suggest that Israeli army fired upon the UN headquarters in Gaza, schools, ambulances, hospitals and media offices, and UN Secretary-General Ban Ki-moon officially protested the actions.

January 15, 2009

Following intense artillery and air bombardments, Israeli ground forces advanced into the center of Gaza City. The UN headquarters in Gaza city was attacked, destroying tons of humanitarian aid and injuring three civilians. Tank shell attacks prompted the evacuation of the Al Quds hospital.

An exceptionally high ranking member of Hamas and its interior minister, Saeed Siam, along with his brother, Iyad Siam, were killed in an Israeli attack on Iyad Siam's house. Palestinian sources reported that two other senior Hamas figures, Salah Abu Shreh, and Mahmoud Watfah were also killed and that 20 other people were injured in the attack. The attack also heavily damaged a neighboring house, killing five civilians including four children. Numerous other attacks resulting in civilian deaths were reported throughout the day in Gaza City. Israeli forces claim to have killed an additional 40 Hamas fighters, and one Israeli soldier was reported killed and another severely wounded.

Two rockets fired into southern Israel wounded five people, including a 7-year-old boy.

January 16, 2009

The bodies of 23 Palestinians were pulled from the rubble in the Tel al-Hawa district of Gaza City after Israeli tanks withdrew from the area. 15 rockets fired into southern Israel caused numerous, mostly light, injuries. A 14-year-old Palestinian boy was killed by a missile fired from an Israeli drone.

January 17, 2009

As speculation increased about an imminent cease-fire, Israeli bombardment intensified. The United Nations reported that two children, aged five and seven, were killed when Israeli tank fire hit yet another UN school where hundreds had taken shelter in the northern town of Beit Lahiya. 14 other civilians were wounded in the attack.

January 18, 2009

Israel announced and implemented a unilateral cease-fire claiming success, and reserving the right to resume hostilities at any moment. Hamas responded by issuing a unilateral cease-fire of its own, and demanded that Israel withdraw all forces from Gaza within a week, reopen border crossings and deliver aid.

In the first death following the cease-fire announcements, a Palestinian farmer was killed by an Israeli soldier at his farm in Khan Younis period

January 20, 2009

Another Palestinian farmer was killed by the Israeli military while attempting to return to his farm in Jabaliya and two children were killed by Israeli bomb left behind in Gaza City.

January 22, 2009

Hamas accused Fatah of spying for Israel, while Fatah said that at least 175 of their members had been rounded up and tortured by Hamas in recent days.

January 27, 2009

One Israeli soldier was killed and three others wounded in a bomb attack along the border near the Kissufim crossing. A Palestinian was killed by Israeli helicopter fire east of Khan Yunis.

February 1, 2009

Several rockets fired at Israel lightly injured two Israeli soldiers and a civilian. Israel responded by bombing numerous sites in central and southern Gaza.

February 3, 2009

The UN reported that Hamas forces raided a UN warehouse in Gaza City, stealing "3,500 blankets and 406 food packages ready to be delivered to hundreds of poor Gaza families."

February 5, 2009

Hamas reportedly stole 220 tons of rice and 110 tons of flour from the UN relief services in Gaza, with UNRWA then announcing that relief work in Gaza would be suspended until the stolen supplies are returned, and the agency is "given credible assurances from

the Hamas government in Gaza that there will be no repeat of these thefts."

February 9, 2009

UNRWA announced that all of the supplies stolen by Hamas on February 3 and 5 had been returned, and that, as a consequence, it was lifting its February 5 suspension of humanitarian relief efforts.

3. Humanitarian and infrastructure impact of the Gaza war

a. Deaths and injuries among Palestinians, including civilians

The Palestinian Ministry of Health reported that between December 27, 2008 and January 31, 2009, 1,380 Palestinians had been killed, including 431 children and 112 women. A majority of those killed were reportedly civilians. Approximately 5,380 Palestinians were reported injured, including 1,872 children and 800 women This number does not include those who died due to lack of access to regular health care. The Israeli military, on the other hand, claims that between 1,100 and 1,200 Palestinians, comprising 700 militants and 250 civilians, were killed in the hostilities. Numerous eyewitness reports in both the international and Israeli media cite various instances in which Palestinian civilians carrying white flags were allegedly shot and killed by Israeli soldiers.

Various reports also suggest that during the hostilities Hamas fighters may have killed numerous Palestinians either accused of collaboration with Israel or because of membership in rival political organizations, and wounded many more. A report issued on February 10 by Amnesty International said that "Hamas forces and militias in the Gaza Strip have engaged in a campaign of abductions, deliberate and unlawful killings, torture and death threats against those they accuse of 'collaborating' with Israel, as well as opponents and critics," including members of Fateh and Palestinian Authority security forces. The report added that "Scores of others have been shot in the legs, knee-capped or inflicted with other injuries intended to cause severe disability, subjected to severe beatings ... or otherwise tortured or ill-treated."

b. Deaths and injuries among Israelis, including combatants

Four Israeli civilians were reportedly killed during this conflict, along with 11 Israeli soldiers. At least 80 Israeli civilians were injured by rocket attacks during the same period. Israeli military sources estimate that Palestinian groups launched approximately 565 rockets and 200 mortars at southern Israel between December 27 and January 13.

c. Use of civilians as human shields by both sides

There have been credible reports of the use of civilians as human shields, in some form or another, by both sides in the conflict. Israel's definition of "legitimate targets" included a great deal of what would normally be considered civilian, normal government and social infrastructure, institutions and amenities. In addition, numerous eyewitness reports suggest incidents in which Israeli troops used Palestinian civilians as literal human shields or for forward entry into potentially mined or booby-trapped areas. Fred Abrahams, a Human Rights Watch senior researcher said, "There is powerful evidence that Israel used the tactic [of using civilians as human shields] that they are accusing Hamas of using." The Israeli human-rights group B'Tselem agreed, saying, "The testimony seems pretty extensive and presents grave suspicions that Israeli soldiers forced Palestinians to perform dangerous tasks, and the fact that we're seeing these allegations on such a wide scale leads us to suspect that this was policy and not the decisions of one or two random soldiers."

The BBC reported that, "Witnesses and analysts confirm that Hamas fires rockets from within populated civilian areas, and all sides agree that the movement flagrantly violates international law by targeting civilians with its rockets." Amnesty International has also accused both Israel and Hamas fighters of using Palestinian civilians as human shields. The organization said it had evidence that Israeli troops had forced Palestinian civilians to stay in their homes after taking them over as sniper positions or bases. "This increases risk to families and means they are effectively being used as human shields," Amnesty International said. Hamas fighters also put civilians in danger by firing from homes, the organization claimed. "The use of these tactics at a time when armed confrontations are taking place in streets in the middle of densely-populated residential areas underlines the failure of both sides to respect the protected status of civilians in armed conflict," said Amnesty official Malcolm Smart.

Israeli officials and others frequently claimed throughout the war that Hamas leaders and fighters used hospitals and mosques as hiding places and military storage sites. Shin Bet Chief Yuval Diskin reportedly told the Israeli cabinet that many Hamas operatives were hiding in hospitals and some were posing as medical staff, and that others were hiding in mosques and using those buildings as weapons storage sites. On February 1, the Israeli newspaper *Ha'aretz* reported that "senior Hamas officials in Gaza are hiding out… in the basements of the Shifa Hospital complex in Gaza City…" This allegation was denied by both UNRWA and the hospital's administrators, although additional independent news reporting seemed to add credence to the allegations.

Certainly, Israel treated some hospitals and mosques as targets, attacking both on numerous occasions. On January 3, the IDF shelled the Ibrahim al-Maqadna mosque in Beit Lahiya, killing 13 people, among numerous other attacks on mosques during the war. There were also were many Israeli attacks on Palestinian hospitals and medical facilities. On January 4, 2009, Israel attacked the Al-Raeiya Medical Center and its mobile clinics. On January 11, Israeli forces destroyed a clinic run by Catholic relief group Caritas in al-Meghazi. The Al-Quds hospital was shelled on January 16. On January 11, a senior Israeli military official accused Hamas fighters of using Red Crescent ambulances, after several of these ambulances were attacked. On January 14, Israel's Ambassador to the United Nations filed a formal complaint with the UN

regarding the alleged discovery of a "war room" in the basement of the Al-Shifa Hospital, accusing the Hamas leadership of using patients there as "human shields."

d. **Particularly troubling incidents involving civilians**

Samouni family incident

According to numerous reports, early in the morning of January 4, Israeli troops, without explanation, apparently ordered about 110 members of the Samouni family and others into a warehouse, where they waited without running water or food for 24 hours. Starting at 6:35am on the 5th, the house was repeatedly shelled. Some of the victims were reportedly killed inside the building by falling masonry; although the rest attempted to flee the warehouse, the majority of the dead were apparently killed outside the building by shrapnel. There have also been eyewitness reports suggesting that civilians attempting to leave the building were deliberately shot by Israeli soldiers. Initial reports were of 60 to 70 killed; the UN count of the total killed was 30, with 11 Samouni family members dead. A few survivors, some wounded, others carrying some of the dead or dying, managed to reach Gaza's main north-south road where passing cars stopped to take them to the hospital. A Red Crescent volunteer said that injured people were left behind: "we could not get to them and it was no longer safe for us to stay." According to the Red Cross, ambulances were not given permission to enter the neighborhood to retrieve the injured from the building until a day later. Three children later reportedly died after they were transported to hospital. No credible explanation for, or investigation into, this incident has been made public.

Al-Fakhura school incident

At least 43 Palestinian civilians were killed and many more injured in an Israeli tank shell attack outside the UNRWA-operated Al-Fakhura school in which at least 350 Palestinian civilians were seeking shelter from the fighting. Two tank shells exploded outside the school, spraying shrapnel on people inside and outside the building. As investigations have proceeded, it has become increasingly apparent that most of the dead were killed outside rather than inside the building. The Israeli military claimed that mortars were fired from inside the school and that Israeli soldiers were responding to them. Both the United Nations and Hamas rejected the claims of any fire from the school. The UN buildings that had been fired upon displayed the UN flag, and the UN had provided GPS coordinates of UN schools sheltering civilians to the IDF. Secretary-General Ban condemned the attack as "totally unacceptable."

The attack against the home of Dr. Izzeldeen Abu al-Aish

While this may not have been among the most deadly incidents involving the Israeli killing of Palestinian civilians during the hostilities, it was certainly among the most dramatic in terms of its public impact and pathos. Dr. Abu al-Aish, an Israeli trained and Hebrew speaking physician was a frequent guest in the Israeli media. On January 16, two Israeli tank shells hit his home in Jabaliya, killing three of his daughters - Bisan, aged 20, Mayar, 15, Aya aged 13 and his 17-year-old niece Nur - and severely injuring a surviving daughter, Shatha, and two other relatives. Because of his direct contacts with the Israeli media, Dr. Abu al-Aish was able to immediately telephone a live Israeli news broadcast to report the tragedy. Dr. Abu al-Aish had been acting as an unofficial correspondent for a Tel Aviv-based TV station, giving daily updates by phone. Minutes after the shell hit his house, Dr. Abu al-Aish phoned the station's presenter to describe what had happened, crying: "My daughters, they killed them, Oh Lord. God, God, God." The visibly shaken Israeli television anchor Shlomi Eldar commented, "It feels to me as if some of our audience is seeing and hearing about the high price ordinary Palestinians are paying in this conflict for the first time." The wrenching documentation of his anguish and devastation served, and continues to serve, as one of the most powerful representations of the suffering of the innocent civilian population of the Gaza Strip during this conflict. A subsequent Israeli military investigation into the attack admitted responsibility and extended condolences, but described the action as "reasonable" under the circumstances.

e. **Targeting United Nations relief efforts and workers**

United Nations relief efforts and workers were not spared during the Gaza war. On January 8, the UN temporarily suspended essential food delivery operations after Israeli strikes killed one of its drivers and injured a second after they had received Israeli clearance to proceed with their relief convoy. The body of another UN worker killed in a bombing several days before was discovered on the same day the driver was killed, and UN officials said the suspension would continue until they received adequate assurances from Israel that such incidents will not be repeated. UNRWA said the clearly marked convoy carrying a UN flag and picking up supplies at the Erez crossing into Gaza had been coordinated with Israeli liaison officers who gave the green light. A second equally coordinated and marked UN medical convoy on its way to fetch the body of an UNRWA staffer killed in an earlier bombardment came under light arms fire in Gaza City.

On January 15, at about 10 a.m., an Israeli tank or artillery shell crashed into the United Nations headquarters in Gaza City. The UN reported that within an hour there was a large explosion and fire erupted in a workshop area where trucks were parked. As the trucks were moved, six other rounds were fired into the same area and international staff identified them as burning like phosphorous. "It looked like phosphorous, it smelled like phosphorous and it burned like phosphorous, so that's why I'm calling it phosphorous," said UNRWA head John Ging. Three people were injured in the attack, and tons of food and other aid were destroyed. Israel said it was responding to Hamas fire from the vicinity of the UNRWA headquarters. Mr. Ging stressed that there were no militants in or

firing from the compound. Secretary-General Ban, upon touring the site of the devastated headquarters, said "I am just appalled. I am not able to describe how I am feeling, having seen this site of the bombing of the United Nations compound. This was an outrageous and totally unacceptable attack against the United Nations."

Hamas too has been guilty of targeting UN relief efforts intended to benefit Gaza civilian residents. On February 3, Hamas fighters seized at gunpoint 3,500 blankets and over 400 food parcels from a distribution store in Beach Camp in Gaza. During the night of February 5, 10 truckloads of flour and rice were taken from the Palestinian side of the Kerem Shalom Crossing into Gaza, according to UNRWA, which said in a statement that "The food was taken away by trucks contracted by the Ministry of Social Affairs. Two hundred metric tons of rice and 100 metric tons of flour were taken." On February 5, the UN suspended all imports of desperately needed aid after Hamas yet again stole hundreds of tons of food. Secretary-General Ban demanded that Hamas immediately return the food to UNRWA, which said its suspension would remain in force until such a return and until "the Agency is given credible assurances from the Hamas government in Gaza that there will be no repeat of these thefts." His demands were subsequently met and UN aid work resumed in Gaza on February 9.

f. **Economic and Infrastructure damage due to the conflict**

Early independent estimates say that Gaza lost nearly $2 billion in assets, including 4,100 homes destroyed and 20,000 severely damaged, about 1,500 factories and workshops, 24 mosques, 31 security compounds, and 10 water or sewage lines. Egypt is scheduled to host an international conference on reconstruction efforts on March 2.

The World Health Organization says that 34 health facilities (8 hospitals and 26 primary health care clinics) were damaged over the course of the offensive and the UNOCHA said that over 50 United Nations facilities sustained damage. 60 percent of Gaza's cement plants are now inoperable and a third of all metal workshops were destroyed. Israeli air strikes also targeted the territory's largest flour mill, wiping out 10,000 tons of wheat, as well as its Pepsi-Cola bottling plant and the locally made rival, Mecca Cola. It is estimated that rebuilding will urgently require building materials of all kinds, including 3.2 million square feet of glass to fix broken windows, along with 2,000 tons of aluminum and thousands of tons of cement.

Only 23 of Gaza's 3,500 industrial firms were still functioning and of the 35,000 industrial workers employed before the closure of the territory in October 2007, 33,000 had already been laid off before the offensive. The remainder are now also out of work, because none of the factories still standing have raw materials for production. The United Nations estimates that of the 6,000 businesses started up in Gaza by micro-loan programs since 2006, only 2,500 are still running at this point.

Approximately 80% of the population of the Gaza Strip are dependent on international aid support for basic nutrition and other essentials. UNRWA has increased the number of its food aid beneficiaries from 750,000 to 900,000 and towards the end of the conflict was helping 10,000 homeless people with rental payment. At the height of the conflict, more than 50,000 people were seeking refuge in facilities of UNRWA. Tens of thousands of others whose homes were destroyed or damaged in the Israeli bombardment have sought refuge with relatives and friends, but there is a continued need for additional blankets and clothes even among those who have found alternative shelter.

The UN Food and Agriculture Organization (FAO) reported that almost all of Gaza's 13,000 families who depend on farming, herding and fishing suffered damage to their assets during the conflict, with many farms completely destroyed. "Farmers already struggling to make a profit before the outbreak of the conflict are now facing the possible irreversible loss of their livelihoods, as they are unable to replace or repair destroyed equipment, land and livestock," FAO Senior Project Coordinator in Jerusalem Luigi Damiani said. "For many women whose husbands were killed or injured during the conflict it is becoming increasingly difficult to provide food for their families."

4. Reconstruction requirements for the Gaza Strip

The scale and essential conditions for post-conflict reconstruction in the Gaza Strip were succinctly described by UN Under-Secretary-General for Humanitarian Affairs John Holmes, who said after his fact-finding mission following the initial cease-fire in early February, "The mission was struck by the scale and urgency of the needs of the people of Gaza, and the heavy and multi-faceted impact that this conflict has had on the civilian population." Crucially, however, he added that the success of relief operations would be largely dependent on three factors: "access for aid agencies, a durable ceasefire and no political interference from any party."

There are three distinct aspects to humanitarian relief and reconstruction in the Gaza Strip: 1) immediate human needs; 2) immediate infrastructure reconstruction requirements; 3) long-term infrastructure and reconstruction requirements. It should be understood that all aid and reconstruction efforts must be performed in a manner consistent with essential political and security imperatives discussed elsewhere in this written testimony

a. Immediate human needs

Food

Immediate problems:

- Significant shortages of all basic foodstuffs and supplies have been increasing since the closure of the Gaza Strip in 2007, but took a serious turn for the worse during the recent hostilities.
- The overall increase in price of fresh foods, including wheat flour, poultry, livestock, fish, fruits, vegetables, cooking oil and other essentials has increased the difficulty of daily life for Gaza residents significantly and posed a serious threat of under- and mal-nutrition.
- The UN is responsible for feeding 900,000 refugees in Gaza, yet can only get food packets out at a daily rate of 30,000, because, they say, "We have the infrastructure, we have the staff, but we don't have the food" due to Israeli restrictions at border crossings. Israel has recently been impeding the importation of plastic required for the preparation of food packages the UN uses to distribute its food aid in Gaza, also compromising this essential mission.
- This situation has been additionally exacerbated by the theft at gunpoint of the UN relief supplies, including food, by Hamas gunmen on at least two occasions in early February.

Immediate remedies:

All parties must cooperate in increasing the importation of food and other nutritional necessities into the Gaza Strip by the United Nations and credible international NGOs. Israel should refrain from impeding this importation, and Hamas must immediately and permanently stop stealing humanitarian aid supplies.

Water, sanitation and hygiene

Immediate problems:

- An estimated 500,000 Gaza residents are still without access to a safe water supply.
- All two million liters of wastewater at Gaza City's treatment plant, bombed on January 10, leaked into surrounding agricultural land. Cross-contamination between water and wastewater networks poses an imminent public health risk.

Immediate remedies:
Immediate assistance is needed to repair and rebuild water/sewage infrastructure in order to reestablish minimum service and sanitation.

Electricity and power

Immediate problems:

- At the height of the crisis, two-thirds of Gaza residents were without power.
- At present, it is estimated that Gaza residents and institutions are receiving 84% of their electricity needs.
- Rolling blackouts continue in most of Gaza, with some areas having power for only half the day.

Immediate remedies:
According to the UN, 38 transformers needed for the repair of the electricity system are waiting for Israeli permission to enter Gaza; these need to be allowed in immediately. Necessary fuel, spare parts and other essential supplies for power and electricity must be allowed entry into the territory.

Shelter

Immediate problems:

- 2.6% of all homes in Gaza were completely destroyed, and 20% sustained light to heavy damage. It is estimated that a total of at least 20,000 homes have been destroyed or damaged.
- 51,000 people are estimated to have been displaced from their homes, with several thousand more living with host families.

Immediate remedies:
Sustainable alternate shelter, followed by repairs to these homes, are urgently needed so people can live decently until they can return to their residences.

Health care

Immediate problems:

- Quality of health care has been reduced by lack of maintenance and spare parts for equipment, shortages of drugs and medical supplies, and reduced training for medical staff – all urgently need to be addressed.
- Injuries sustained during the war are often multiple traumas with head injuries, thorax and abdominal wounds predominating.
- Medical authorities report that approximately 40% of interventions required amputations.
- Health care personnel were among the casualties, including 16 killed and 22 injured while on duty.
- Estimated that 40% of chronically ill persons in Gaza interrupted their treatments.
- More than 50% of people surveyed by Care International just after the ceasefire said they faced difficulties accessing basic medicines such as antibiotics and drugs for diabetes, and heart disease - 60% of them said their health had worsened as a result.

Immediate remedies:

All necessary medical supplies, equipment and spare parts for essential health-care work must be gathered through significant international relief efforts and allowed into Gaza by Israel.

Wages and salaries

Immediate problems:

Cash/liquidity is urgently needed to restart cash-for-work and cash assistance programs to social hardship cases, pay PA salaries, reactivate the private sector and prevent increasing dependence on aid. Agencies and mechanisms should concentrate on:

Immediate remedies:
Israel must allow cash transfers from the PA to Gaza banks to meet the needs of the guys financial and banking system. Aid organizations should focus on temporary financial support to those families most affected by the conflict, as well as payment support for those assisting in cleanup and rubble removal activities and other employment opportunities, contributing to rapid improvements of family finance and living conditions.

b. Immediate infrastructure reconstruction requirements

Early recovery/reconstruction efforts

- The immediate removal and recycling of war debris, clean up and disposal of unexploded ordnance. On February 4, the United Nations Department of Safety and Security (UNDSS) advised UN facilities in Gaza to remain closed and UN staff to remain at home while United Nations Mine Action Service (UNMAS) teams work to neutralize unexploded ordinance, which remains a serious threat to relief workers and local Gaza residents alike.
- Initial rehabilitation of essential infrastructure.
- The provision of immediate early recovery services in the areas of shelter and essential employment.

Operational security and access for humanitarian agencies working in Gaza

- Ongoing hostilities, attacks from both Israeli military and Hamas gunmen and unexploded ordnance pose significant physical dangers to both local Gaza residents and aid workers. Both sides must refrain from such abuses.
- Ten days after the ceasefires were announced, the UN said 30 international humanitarian workers had been about to enter Gaza, but there were outstanding requests to the Israeli authorities for permits for another 140. These and similar

requests for entry of humanitarian workers from credible international organizations should be honored.

Border crossings and essential supplies

Any long-term, sustainable solution to the humanitarian and reconstruction needs in Gaza requires the opening of the Gaza crossings under PA control with international supervision.

However, to address the immediate humanitarian needs of the civilian population of Gaza, a formula must be found to allow the Nahal Oz crossing to become fully and predictably open for the supply of fuel, because it is the only crossing that can facilitate large transfers of fuel needed to operate power plants and other fuel needs, including industrial diesel, as well as ordinary diesel, petrol and cooking gas. A similar formula needs to be found to allow the opening of the Karni crossing for the delivery of wheat via the conveyor belt. An overall method for allowing the use of the other crossings to facilitate the importation of the spare parts and other equipment required for the rehabilitation of essential civilian infrastructure must also be developed.

The UN says that the number of trucks being allowed through by Israel is "insufficient," and that that only a limited array of items are being permitted to enter through the crossings, including bans on items such as plastic bags, which are needed for the distribution of food aid. The UN has also complained that Israel's continued closure of most access points is depriving the UN of paper to print a human rights program to teach children to eschew violence.

Serious health risks during the post-ceasefire period, which must be addressed or avoided through immediate healthcare and other infrastructure reconstruction

- Of 122 Gaza health facilities assessed by the WHO, about 48% were found to have been damaged or destroyed; 16 hospitals (out of 27) and 38 primary health care clinics in the Strip were damaged during the hostilities. Repair work on such damage must begin immediately.
- 29 ambulances were partially damaged or destroyed, and must be repaired or replaced immediately.
- Lack of access to specialized tertiary medical care to patients in Gaza must be addressed in a systematic manner.

Education

Immediate reconstruction efforts focusing on education need to address the following serious challenges:

- 56% of population of Gaza are children and require proper and safe educational supplies and, in a more long-term contacts, facilities.
- All schools were closed from December 27, 2008 to January 24, 2009, causing approximately 540,000 students at all levels to miss at the least a month of school. Any repetition of this must be avoided.
- Immediate assistance is needed to provide essential teaching/learning resources and supplies, including items as simple as paper and pencils that have been restricted by Israel and should be allowed into Gaza immediately.

Potential long-term environmental and health impact of the military operation

Destruction of infrastructure resulted in large amounts of rubble, possibly containing asbestos and other hazardous chemical substances such as PCBs. This needs to be managed as safely and expeditiously as possible. The Gaza City Wastewater Treatment Plant continues to discharge 60 million liters of raw sewage into the sea every day due to damage sustained during the Israeli offensive. Other sewage leakage and cross-contamination between wastewater and other water poses significant potential health risks and must be a priority for public health purposes.

c. Long-term reconstruction and infrastructure requirements

Overall scale of reconstruction

- Over 21,000 homes were severely damaged or destroyed, along with numerous governments and other public buildings.
- About 1,500 factories and workshops, 20 mosques, and 10 water or sewage pipes were also damaged.
- Two separate Palestinian surveys have put the cost of the damage just under $2 billion.
- No less than three years of reconstruction effort will be required under the best circumstances.

Agricultural infrastructure

Core problems in the agricultural sphere include:

- Essential inputs that are needed to sustain the agricultural sector are banned from import, while agricultural produce is banned from export.
- High demand for inputs is raising prices and production costs.

- Numerous agricultural fields were significantly damaged, and 140 agricultural wells were destroyed during the Gaza war.

Long-term remedies require that the international community and all responsible parties are must assure a steady flow of essential agricultural inputs, repair wells and agricultural fields, facilitate the restarting of the growing season, and find means to encourage farmers and fishermen to return to work.

Long-term food security and nutrition

Beyond immediate humanitarian relief, long-term Palestinian economic development solutions are required to address the following challenges:

- More than 75% of the entire population is now considered "food insecure."
- Critical shortages of basic supplies like wheat flour (the major staple the Gaza Strip), cooking oil, etc. must be addressed.
- Limited supply of cooking gas and water is hampering food preparation for families and institutions.

Water, sanitation and hygiene

Gaza's sewage and water authorities estimate it will cost $6 million to repair the water and sewage network. Long-term repair and rebuild rebuilding of the Gaza water/sewage infrastructure is necessary in order to provide sustainable and acceptable levels of water, sanitation and hygiene for the population.

Health care

Rebuilding the health care system across the board, especially with regard to facilities, equipment, supplies, training and staffing, is required to ensure the restoration of minimally acceptable levels of medical care.

Psycho-social support and mental health

- Mental health and psycho-social well being depends on an overall sense of security that comes from living in both a safe and supportive environment.
- Addressing the widespread mental health and emotional issues created by stress, trauma and other inevitable consequences of the recent hostilities in Gaza will require a cross-disciplinary and multi-agency approach, and will depend in large part on other successful reforms and reconstruction for their long-term efficacy.
- UNICEF has stressed that children, who had nowhere to hide, were severely psychologically affected by the conflict. As a result, child protection – including mine-risk education, psychosocial support and recreational opportunities to create

a sense of normalcy – must be a long-term project in Gaza and has significant political as well as individual and social implications.

Education

- Seven schools in northern Gaza were badly damaged and approximately 157 primary schools were partially damaged, and repair work should begin as soon as possible.
- Coordination and advocacy for long-term Gaza education projects between multiple agencies, international bodies and credible and responsible Palestinian NGOs is required.
- Across the board educational needs assessment projects will be required.
- Reconstruction in the education sector must be geared to improving the overall emotional situation of affected/traumatized children, very likely to be an extremely high percentage of the children of the Gaza Strip.

Employment

- The UN estimates unemployment in Gaza at least 70% of the total workforce.
- The clearing of debris and other agricultural work will create jobs; other reconstruction efforts will likewise provide employment. Reconstruction of factories, housing and infrastructure and other sources of employment will provide and create additional jobs.
- Helping develop the private sector in the Gaza Strip, independent of Hamas and other sources of political manipulation and control, is a long-term requirement.

5. The political impact of the Gaza war

The Gaza war created an immediate set of new complications that require urgent action, particularly with regard to the provision of humanitarian aid and reconstruction. However, the basic dynamic regarding Hamas, Gaza and the balance of power within the Palestinian polity remain fundamentally unchanged.

a. A stronger Hamas?

In the short term, Hamas is predictably trying to extract political gains from the conflict by claiming victory. These claims have already found some credence among the wider Arab public. Mere survival and the posture of steadfastness, juxtaposed with powerful images of death and destruction aired daily by al-Jazeera and other satellite channels, shaped the sentiments of audiences throughout the wider Arab world – especially those who will not have to live with the real consequences of Hamas' recklessness and Israel's disproportionate response.

The extent to which such claims may gain traction among Palestinians, especially those in Gaza, largely depends on the political conditions that develop in the aftermath of the conflict. In particular, Hamas is seeking the following: opening the Gaza crossings under its control, being accepted as the address for the Gaza reconstruction efforts and funds, loosening its diplomatic isolation and acquiring the ability to claim and even exercise the right to resist (through a short-term ceasefire and the ability to rearm.) The extent to which it can point to achievements in any of these spheres will determine the degree of political credit it can claim in the near-term.

While the siege of Gaza must be lifted, and crossing points must be opened, this should not be done through, and therefore validate, the authority of Hamas. Instead, the 2005 Access and Movement Agreement should be applied, and crossing points should be operated by the PA and with international supervision. This would create a breathing space for Gaza civilians while accruing political credit to the strategy of diplomatic negotiations as opposed to violent confrontation.

Keeping Hamas out of the border crossings and away from reconstruction funds is crucial. If Hamas is able to claim credit for progress on these fronts, it will put the PA – and its efforts to resume negotiations – under further domestic political strain. As important is the message such an outcome would send to other extremist groups in the region. In the same way that Hamas was emboldened by the perceived Hezbollah victory in 2006, a credible claim of "victory" by Hamas will embolden other extremist and confrontationalist groups. This is particularly important for countries like Egypt, Saudi Arabia and Jordan that took a strong stance during the conflict and consequently endured withering political and rhetorical attacks.

b. Is there a future for the PA?

The PA, under the leadership of President Abbas, suffered significant political damage in the immediate aftermath of the Gaza conflict. With no recent diplomatic achievements to validate its strategy of pursuing peace, and no ability to offer any meaningful protection or assistance to its citizens in Gaza during the hostilities, the PA appeared ineffectual and impotent. Throughout the hostilities and until now, Hamas and its allies have consistently accused the PA of collusion with Israel. The PA's continued ties with Israel, and its close relations with the United States, were the only "proof" offered by those leveling these accusations. Yet such voices continue to enjoy access to a wide audience through al-Jazeera and other satellite channels.

Despite the political damage suffered by the PA, the power dynamics of the split between Hamas in Gaza and the PA in the West Bank have not changed in the immediate aftermath of the Gaza war. Irrespective of its popularity, Hamas' power in Gaza is secure as it has methodically and successfully eliminated all organized opposition to its rule, and there are no realistic threats of an externally-driven regime change in the immediate future. Similarly, and also irrespective of its popularity, the PA is fairly secure in the West Bank, with President Mahmoud Abbas and Prime Minister Salam Fayyad

continuing to enjoy support from the security services, regional actors and the international community.

While the political damage suffered by the PA does not pose any immediate threats to its survival, its continued inability to show diplomatic and economic achievements will ultimately and inevitably add to its political difficulties.

To begin restoring political credit to the PA, a number of measures are needed. Permanent status negotiations must be resumed immediately, even if chances of reaching immediate breakthroughs are not high. A collapse of the process would create additional political instability and would particularly weaken the responsible PA leadership that has invested its political legitimacy and credibility in the peace process. Such a collapse would enhance the position of those in Palestine and elsewhere in the region that advocate violence and confrontation.

As importantly – if not more so – is the urgent need to put in place an immediate settlement freeze. Such a freeze is essential for preserving the physical viability of the two-state solution, as well as its political credibility. As long as settlements continue to expand, Palestinians will never trust that Israel is negotiating in good faith. In addition, such a freeze would restore Palestinians' belief in the PA's strategy of a negotiated peace agreement with Israel.

Progress in improving the Palestinian economy and the PA's ability to provide essential services, especially in the realm of health and education, would enhance its responsiveness to the needs of its population along with its credibility as a governing body. Significant and close cooperation between American institutions operating in this field, with funding and support from Congress and the private sector would ensure that such services are not only quantitatively but also qualitatively improved, with a degree of political credit accruing to the United States.

The mission of US Security Coordinator Lieutenant-General Keith Dayton should be continued and expanded. The superb work undertaken by Lt-Gen. Dayton and his team has been central to improving law and order in the West Bank, and in helping the PA regain the monopoly over the means of force that is the prerequisite for any stable government. The professional, non-partisan security sector that the PA is building with the assistance of the US Security Coordinator will be a cornerstone in the creation of a future Palestinian state.

Progress on the peace process alone will not be enough to strengthen the pragmatists in Palestine. They have to help themselves. Since the establishment of the PA, the ruling Fatah party has acquired a reputation for corruption and inefficiency. This reputation was instrumental in their loss in the 2006 parliamentary elections. Fatah has not undergone any extensive reforms since 1989 when it held its fifth, and most recent, conference. Additionally, it has lost its political bearings after nine years of violent conflict. Extensive, serious and significant Fatah reforms are needed.

The party needs to be mobilized around both a clear platform that advocates a negotiated two-state solution, and a vision that provides answers to the myriad of domestic issues

facing Palestinians today. This will require the injection of new, credible and energetic leadership that is not tainted by corruption. Without an effective, disciplined and dynamic Fatah, progress in the peace process will lack an essential vehicle that can utilize such valuable and hard-won political capital to effect major transformations within Palestinian society and between Palestinians and Israelis.

Such reform will be difficult, and will be opposed by many in the traditional establishment, who have a vested interest in maintaining the status quo. Yet without such change, pragmatists in Palestine will be unable to build an effective and responsive political apparatus. Some progress has already been made in holding party elections at the regional level. What is needed immediately is more extensive reform that can only be achieved at a sixth Fatah conference.

c. Palestinian national unity: desirable and possible?

The political and geographic divisions among Palestinians have harmed Palestinian national interests, complicated the quest for peace, and enabled external actors – especially Iran and Syria – to manipulate the Palestinian cause to serve their own agendas. While Palestinians should be encouraged to pursue national unity, it should also be clear that a unity arrangement should not jeopardize the PA's commitment to a negotiated two state solution, to existing Palestinian agreements, and to the renunciation of violence. It should also be clear that such a Palestinian political reunification arrangement should be rendered sustainable by including concrete provisions for the removal of guns from Palestinian politics. Short of that, a unity arrangement would re-impose international isolation upon the Palestinians and would set back their aspirations for a peace agreement that ends the occupation and secures their independence.

While a unity arrangement is preferable to a continued split between the PA and Hamas, chances of reconciliation are now even lower than before the Gaza conflict. As both are secure in their respective territories, neither side feels any urgency for "national unity." On the contrary, each side will try to leverage the Gaza confrontations to their benefit by trying to extract more favorable terms in any reconciliation, resulting in more inflexible – and therefore less achievable – demands. In particular, Hamas will seek to maintain its separate military and security assets. Any agreement that allows it to do so will be highly unstable, as Hamas will maintain the option of using violence to disrupt the political and diplomatic process whenever it chooses, in a manner analogous to Hezbollah's behavior in Lebanon. While Hamas might emerge from the Gaza war with more domestic political credit, its relations with neighboring states have suffered. It has strongly antagonized its Arab neighbors – particularly Egypt which was politically targeted by Hamas and its Iranian and Muslim Brotherhood allies – and will be in a weaker negotiating position as a result.

An alternative to a "national unity" arrangement would be the creation of a non-partisan, "national accord" government, composed of individuals who are not members of the major political parties but who are approved by them. Such a government would not resolve the underlying ideological and security differences between Hamas and the PA,

but could be helpful in the short term for handling the immediate Gaza reconstruction needs. As a minimum, though, such a government should operate clearly under the authority of President Abbas, meet the Quartet conditions, and exert security control in both the West Bank and Gaza Strip. Such a government should be an interim one and have the specific mandate of overseeing Gaza aid and reconstruction and preparing for elections at a specified date.

d. Is it time for the international community to directly engage Hamas?

The international community, under US leadership, must continue to be clear and firm regarding its conditions for engaging with Hamas. Any engagement that takes place before Hamas accepts the long-standing international conditions will be seen as a victory and a signal to others that – with time and some violence – the resolve of the international community can be eroded. Hamas – whether on its own or as part of a national unity arrangement – must accept the goal of a two state solution and legitimacy of existing Palestinian-Israeli agreements, including the letters of mutual recognition between the PLO and Israel, and should disarm and renounce violence.

e. Is the schism between Gaza and the West Bank beyond repair?

In the long term, Gaza and the West Bank will have to be part of the same polity. No Palestinian leader, whether from Fatah, Hamas or any other political party, can afford to accept lasting separation between the two territories. The idea of a Palestinian state in one of the two segments is not politically viable. Indeed, the very mention of such a possibility generates forceful public reaction and would be seen as a conspiracy against the Palestinian national interest. The PA cannot sign a peace deal that only covers the West Bank, though the implementation of such a deal could proceed at a different pace in the two areas.

Ultimately, the two areas will need to be re-united through new elections, when the conditions allow for that. The Palestinian people of the Gaza Strip, West Bank and East Jerusalem are the same people, with the same culture, national interests and national ambitions. Neither the Palestinians in the Gaza Strip nor those in the West Bank can pursue a viable national future on their own, and do not wish to, or have the option of, becoming part of Egypt, Jordan or Israel. Their political and national future is linked together irrevocably. They are, however, presently divided between two competing political organizations, Hamas in the Gaza Strip and the PA in the West Bank, that are pursuing incompatible and contradictory national projects. The PA is determined to pursue a negotiated peace agreement with Israel based on two states living side by side in peace and security, while Hamas is committed to confrontation and armed struggle until victory, the creation of a Palestinian "Islamic state." The competition between these two incompatible visions and strategies can only be resolved through internal Palestinian political processes and elections.

6. Lessons from the politics of reconstruction in Lebanon following the 2006 conflict

The parallels between the situations following the 2006 conflict between Israel and Hezbollah in Lebanon and the recent Gaza war are striking and instructive. Following the 2006 conflict in Lebanon, the politics of reconstruction played a major role in determining the long-term political consequences of the war. In addition to its ability to claim military victory over Israel, Hezbollah was able to make significant political gains among its core Lebanese Shiite constituency, within the broader Lebanese society, and within the Arab world more generally, through its management and, at least initial, domination of the process of reconstruction.

In the immediate aftermath of the devastation, Hezbollah turned its resources, and some of its military personnel, to taking charge of the reconstruction effort in southern Lebanon and parts of Beirut. *The Washington Post* reported that, "A day after a cease-fire quieted the guns in Lebanon, Hezbollah opened another front in its struggle: rebuilding its state within a state in the poor southern suburbs of Beirut and the tattered villages of southern Lebanon and the Bekaa Valley." The article summed up the essential political problem succinctly: "[Hezbollah leader Hassan] Nasrallah's order Monday to begin rebuilding -- without government coordination or approval -- poses one of the biggest tests for Lebanon's already weak government, which in the aftermath of the war has pledged to exercise its uncontested control all the way to the Israeli border. In just a day, the question has become: Can both the Lebanese state and Hezbollah wield authority in Lebanon?" *The Post* reported that, "An informed source said the group planned to spend $150 million, already provided by Iran, in coming days."

The British newspaper *The Independent* reported that, "Hizbollah has trumped both the UN army and the Lebanese government by pouring hundreds of millions of dollars - most of it almost certainly from Iran - into the wreckage of southern Lebanon and Beirut's destroyed southern suburbs. Its massive new reconstruction effort - free of charge to all those Lebanese whose homes were destroyed or damaged in Israel's ferocious five-week assault on the country - has won the loyalty of even the most disaffected members of the Shia community in Lebanon." *The New York Times* added that, "Iran would provide Hezbollah with an 'unlimited budget' for reconstruction." Many reports suggested that Hezbollah was providing cash payments of up to $12,000 to each family whose homes were damaged or destroyed in the conflict.

The project was not a complete success for Hezbollah, since, as *The International Herald Tribune* reported five months into the reconstruction, the "group was simply overwhelmed by the destruction." However, it continued to benefit from the inability of the Lebanese central government to upstage or even match the reconstruction activities of this non-state political party and militia. The organization was even able to shift the blame for the slowness of the reconstruction onto alleged obstructions and inefficiencies by the government. Hezbollah boasted that one year following the end of hostilities, it had spent $381 million to provide temporary shelter for 25,000 families, restore infrastructure and buildings and revive the economy, and accused the government of slowing down payments of $1 billion it had collected from international donors. The

reconstruction effort quickly became enmeshed in the internal Lebanese political wrangling that followed in the aftermath of the conflict.

As a consequence, by the middle of 2007, ambitious regional actors such as Iran and Qatar decided to directly contribute to the reconstruction in Lebanon and supervise their aid directly. The two countries spent millions of dollars on high-profile projects without the Lebanese government's imprimatur or cooperation, and made sure that their contributions were well-publicized with the general public. At that time, according to its own public statistics – almost certainly a significant underestimate – in addition to its large transfers of funds to Hezbollah, Iran had directly spent $155 million in Lebanon, about $25 million more than the U.S. government had allocated through USAID. Iran was also much more successful in accruing political credit for itself and its clients in Lebanon through the reconstruction aid. By contrast, Lebanese Prime Minister Fouad Siniora urged an international donors' conference in Sweden in the immediate aftermath of the war to raise $500 million to help the Lebanese government's reconstruction efforts, but the amount raised was significantly less than this request, and overall damage was estimated at $3.6 billion.

The United States could have helped the government of Lebanon counteract Hezbollah's influence throughout the country, including in Shiite majority areas of Lebanon, by helping the government build effective development projects and extend social services through increased aid to and engagement with the Lebanese government. This was not accomplished at a sufficient level to offset the negative political consequences from the politics of reconstruction described above. Political considerations, including issues involving Lebanon's bilateral relationships with Syria and Israel, influenced the decision making process in the United States. The funds allocated to the reconstruction in Lebanon fell short of what is needed to offset the benefits accrued by American foes and rivals in the process, and the insufficient response proved counterproductive.

While it may be more difficult for Hamas to repeat Hezbollah's political successes in post-conflict reconstruction due to much more onerous restrictions on the transfer of funds to Gaza, there is still a significant danger that the politics of reconstruction might nonetheless, at least partly, reproduce the failures and errors associated with reconstruction in Lebanon. On February 2, the Palestinian Ma'an News Agency reported that Hamas, mimicking Hezbollah's strategy, had already handed out over 4,000 euros to Palestinian residents in Gaza whose houses were destroyed in the Gaza war. It quoted a Hamas spokesperson as saying that homeowners whose houses were damaged would be receiving 2,000 euros each, and $1,000 would be paid to the families of "martyrs" killed in the conflict. While it is by no means certain that the organization will be capable of fulfilling such pledges, it suggests that Hamas is moving quickly to take advantage of the politics and the perceptions of post-conflict reconstruction in a manner similar to that adopted by Hezbollah in the immediate aftermath of the 2006 war. The private home and business reconstruction project and other proposals suggested by the PA should therefore be sufficiently funded and supported in the post-Gaza war reconstruction effort.

7. Recommendations on modalities for funding reconstruction in the Gaza Strip

A distinction needs to made at the outset between essential humanitarian assistance and reconstruction. The former needs to proceed unimpeded along the same lines and through the same channels that already exist, specifically UNRWA, other UN agencies, and credible NGOs. Such aid should not be politicized as it touches on the most basic components of human life and dignity.

Reconstruction, on the other hand, presents a more complicated set of issues. It entails a significantly larger magnitude of funds. It requires a degree of management and oversight, necessitating unavoidable interaction between agencies undertaking reconstruction and the authorities in charge on the ground, especially in terms of security.

Reconstruction cannot succeed if there is no free and unimpeded entry of construction materials into the Gaza Strip. If Israel continues the siege of Gaza and the closure of borders, then any reconstruction efforts would be doomed to failure.

Reconstruction also holds the potential for Hamas to help chip away at its diplomatic isolation. The very fact that Hamas is in charge on the ground would grant it a degree of political credit for any reconstruction efforts. Put simply, if no political gain can be allowed to accrue to Hamas, then reconstruction cannot proceed. Modalities and institutional channels can be created, however, to balance the essential humanitarian requirements of the people of Gaza with such important political considerations.

It is essential for the success of reconstruction that all parties act responsibly. Attempts by any party, whether Hamas, Israel or others to manipulate or impede international reconstruction efforts should result in the suspension of work until such interference is ended. The responsible party must publicly bear the blame.

There are three possible modalities for reconstruction:

a. Reconstruction through the private sector

This is the model presented by Palestinian Prime Minister Fayyad, who proposed the transfer of $600 million in loans and grants directly through banks to private individuals whose property was damaged or destroyed. In turn, these individuals would undertake any reconstruction through the private sector.

This model has the advantage of by-passing Hamas in the disbursement process, and ensuring that political credit accrues directly to the PA and international donors. In addition, it would provide a stimulus to the Gaza economy and would help re-establish the private sector, which has all but collapsed since the Hamas takeover. This model is best suited to certain types of property such as private homes and businesses, and is not designed for major infrastructure reconstruction.

Any interference by Hamas with the integrity of the program would be at the expense first and foremost of the direct beneficiaries, but additionally the contractors, workers and

other secondary and tertiary beneficiaries of the positive economic consequences of this kind of large-scale private grant and loan investment program for reconstruction. Efforts by Hamas to politicize, disrupt, manipulate, control or compromise the program could easily result in its suspension or even cancellation. Hamas would then have to bear the full responsibility for the loss of such benefits and their overall stimulative effect on the Gaza economy, and would almost certainly pay a heavy political price for such irresponsible and disruptive actions.

b. Using existing international aid mechanisms

Large existing international mechanisms and organizations, particularly UNRWA or large aid and development NGOs, could be utilized as a vehicle for managing reconstruction.

These organizations already exist on the ground, have extensive staffing, networks, and local knowledge. They have generally managed to operate outside Hamas' authority and to provide assistance without accruing political credit to Hamas. They also have established means of interacting with Hamas on the operational and security level, and can continue these types of interaction without Hamas being able to claim that it has made new inroads into the international community.

None of these existing operations, however, is geared towards large-scale reconstruction projects. If any of these organizations are chosen to take the lead in such work, they would have to make significant investments in building reconstruction capacity and expertise.

A major drawback to the utilization of such organizations relates to potential tension between their humanitarian mandates and a newly-introduced reconstruction mission. Managing reconstruction would entail inevitable tensions with Hamas, which will certainly seek to test the resolve of the international community. It could literally try to force a role for itself through direct theft, as it has recently done by expropriating some UNRWA humanitarian supplies at gunpoint. It can also use more sophisticated methods such as demanding "protection money" or trying to control the construction materials market and contracts for construction work.

Any agency managing reconstruction should be able to counter such efforts at political manipulation, and should have the ability to resort to the ultimate measure: halting assistance and withdrawing its operations if necessary. Such measures could jeopardize their essential humanitarian missions. Even if such organizations have the political will to confront and defy Hamas – as UNRWA has recently demonstrated its own will and ability to do – the humanitarian damage might outweigh such a benefit. In other words, Hamas could potentially hold reconstruction hostage to continued provision of humanitarian aid.

Of course, this can cut both ways politically as such organizations could use the threat of suspending their humanitarian missions as leverage against coercion by Hamas. Either way, this would politicize humanitarian efforts that should remain apolitical.

c. Creating new international mechanisms

In order to augment and expand the benefits offered by the two previous models, a new international mechanism could also be created. Such a mechanism would deal solely with reconstruction, as opposed to humanitarian aid.

The creation of new, mission-specific mechanisms is not a new phenomenon in the Palestinian context. Recently the Temporary International Mechanism (TIM), which became operational on September 1, 2006, was created to continue paying the PA's essential health and education staff while bypassing the government formed by Hamas. Lessons can be learned from the failures and successes of this mechanism.

Such an approach is obviously cumbersome. It takes time and resources to set up. It would take time for it to establish its mode of operation, and to develop its local networks and knowledge.

The mechanism should be coordinated by the new US Special Envoy to the Middle East and composed of the Quartet, Egypt and the PA. The composition is of the utmost importance, as it will be called upon to perform seemingly contradictory tasks. It should combine three elements.

First, it should ensure that Israel does not block the flow of goods into Gaza. It should also have the political ability to ensure that Hamas does not divert or otherwise utilize reconstruction funds and efforts to its financial, diplomatic, and – to the extent possible – political advantage. Accordingly the Quartet, under American leadership, should be a member of such a mechanism in order to ensure that the international conditions for engaging Hamas are not eroded. The Quartet will also be able to take punitive measures – if required – to ensure that Hamas does not interfere in reconstruction. It can also use its leverage vis-à-vis Israel if needed.

Second, the new mechanism must have the ability to interact with Hamas authorities on the ground for essential operational and security needs, while ensuring that Hamas does not utilize such interaction to claim new inroads into the international community. This requires the inclusion of a state that has existing relations with Hamas and which can interact with it without providing it with new diplomatic gains. Egypt is the ideal party for such a role as it has repeatedly shown its ability to interact with Hamas without compromising its own, or the international community's, interests. Egypt's leading position in the Arab world brings additional political and diplomatic benefits to such a role.

Third, the PA must be a party to such a mechanism to clearly indicate the international position that the Authority remains the legitimate address for any international efforts in Palestine, whether in the West Bank or Gaza Strip.

Such a mechanism would need to fulfill a number of missions. It would need to ensure that construction materials continue to flow into Gaza in sufficient quantities and at an acceptable pace, and – once there – that they are secure from Hamas interference and

manipulation. It would grant contracts and vet their recipients. Finally, it must have security and logistics components that ensure the security of the reconstruction process.

Most importantly, this model provides a flexible umbrella and can be combined with the two other models. Grants can continue to be made directly by the PA to individual recipients, while the international mechanism ensures that the construction market remains unimpeded and free from political manipulation. Similarly some of the larger contracts can be afforded to qualified existing international organizations, which can utilize their local knowledge to undertake the reconstruction in an efficient manner, to the fullest extent possible.

8. **Supporting documents**

a. What Lies Ahead for Gaza?

Policy Focus by ATFP - March 5, 2008

The confrontations last weekend between Hamas and Israel in Gaza have brought two facts into sharp focus. First, Hamas and Israel have locked themselves into a logic of progressively increasing violence that – unless broken – will inevitably lead to a wide scale land operation against Gaza. Second, unless accompanied by a policy of strengthening the Palestinian Authority (PA) under President Abbas and Prime Minister Fayyad by enabling them to deliver concrete results, the strategy of pressuring Hamas will not work and would likely be counterproductive. Violence in Gaza, accompanied by a worsening or even static situation the West Bank, will make it impossible to sustain permanent status negotiations.

What is the Problem?

Since Hamas took over Gaza in June 2007 in a bloody coup, the security situation between Gaza and Israel has been worsening. The default situation can be characterized as ongoing low intensity confrontations, defined by levels of violence that are politically manageable. This "normality" is punctuated by episodes of intense confrontations triggered by action from either side. Such flare ups follow a progressively worsening pattern, where each episode is more intense than the previous one. Both Israel and Hamas are rapidly exhausting the means they have so far employed to maintain the armed conflict at manageable levels. Each time a new tool is used, it loses its deterrence value, and it creates public demand for harsher measures next time around. If the current trajectory continues, it will inevitably lead to a wide scale land confrontation.

Israel has used up many of its non-military or limited military options. The full scale blockade – cutting off humanitarian, fuel and electricity supplies – it recently employed against the Gaza Strip has failed and is no longer an option. The international response, along with the skillful way Hamas turned the blockade to its tactical political advantage, has written it off the agenda. Similarly, progressively increased levels of localized use of armed force are failing to produce tangible results for the inhabitants of the Western Negev. Instead, they are gradually increasing the threshold of Israeli public demand for harsher responses. Some military options short of a wide-scale land operation remain: most notably assassinations of political figures in Hamas. But these, like other forms of force, will lose their potency once exercised. Once this box is ticked, and assuming that rocket fire continue, the pressure will mount towards larger operations.

Hamas is also stepping beyond manageable levels of violence. As long as Hamas was using short-range low-impact Qassam rockets against sparsely populated areas in the

south of Israel, Israeli response could be counted on to be a predictable tit-for-tat. By introducing Grad missiles – capable of hitting more significant population centers with more significant damage – into the equation, they also raised the threshold a notch. As Israeli reprisals increase and intensify, Hamas might not be able to withstand pressure from its constituency to employ the ultimate weapon in its arsenal: resumption of full-scale suicide bombings and other forms of terrorism in Israel.

Where Is It Going?

While military force sometimes has its place in international relations, it must be employed carefully with an eye towards the political consequences of such actions. They must be designed and implemented to meet specific strategic political objectives. Military action that is reactive or designed as a public opinion management tool almost always backfires. The most recent case in point is the Israeli war in Lebanon in the summer of 2006, the political implications of which continue to reverberate till today.

The objectives of Israeli military action against Gaza have been defined as ending rocket fire against Israel, dismantling Hamas' ability to conduct violence and terrorism against Israel, and weakening its hold on Gaza. These objectives can only be effectively achieved by a wide scale long-lasting land operation.

By its very nature, though, such an operation is untenable. The human and humanitarian costs of such an operation should in their own right preclude it. By necessity, such an operation in the overcrowded Gaza Strip will entail a high level of casualties among civilians as well as combatants from both sides. The cost in terms of the economy, infrastructure and humanitarian conditions will be steep.

But even if the inevitable human and humanitarian costs were to be put aside, there are political reasons to render such an operation unsustainable. High levels of casualties will create political pressure from Israel and elsewhere in the world. While such pressure can be withstood for a limited period of time, it cannot be sustained for the prolonged period of time necessary to achieve the political objectives of such an operation.

Even after the initial high intensity, high casualty confrontations, achieving the political objectives will require a prolonged Israeli presence in Gaza to conduct follow up counter-terrorism operations. As "Operation Defensive Shield" has demonstrated, this can extend for a long period of time and can turn into an indefinite re-occupation. It is hard to find political appetite anywhere in Israel for such an outcome. It would contradict the current political logic prevailing in Israel which supports separation from Palestinians for demographic reasons. This logic has led to the unilateral disengagement from Gaza only three years ago, a strategic decision that is hard to reverse.

Moreover, the spillover effect can spiral out of control. The limited operation last weekend has already caused a spike in unrest in the West Bank. A longer term operation could alter the security situation there more profoundly. Similarly, such an operation could have destabilizing effects in Arab countries. Hizballah's reaction is another factor to be taken into account.

Because of these factors, a wide scale military operation will most likely not, and perhaps cannot, be taken to its full conclusion. In such a case, there will most likely be significant political fallout similar to what happened in Lebanon in the summer of 2006. Hamas will inevitably claim victory and take credit for repulsing an Israeli invasion. After the events of last weekend, Hamas is already trying to claim such credit. Rather than weakening Hamas, a half-baked operation might strengthen it politically. The Palestinian Authority leadership, for its part, will be weakened. It will have to suspend talks with Israel and it will find it politically almost impossible to control the violence that will erupt in the West Bank.

What is the solution?

As an immediate first measure, de-escalation is a priority. The current level of confrontation creates a very volatile situation that can easily spiral out of anyone's control. While a direct ceasefire agreement between Israel and Hamas is not possible, back-to-back arrangement via a third party should be pursued.

To be sure, such a ceasefire is not sustainable on the medium or long terms. Unlike ceasefires brokered between Israel and Hizballah, a Hamas-Israel ceasefire would be shaky for at least two reasons. First, Hamas lacks the internal discipline and control that Hizballah had, and is rife with internal power dynamics that will inevitably play-out on the Israeli scene. Second is the fact that the Israel-Gaza interaction – unlike the Israel-Hizballah interaction – takes place on a multitude of levels and issues, any one of which could trigger a breakdown of a ceasefire. But a ceasefire still has some merits. It would buy much needed time and calm in the immediate moment, and in so doing create the space for initiating a more stable and sustainable solution.

A long term solution to the Gaza issue lies in shifting the political balance within the Palestinian polity. A strategy of weakening Hamas can only succeed if it is accompanied by a policy of strengthening the PA. The Israeli policy of punitive measures against the Gaza Strip as a whole, while – at best – ignoring the Palestinian Authority and – at worst – undermining its ability to deliver to its public in terms of security, economy and political horizon has had two mutually reinforcing results. First is public identification with Hamas, particularly but not exclusively in Gaza. When the whole population of Gaza is being punished, any differences it might have with Hamas disappear in the face of the perceived external threat. Second is the prevailing sense of despair. When there is no credible alternative horizon in the form of political solution that is rooted in improvements on the ground, the only prospect in the Palestinians' mind becomes a horizon of further conflict and suffering. In this case, the prevailing sentiment – as shown in the aftermath of the weekend violence – is one of revenge, as it is with the Israeli public as well. Any action against Hamas should therefore be directed specifically towards Hamas, and should proceed in parallel with advances with the Palestinian Authority on the security, economic, and – most importantly – political fronts.

The Gaza Border Crossings

In addition to progress on permanent status and concrete changes on the ground in the West Bank, the population of Gaza must be shown that it specifically stands to gain from the peace process. Improvements in the West Bank, though necessary, are not enough. Gazans must feel for themselves the difference between what Hamas and its violence produces and what the PA and negotiations can deliver. The most obvious way to demonstrate this is through re-opening the international crossing out of Gaza into Egypt and Israel under Palestinian Authority control

The border crossings have been completely closed since the Hamas coup in June of 2007. As a result, the humanitarian situation in Gaza has been continuously teetering on the edge of full-fledged disaster, the economy of Gaza is all but collapsed – with long term implications regarding any future revival of the economy when political circumstances change, and the population feels that it – not Hamas – is being punished. So much so, that following the imposition of a full closure – including humanitarian supplies – late January, public anger was directed towards the Gaza-Egypt border. Hamas was agile enough to recognize that as an opportunity, create breaches in the border, and take political credit among Gazans for creating a breathing space. The political price for this breach was paid by Egypt, the PA and Israel, which found itself having to seriously entertain the idea of reopening the Rafah crossing.

Israel and the PA, under US guidance and with international assistance, should take the initiative and reopen all of Gaza's external borders under PA control and not wait for Hamas action to dictate the agenda. Crossing points for people and goods from Gaza to both Israel and Egypt should be reopened, and charge of these crossings be placed with the Palestinian Authority security forces with international assistance and monitoring, similar to the arrangements stipulated for the Rafah crossing in the Access and Movement Agreement.

In such arrangements, the mission of the PA forces must be clearly defined: to ensure that the crossings are operating properly and to guarantee – pursuant to agreed protocols, in coordination with Israel, and under international supervision and assistance– that no untoward individuals or goods cross in or out of Gaza. The PA forces currently have the experience and the capacity to do the job. They have demonstrated their ability and reliability when they were in charge of the Rafah crossing prior to the Hamas takeover of Gaza.

These forces should not have the responsibility of repulsing a Hamas attack against the border crossings or stopping missile fire. Even Israel, with its superior military and intelligence resources, has been unable to do that. On the contrary, it should be explicitly stated that any attacks on the crossings and the continuation of rocket fire will result in the closure of the borders. Prospect for the success of such a proposal would be greatly improved if they are part of a larger package including a ceasefire and lifting the siege on Gaza.

If such a proposal is made in a credible manner, it will put Hamas in a lose-lose dilemma. Either oppose it and pay the political price for keeping the borders closed, or accept it and

in so doing cede a measure of control over Gaza back to the PA. In addition, the threat of border closures as a consequence of rocket fire will increase the political cost of such action.

Conclusion

Ultimately the political and ideological struggle over supremacy in Palestinian political life will be determined primarily by whether or not the moderates can deliver liberation through negotiation. To get to that point, though, it is important in the interim to contain the violence and to take specific measures on the ground in the West Bank and Gaza to shore up the moderates' message and create a sense of hope and opportunity among the public. The alternative move us rapidly towards a military adventure in Gaza that will not only fail to achieve its objectives, but which might also destroy any chances that are left to reach a peace deal in the foreseeable future.

b. "Miscalculation"

The Washington Times (opinion section), June 17, 2008

by Ziad Asali

Since Hamas' violent takeover of Gaza last June, a pattern of tit-for-tat provocation has defined the organization's relationship with Israel.

One side launches an attack, the other side responds with disproportionate or indiscriminate force. The period of escalation then tapers off until the next flare-up, which generally involves increased intensity, more civilian casualties and higher-grade weaponry.

This spiraling escalation has created a self-reinforcing logic, leading inexorably to a major Israeli operation in Gaza.

Hamas must answer - at least to the Palestinians in Gaza who primarily pay the price for this cycle of violence - as to why it continues to fire rockets into Israel when it is fully aware of the consequences.

Is this "resistance" for its own sake, without sense or strategy, or is there any coherent purpose at work? Hamas might be seeking to enhance its position in cease-fire talks, assert its supposed veto power over peace negotiations or divert attention from its failure to govern Gaza responsibly. No matter what drives these decisions, it has to anticipate and accurately assess the reaction of the Palestinian and Arab people who would be watching the bloody images aired on Al Jazeera and international news outlets in the wake of a devastating Israeli invasion.

Hamas may suppose that Israel does not have the stomach for another war so soon after Lebanon. Or it might hope for political benefits from an Israeli invasion of Gaza. Worst of all, Hamas could be driven by the agenda of its external sponsors.

The most important question that Hamas has to answer is whether any such objective would be worth the price in lives, misery and destruction that would be paid by the people of Gaza. The Palestinian people, especially in Gaza, are enduring unconscionable suffering. The policies of any responsible leadership must be aimed at easing rather than intensifying their plight. If Hamas is hoping to replicate Hezbollah's performance of two summers ago, it is badly misreading the Israeli and regional scene.

Israel seems locked on a path towards a new military offensive in Gaza. Any Israeli Prime Minister would be hard pressed to resist pressure from the public and political opponents for major action if rockets continue to hit towns in the Negev.

If Hamas is counting on Arab support in case of a military confrontation with Israel, it may be badly misinterpreting the political realities.

Hezbollah's assertion of political dominance in Lebanon has left many Arab states uncomfortable with the prospect of having two Iranian-sponsored regimes in the heart of the Levant.

A Hamas activist was quoted saying "What happened in Gaza in 2007 is an achievement; now it is happening in 2008 in Lebanon. It's going to happen in 2009 in Jordan and it's going to happen in 2010 in Egypt." Because of this attitude, Arab governments will be unlikely to wholeheartedly support Hamas - or encourage their publics to do so - in the event of an Israeli attack.

Israel also needs to step back and seriously consider the full implications. An ill-fated military action would result in massive civilian casualties, the destruction of what remains of Gaza's infrastructure, and a major backlash against Israel, the United States and those Palestinian and Arab leaders who continue to advocate peaceful negotiations.

Israel would have to be prepared to take the grave steps needed to achieve defined objectives, and just as important, have a real exit strategy. Such measures would produce a heavy toll in casualties among Israeli soldiers and immense death and destruction to Palestinian civilians.

Furthermore, a botched, massive incursion into Gaza would be politically reckless. Even if such an assault damaged Hamas' infrastructure and eliminated its leaders, it could still leave Hamas politically strengthened.

It is important and still possible to avoid a full-scale confrontation.

Hamas should avail itself of the ongoing Egyptian efforts to bring about a de-escalation, and end these reckless rocket attacks at once.

In its own interests, Israel should lift the siege of Gaza by handing over the Gaza crossing points to the Palestinian Authority with European monitors, and start allowing

improvements in the quality of life in the West Bank. Hamas has to stop its opposition to this plan which would lift the siege of the long-suffering people of Gaza.

The bottom line is that a massive Israeli reaction to continued rocket attacks is predictable, even if it proves self-defeating. Hamas must therefore decide if it is sufficiently interested in protecting the civilian population of Gaza from the horrors of an Israeli invasion by agreeing to an Egyptian-brokered compromise.

Whatever it does, Hamas will not be able to parrot Hezbollah leader Hassan Nasrallah, who claimed after the 2006 debacle in Lebanon: "If I had known" that Hezbollah's actions "would lead to such a war, would I do it? I say no, absolutely not."

9) **Additional references**

Occupied Palestinian Territory: Gaza Flash Appeal

OCHA, February 2, 2009

http://ochaonline.un.org/humanitarianappeal/webpage.asp?Page=1740

On Israeli Human Rights Violations in the Occupied Palestinian Territory

Palestinian Centre for Human Rights, January 15-21, 2009

http://www.pchrgaza.org/files/W_report/English/2008/22-01-2009.htm

Fact Sheet: Gaza Strip Water and Sanitation Situation

World Bank Group, January 7, 2009

http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/MENAEXT/WESTBANKGAZAEXTN/0,,contentMDK:22026701~menuPK:294370~pagePK:2865066~piPK:2865079~theSitePK:294365,00.html

Deprived and Endangered: Humanitarian Crisis in the Gaza Strip

Human Rights Watch, January 13, 2009

http://www.hrw.org/en/news/2009/01/12/deprived-and-endangered-humanitarian-crisis-gaza-strip

Fayyad announces draft plan for PA role in Gaza reconstruction

Ma'an News Agency, February 7, 2009

http://www.maannews.net/en/index.php?opr=ShowDetails&ID=35604

Fayyad: PA seeking 600 million dollars in international funds to rebuild Gaza

Ma'an News Agency, February 4, 2009

http://www.maannews.net/en/index.php?opr=ShowDetails&ID=35518

Senior official gives eyewitness account of Israeli shelling of UN Gaza compound

UN News Centre, January 15, 2009

http://www.un.org/apps/news/story.asp?NewsID=29558&Cr=gaza&Cr1=unrwa

Gaza hospital comes under fire

BBC, January 16, 2009

http://news.bbc.co.uk/2/hi/middle_east/7833919.stm

Gaza: Humanitarian situation

BBC, January 30, 2009

http://news.bbc.co.uk/2/hi/middle_east/7845428.stm

Health situation in the Gaza Strip

World Health Organization, February 4, 2009

http://www.who.int/hac/crises/international/wbgs/sitreps/gaza_4feb2009/en/index.html

Gaza: Hamas gunmen hide in hospitals

Ynet, December 31, 2008

http://www.ynet.co.il/english/articles/0,7340,L-3648020,00.html

Dichter: Hamas salaries paid at Shifa Hospital

The Jerusalem Post, January 12, 2009

http://www.jpost.com/servlet/Satellite?cid=1231424936164&pagename=JPost%2FJPArticle%2FShowFull

Rabbi told Israeli troops 'to show no mercy' in Gaza

AFP, January 26, 2009

http://www.google.com/hostednews/afp/article/ALeqM5gXdwVESlckDMc0B9t2MiXxRdZfFg

Evidence Mounts of Extrajudicial Executions by Gaza's Hamas Rulers

Maan News Agency, January 30, 2009

http://www.maannews.net/en/index.php?opr=ShowDetails&ID=35387

Gazans say Israeli Troops Forced Them into Battle Zones

McClatchy, February 2, 2009

http://www.mcclatchydc.com/251/story/61329.html

Gazans say IDF troops ignored white flags and shot at them

Ha'aretz, February 5, 2009

http://www.haaretz.com/hasen/spages/1056952.html

The philosopher who gave the IDF moral justification in Gaza

Ha'aretz, February 6, 2009

http://www.haaretz.com/hasen/objects/pages/PrintArticleEn.jhtml?itemNo=1062127

University specialists propose strategy for Gaza reconstruction

The University of York, January 15, 2009

http://www.york.ac.uk/admin/presspr/pressreleases/gaza.htm

Iran lays out plan for Gaza reconstruction

Press TV, January 21, 2009

http://www.payvand.com/news/09/jan/1204.html

Newest Gaza fight: Who controls reconstruction aid?

The Christian Science Monitor, January 23, 2009

http://www.csmonitor.com/2009/0123/p12s01-wome.html

Iran ups Gaza reconstruction efforts

Press TV, January 24, 2009

http://www.presstv.ir/detail.aspx?id=83545&sectionid=351020202

Who will rebuild Gaza?

BBC, January 28, 2009

http://news.bbc.co.uk/2/hi/middle_east/7856011.stm

Egypt to host Gaza reconstruction forum March 2

AFP, January 30, 2009

http://news.yahoo.com/s/afp/20090130/wl_mideast_afp/mideastconflictgazaegyptaid

Hamas hands out cash to displaced Gaza Palestinians

Maan News Agency, February 1, 2009

http://www.maannews.net/en/index.php?opr=ShowDetails&ID=35434

Beyond the Banks

The New York Times, February 7, 2009

http://www.nytimes.com/2009/02/08/opinion/08friedman.html?_r=2

Tightened siege and intensified economic sanctions

B-TSELEM

http://www.btselem.org/english/Gaza_Strip/Siege_Tightening.asp

Settlements in Focus: "2008 - the Year in Settlements in Review"

Americans For Peace Now

http://www.peacenow.org/updates.asp?rid=0&cid=5887

The Obama Administration and the Unavoidable Issue of Palestine

Policy Focus by ATFP - February 5, 2009

http://www.americantaskforce.org/policy_and_analysis/policy_focus/1233810000

Martyrs vs. Traitors myth gains currency in Gaza war's wake

The Chicago Tribune (Opinion), January 25, 2009

http://www.chicagotribune.com/news/opinion/chi-perspec0125gazajan25,0,4432524.story

Palestinian Authority: Hamas' deadly campaign in the shadow of the war in Gaza

Amnesty International, February 10, 2009

http://www.amnesty.org/en/library/asset/MDE21/001/2009/en/9f210586-f762-11dd-8fd7-f57af21896e1/mde210012009en.html

Mr. ACKERMAN. Thank you, Dr. Asali.
Dr. Dunne.

STATEMENT OF MICHELE DUNNE, PH.D., SENIOR ASSOCIATE, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

Ms. DUNNE. Thank you, Mr. Chairman and members of the subcommittee for the privilege of testifying before you. I am going to be discussing the role of Egypt in this crisis. And I am sure the subcommittee members are aware of Egypt's mediation effort, and the elements of a cease-fire proposal that Egypt has been putting forward.

The basic elements are a mutually agreed-to cease-fire between Israel and Hamas, as opposed to the unilateral cease-fire that exists now; and the duration of that would probably be something on the order of 18 months, renewable. The reopening of crossings to Gaza, with some limitations as to what could enter Gaza. A prisoner exchange that would involve perhaps the release of Israeli hostage Gilad Shalit. And talks between Fatah and Hamas.

And I would like to note that there are indications in the press that those talks are already beginning in Cairo, between Fatah and Hamas representatives.

So what are the Egyptian interests that inform Egypt's actions here? I would say in the current crisis, Egypt has demonstrated that it has two principal interests related to Gaza. One of them is that Egypt wants to avoid taking on responsibility for the 1.5 million Palestinians living in Gaza. And second, Egypt is trying, through its mediation efforts, to restore some role for the Palestinian Authority under the leadership of President Mahmoud Abbas, to the extent that is possible.

Now, regarding Egypt's taking on responsibility for the Palestinians, there are at least two ways this could happen, and President Hosni Mubarak is going to try to avoid either one of them.

One possibility is that if there were a humanitarian crisis in Gaza, tens or hundreds of thousands of Palestinians could flood across the border into the Sinai, and stay on a semi-permanent basis. And as I am sure the members of the subcommittee are aware, this is not an idle fear; it actually happened a year ago, in January 2008, that hundreds of thousands of Palestinians crossed the border illegally, and it took Egypt about 2 weeks to get them to leave and to reestablish control over its international border.

Then there is this question of whether Egypt would take on some sort of a role in Gaza itself, perhaps administering Gaza the way Egypt did between 1948 and 1967. Now, this is not the official policy of Israel or anyone else; no one is asking Egypt to do this. But the suggestion that this might be a possibility has caused a lot of concern in Egypt.

Now, President Mubarak will resist this for a couple of reasons. First of all, he realizes that governing hundreds of thousands of Palestinians, either in Sinai or in Gaza itself, would be a thankless task for Egypt.

But he also has reason to be concerned about stability in his own country, should one or other of these situations be forced on Egypt. Sinai is already a troubled area, populated largely by Bedouin with

little loyalty to the Egyptian state, and terrorists have carried out several large-scale attacks there in recent years.

The introduction of hundreds of thousands of Palestinian refugees there, perhaps including militants from Hamas, Palestinian-Islamic Jihad, would undoubtedly increase tension and the danger of terrorism there.

Inside Egypt itself, although many Egyptians have called on their government to extend greater diplomatic and humanitarian support to Gaza, actual Egyptian rule in Gaza, or rule of many Palestinian refugees in Sinai, would very much enflame anti-government sentiment in Egypt. And as I am sure the members of the subcommittee are aware, there is significant anti-government sentiment in Egypt today. Protests of one kind or another, mostly about domestic, economic, and human rights issues, have become a daily phenomenon in Egypt.

And the Muslim Brotherhood that is the primary opposition movement in Egypt supports Hamas fervently, and has been organizing protests against the government. There has developed in Egypt a sort of tradition, since the outbreak of the second Palestinian uprising in 2000, of protests that begin in support of Palestinians and criticizing Israel, and often the United States, and then those protests turn against Mubarak and call for an end to his rule.

Now, the second goal that I mentioned for Egypt in this Gaza crisis is the desire to restore the Palestinian Authority to a role in Gaza to the extent that that is feasible. Egypt takes a realist approach to Hamas. It would prefer that Hamas not rule Gaza, but acknowledges that at this point, it is impossible to ignore the group.

So one constant in Egyptian mediation efforts has been to insist, for example, on enforcing the terms of the 2005 Rafah Agreement, which treats the Palestinian Authority as the responsible authority on the Gaza side of the border. And Egypt would like to see the Palestinian Authority returned there, at a minimum to the border with Egypt.

Egypt has also pressed Hamas to agree to resume reconciliation talks with Fatah, which were going on under Egyptian auspices for some time, were broken off in November 2008, and seem to be perhaps resuming now.

Regarding the arms smuggling issue through Rafah, Egyptian officials are undoubtedly aware that there is a spotlight on the issue now. David Makovsky mentioned that there has been technical assistance from the United States through the U.S. Army Corps of Engineers, a $23-million program that was funded out of United States annual military assistance to Egypt.

This has now been implemented in only the last week, and there is actual technical monitoring now by the Egyptians, with this assistance from the United States, of tunneling and underground movements through the Rafah area. And Egypt should be able, with this tool, to significantly improve its performance in preventing arms trafficking into Gaza.

There is a report, by the way, in the Jerusalem Post today that talks about that, and says that there is significantly stepped-up Egyptian enforcement.

Mr. ACKERMAN. You are going to have to start to summarize.

Ms. DUNNE. Okay. The aftermath of the Gaza crisis does afford some opportunities for the United States and Egypt to strengthen their ties, which have been strained in recent years. United States and Egyptian goals regarding Gaza are largely consonant.

Over the longer term, however, I would like to note that it will be necessary for Egypt and the United States to reach an understanding on progress on human and civil rights inside Egypt as well, in order for the partnership to really flourish.

Thank you.

[The prepared statement of Ms. Dunne follows:]

GAZA AFTER THE WAR: EGYPT'S EQUITIES AND LIMITATIONS

Michele Dunne, Ph.D.
Senior Associate
Carnegie Endowment for International Peace

Testimony submitted for a hearing of the
U.S. House of Representatives Committee on Foreign Affairs
Subcommittee on the Middle East and South Asia

February 12, 2009

Egypt demonstrated during the recent Israeli military operation and subsequent efforts to reach a durable ceasefire that it has two principal interests related to Gaza: first, avoiding taking on responsibility for the one and a half million Palestinians living there and second, transferring control of Gaza back to the Palestinian Authority led by President Mahmud Abbas to the extent possible. These interests spring from longstanding Egyptian support for the creation of an independent Palestinian state in the West Bank and Gaza, as well as from concerns about stability inside Egypt itself.

There are at least two ways in which Egypt might be forced to take on responsibility for many, or all, Gazan Palestinians, and Egyptian President Husni Mubarak will try to avoid either one of them. First, there is the possibility that due to a humanitarian crisis in Gaza, tens or hundreds of thousands of Palestinians could flood across the border into Sinai and stay on a semi-permanent basis. Egypt would then have to house them in refugee camps, creating a large and most likely restive refugee population in Sinai. This is not an idle fear; hundreds of thousands of Palestinians crossed the border illegally in January 2008 after Hamas militants bulldozed the fence to protest the closed border. President Mubarak thought it politically unwise to use lethal force against the unarmed Palestinians, and it took him nearly two weeks to persuade them to leave and then to regain control of Egypt's international border. Egypt has since constructed a sturdier barrier—but it could still be breached.

Egypt will also resist suggestions that it should once again administer or occupy Gaza as it did between 1948 and 1967. Although the Israeli government has not adopted this idea as policy, the notion that Egypt and Jordan might take on much greater responsibility for Gaza and the West Bank respectively to secure their national interests has gained currency as prospects for the near-term creation of an independent Palestinian state have receded.[1] Mubarak has addressed this prospect directly, warning in a December 30, 2008, speech that Egypt would resist attempts by Israel "to shirk its responsibility for Gaza and to overtask Egypt with its consequences."

Realizing that governing hundreds of thousands of Gazans either in Sinai or Gaza itself would be a thankless task, President Mubarak also has reason to be concerned about the implications for his own country's stability. Sinai is already a troubled area, populated largely by Bedouin with little loyalty to the Egyptian state, in which terrorists have carried out several large-scale attacks in recent years. The introduction of hundreds of thousands of Palestinians—perhaps including many militants from Hamas and Palestinian Islamic Jihad—would undoubtedly increase tensions.

Although many Egyptians have called on their government to extend greater diplomatic and humanitarian support to Gaza, actual Egyptian rule there (or a large Palestinian refugee presence in Egypt) would inflame anti-government sentiment. Egypt is already at a sensitive political juncture, facing widespread popular unhappiness with government performance and a likely presidential succession in the next few years. Protests against the government, mostly expressing local grievances related to the economy or human rights, have become a daily phenomenon. Since the 2000 outbreak of the second Palestinian uprising, a tradition has also developed of protests that begin by criticizing Israeli or U.S. actions but quickly turn to target Mubarak and demand an end to his rule of nearly three decades. Egypt's principal opposition movement, the Muslim Brotherhood, supports Hamas fervently and often organizes such protests, either on its

[1] See, for example, Efraim Inbar, "The Rise and Demise of the Two-State Paradigm," The Begin-Sadat Center for Strategic Studies No. 79, January 2009.

own or in conjunction with other opposition groups. While such protests currently do not threaten internal stability, that picture could change if Egypt were to take on significant responsibility for Gazans, a move many Egyptians would see as serving the interests of Israel more than those of the Palestinians.

The second principle motivating President Mubarak's diplomatic efforts is the desire to restore the Palestinian Authority to a role in Gaza to the extent possible. Egypt takes a realist approach to Hamas; it would prefer that Hamas not rule Gaza but acknowledges that it is impossible to ignore the group. One constant in recent mediation efforts has been Egypt's insistence on enforcing the terms of the 2005 Rafah agreement, which treats the Palestinian Authority as the responsible party on the Gaza side of the border. Egypt has also pressed Hamas to agree to resume reconciliation talks with Fatah (broken off in November 2008) under the supervision of Egyptian General Intelligence Director Omar Sulayman. Egypt would rather play the principal mediating role between Hamas and Fatah than allow another Arab country to do so in order to preserve some influence over the terms of Palestinian reconciliation.

Egyptian Foreign Minister Aboul Gheit and other officials have repeatedly denied that significant arms have entered Gaza via the Sinai (claiming they have instead entered Gaza by sea), but in any case Egyptian officials are undoubtedly aware that there is now a spotlight on the arms smuggling issue. With the recent implementation of technical assistance from the U.S. Army Corps of Engineers (a $23 million program funded out of annual U.S. military assistance to Egypt) to detect tunneling and underground movements, Egypt should be able to improve significantly its performance in preventing arms trafficking into Gaza. The restoration of normal commerce in food and other essential goods through Rafah would also relieve pressure for smuggling, though not eliminate it altogether. Egypt has consistently resisted the idea of deploying international forces along its side of the border. There already are international troops in the Sinai under the guise of the Multinational Force and Observers provided for in the 1979 peace treaty with Israel, and Egypt will try to avoid what it sees as further infringements on its sovereignty.

The aftermath of the Gaza crisis affords some opportunities for the United States and Egypt to strengthen ties, which have been strained in recent years due to disagreements over U.S. actions in the Middle East as well as human and civil rights violations in Egypt. Egyptian goals in the region are generally consonant with U.S. goals, and this is true regarding Gaza. One difference is that Egypt is working explicitly for reconciliation between Fatah and Hamas, which the United States considers a terrorist organization. Even so, Egypt's unspoken agenda in mediating between the two groups has always been to promote a greater role for Fatah in any unity government and the smallest role for Hamas that the traffic will bear. In addition, Egypt is playing a leading role in attempts to shore up Arab support for the Palestinian Liberation Organization headed by Abbas as the legitimate representative of the Palestinian people.

In the short term, U.S.–Egyptian cooperation on Gaza and other regional issues can help to restore bilateral ties. Over the longer term, however, it will be necessary for the two countries to reach an understanding on progress on human and civil rights in Egypt in order for the partnership to flourish.

Mr. ACKERMAN. Thank you, Dr. Dunne.
Ms. Pletka.

STATEMENT OF MS. DANIELLE PLETKA, VICE PRESIDENT, FOREIGN AND DEFENSE POLICY STUDIES, AMERICAN ENTERPRISE INSTITUTE FOR PUBLIC POLICY RESEARCH

Ms. PLETKA. Thank you, Mr. Chairman and Mr. Burton, for inviting me today. I am going to summarize my remarks, and you will put my full statement in the record.

Mr. Royce was kind enough to quote my statement—I am glad somebody read it—in advance. I suggested that part of the problem historically has been that each time a new administration comes to the Israeli-Palestinian problem, they assume that there is some magical peace that has not been fulfilled, some individual who will make it all work right; some process that we have not embraced.

And the truth is, of course, there simply is no magic to any of this, and we should stop thinking about the problem in those ways.

I would also add that the measure that we have historically used to discuss progress between the Israelis and the Palestinians has almost entirely been self-referential. We always talk about what we have done, and how we have made progress, and how everybody is at the table. And we really haven't measured the Palestinians' progress.

I would argue that perhaps we have paid more attention to the Israelis, but no attention to Palestinian progress on the ground. And when I say Palestinian progress on the ground, I do not mean the shape of their government or the stability of their government; I mean the progress of individual Palestinians, the general welfare of the Palestinian people. And in fact, the Palestinian people as a whole have made very little appreciable progress. To the contrary, there has been a great decline in standards of living, and a great flight by Palestinians from the West Bank in Gaza, not just Gaza I would underscore, but also from the West Bank.

Nor has the cause of peace made any great strides forward in recent years, including when President Bush turned his attention to it, when President Clinton put a great deal of personal effort and attention toward it.

There are some who are going to suggest now, in the aftermath of this Gaza war, that the fact that Egypt, Saudi Arabia, and others have turned on Hamas is a real sign of progress and hope for the future. And I think that we need to be very careful in making that judgment.

I think that the main motivation there is that they see Hamas very clearly for what Hamas is, the face of jihadism, which represents a threat not just to Israel, not just to the Palestinians, but, more specifically, to them. And I think that is where a lot of that antipathy comes from. Whether we can manipulate that or gain from it is another thing, but let us understand it for what it is.

What should American goals really be in the West Bank and Gaza specifically, between the Israelis and the Palestinians? At the end of the day, what our ambition is is what our ambition always has been: It is to build peace on a stable edifice. That edifice may or may not include a Palestinian state; personally, I think that it would be inevitable. But the fact that we have always been willing

to suggest that somehow the fact that we want a Palestinian as progress toward peace is really an illusion. It is not progress toward peace. It is the stability of the edifice itself that is in question.

We cannot, I think, as we consider new ways of going forward, embrace relationships, a relationship with Hamas. That is a real danger. There are some who have suggested that the United States should open up talks with Hamas, much as we are thinking about opening up talks with the Iranian regime. That is not a good way forward. It is a dangerous way forward. It risks undermining not just the Israelis, of course, but the Palestinian Authority and all moderate Palestinians that have sought to diminish Hamas' role as it has come forward in Gaza.

Also in that regard, we need to be very, very careful of temptations to tinker in Palestinian politics. We have seen in recent reports talks about how we can reach out to particular members of Hamas, and not talk to other members of Hamas; thereby strengthening the moderates, and putting down the bad guys.

We have historically been extraordinarily bad at tinkering in politics. We are not that good at tinkering in our own politics; we are really quite bad at tinkering in Arab politics. And that is a dangerous path forward for us.

On the other side, Mr. Burton, you suggested that somehow these rocket attacks from Gaza and the war should be a reason to rethink the wisdom of the Israeli withdrawal from Gaza. And I would only say that this is the Israelis' business.

You talked about Ariel Sharon and his decision, and I think that is true. There were too many in the United States who wanted to use U.S. influence to either push the Israelis to withdraw, or to foresee Israelis not to withdraw. This is an assessment that they must make, and in fact, they are now living with the consequences of that decision. It was not our decision to make.

Today, talking about Gaza, we have not talked enough about one of the huge sources of the problem, which is Iran. Hamas would not have rockets to lob anywhere if Iran did not continually resupply them. Yes, it is true they use the tunnels and sea routes and other routes, as well. But at the end of the day, the source of the problem is one that needs to be addressed by sitting down with the Iranians, as the Obama administration has indicated it wishes to in the coming months.

I see very little likelihood that this is going to be on the top of the agenda. On the contrary, what are we going to talk about? They have said very clearly we are going to talk about the nuclear weapons program.

So that is a troubling fact and something that I think Congress can play a strong role in pushing back to the top of the agenda.

Just a quick note on the question of aid to the Palestinians, because you asked me to talk a little bit about this. And I think that we have to recognize that the heart of the problem with aid to the Palestinians, but particularly to Gaza, lies in UNRWA, the United Nations Relief Works Agency, which has basically become a wholly-owned subsidiary of Hamas, in my estimation.

It is propagandist for Hamas. They have 24,000-plus employees. Compare that, by the way, to the U.N. High Commissioner for Ref-

ugees, which is responsible for refugees all around the world, which has less than a quarter of that number of employees.

They are based in Gaza. They do not vet the NGOs with whom they work. They do not vet their employees. They have allowed Hamas in the past to manipulate aid. It does not go to the purposes that we desire. And I think that it is important that we revisit their role and United States assistance through them.

One additional note on the role of international organizations that might be of interest to the Congress and this committee, which has spoken to this issue many times in the past.

Mr. ACKERMAN. I have to ask you to wrap up.

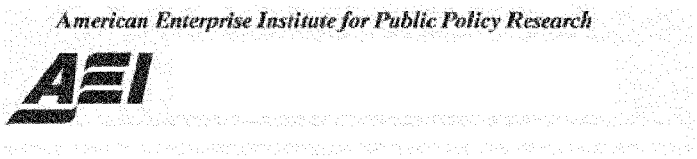
Ms. PLETKA. I will wrap up. At the end of January, the Palestinian Authority granted jurisdiction to the International Criminal Court for the West Bank and Gaza, and the ICC has now opened up an investigation into Israeli war crimes in Gaza. I do not see that as a very productive way for the international community to go forward.

Last, in wrapping up, I think that we need to recognize that while Hamas has been a major problem, no one can under-estimate the problem that it represents. It should not force us to look at Fatah through rose-colored glasses. This has been our habit in the past. Oh, well, if Hamas is lousy, then—I am sorry. If Hamas is lousy, Fatah is better.

It is a cop-out on the part of the United States that we have failed to focus on governance for the Palestinians, that we have failed to focus on accountability, that we have failed to use our aid to try and deliver to the Palestinian people the kind of things that we would wish to deliver to ourselves: A responsible, accountable government that actually promises something that is more important to the day-to-day lives of the Palestinians than a Palestinian state. And that is just a little bit of hope for their future, and the future of their children.

Thank you, Mr. Chairman.

[The prepared statement of Ms. Pletka follows:]



Testimony of Danielle Pletka,

Vice President,

Foreign and Defense Policy Studies

The American Enterprise Institute

Before the House Foreign Affairs Committee Subcommittee on Middle East and South Asia

"Gaza After the War"

February 12, 2009

Mr. Chairman, Members of the Subcommittee, thank you for including me in this timely and important hearing. In your invitation, you suggested that the focus of my testimony should be American policy goals in Gaza, assistance to the Gaza population that does not bolster Hamas, the role of international institutions and NGOs and the intra-Palestinian divide.

These are all vital questions, and ones that Americans (among others) have sought to answer for years. Yet, for unclear reasons, too many who have engaged in the debate and analysis -- and even in the policy-making – persist in the belief that there is a magical solution to the Israel-Palestine problem – some trick, some person, some formula that will make it all right.

Compounding the problem is the fact that we often make assessments about diplomatic progress with little reference to the reality on the ground for Israelis and Palestinians. For example, the last administration trumpeted the fact that President Bush was the first to formally support a two state solution to the Israel-Palestine conflict. President Clinton was hailed as an ardent peacemaker for bringing the Israelis and the Palestinians to the brink of a supposed solution – though even the participants in those talks now admit that the shape of the so-called solution was untenable. We have welcomed the return of the PLO to the West Bank and Gaza, the leadership of Yasser Arafat, the leadership of Abu Mazen, the responsible stewardship of Salam Fayyad, the participation of Hamas in elections (that worked out well), various truces and agreements between Israel and the Palestinian Authority and more. We have rushed, serially, to worship at the feet of various Palestinians who we think can "deliver" without regard to their standing in Palestinian society or their actual accomplishments.

Have the Israelis and the Palestinians actually made appreciable strides in the direction of a lasting peace that will enable the Israelis to live in peace and security and the Palestinians to live in a sustainable state with responsible governance? Arguably, they have not.

You will hear in the coming months from administration officials and legions of peace process professionals that change is afoot in the Middle East, and that Arab nations are increasingly impatient with the likes of Hamas; that Egypt and Saudi Arabia and others will no longer tolerate wanton Palestinian efforts to drag Israel – and the region – into war. I caution you not to read too much into their evolving stances. They are animated by fear of Iran, not tolerance of Israel. They do not like Hamas because they recognize that jihadism is the face of their enemy. That may well serve American goals – indeed, it's good news for us – but it does not advance the Palestinians' interests.

American policy goals should be simple and straightforward: An end to the Israeli-Palestinian conflict built on a stable edifice that may, but should not necessarily include a state of Palestine. A relationship with Hamas will not advance those goals, as the raison d'etre of the group is the eradication of the Jewish state. Efforts to tinker with Palestinian politics – efforts that the Israelis appear unable to eschew despite decades of failure – are equally dangerous. There are no "moderate" Hamas leaders with whom we should work.

Let's just review for a moment how we got to the current state of affairs between Israel and Hamas: Israel withdrew from Gaza in August 2005. Hamas took over in 2007. Since 2005 Hamas fired approximately 6,300 rockets at Israeli civilians. During the six-month cease-fire last year, rocket attacks diminished but didn't stop, and after the truce ended last December, Hamas launched several hundred rockets, missiles and mortars. Hamas has pledged to rebuild the tunnels it uses for smuggling arms, and Israeli intelligence reports concerns that Iran will attempt to smuggle longer range missiles to Hamas, including the Fajr, which has a range of 70 kilometers.

Some have seen these developments as cause to rethink Israeli withdrawal. Frankly, decisions on this matter are in Israel's hands. The United States is not the final arbiter of Israeli security; its elected leaders are.

What we do know is that until the supply of rockets to Hamas ends, Israel will be targeted. Unless we address the supply side, the demand will continue. In light of the Obama Administration's professed intention to sit down and negotiate with Iran, it seems unlikely we will achieve many gains on the arms export/import front.

On the immediate question of aid to the Palestinians, there should be little doubt that UNRWA is central to the problem of manipulation of aid, though other NGOs are culpable as well. For decades, UNRWA has been an unapologetic advocate for Palestinian extremism and an unrelenting Israel detractor. That was no different in this recent Gaza war. UNRWA schools foment extremism, its employees are not vetted for connections to terrorist groups, its aid has been hijacked and more often than not, UNRWA has been complicit in political exploitation of its assistance to those in real need. Palestinians in Gaza are among the highest aid recipients in the world. UNRWA employs more than 20,000 people (compare that to all of UNHCR, which employs just over 6000). UNRWA is single-mindedly dedicated to perpetuating the victimhood of Palestinian refugees and pseudo-refugees. In light if its history of failure – even when graded on pure aid and development scales – it would be wise to revisit its existence.

One additional note about the role of international organizations: In the last week of January, the Palestinian Authority recognized the jurisdiction of the International Criminal Court in the territories. As a result, the ICC prosecutor has decided to open an investigation into alleged war crimes by Israel (not, I should add, by Hamas). While we should not jump to conclusions about the course the ICC prosecutor will choose to take, I suspect little good can come of this development, which will require close monitoring by the United States and others concerned about the role the ICC intends to play on the world stage.

On the question of the intra-Palestinian divide, I am reminded of the (apocryphal?) question put to Henry Kissinger about the Iran-Iraq war. When asked which side he favored, he answered: I hope they both lose. Relatively speaking, Fatah is certainly better than Hamas. But then again, we are not Palestinian voters, who tried Fatah, tested them, and found them, unsurprisingly, wanting.

I would like to be able to say that Abu Mazen and Salaam Fayyad represent a new Palestine, but rather they are the old Palestine that looks better only when compared to Hamas. In fact, the Palestinian scene offers little by way of political hope for the future of the Palestinian people. In turn, the

international community has done almost nothing to aid the Palestinian political grass roots, to bring new leadership to the fore, to educate about governance or to demand real accountability from any Palestinian political leaders. It is not enough to say that standards of leadership involve not killing Israelis. The Palestinians have the right to expect accountability, good governance, economic prosperity, and hope for their own future. The main reason they don't have those most basic of human needs has little to do with Israel and a lot to do with what is wrong with the modern Middle East.

In the short term, we must push off the question of a solution to the Israel-Palestine problem until we find a solution to the Palestine problem. We must isolate Hamas, and help the Israelis to do so more effectively. We must vote with our aid money to marginalize aid agencies that do not serve anyone's interests except their own, and turn to private sector economic development as a means to build civil society. We must use the political, economic and military tools available to a great power to penalize Syria, Lebanon, Iran and others who arm and finance Hamas, and we must start any peace-building exercise at the beginning – with the understanding that the only stable peace in the Middle East rests upon a Palestine that is more concerned with jobs and education and less concerned with Zionists.

Mr. ACKERMAN. Thank you. And thank all of our witnesses.

The chair will reannounce that we are going to operate under the 5-minute rule, and the chair will be less flexible with the members of the committee than we were with the, with the panel, in order to keep things moving. And try to keep me to the 5-minute rule, too, whoever is running these clocks.

A peaceful solution, a two-state solution if you will, seems difficult, if not impossible, with Hamas as an active player and Fatah controlling the West Bank. And it seems that a lot of energies have been spent with all the theories of how you get them basically unelected. Whether you hobble them, as the Israelis have attempted to do, or whether you show them that there is a better alternative in the West Bank, it would seem that a lot of hope is being placed on an election that might take place in which they become delegitimized as far as a part of the government, or the government.

I think that is putting too many of our eggs in one basket. If Hamas is unelected, do they really go away? If they are a terrorist organization, do terrorist organizations not exist or function if they don't hold elective office? Because very few do, and we seem to be going in that direction in different places in the world. Or is there a different way to deal with this? Or how do we deal with this specifically in this case?

And is the problem really, as was pointed out by our last witness, Iranian-generated? And does that have to be solved before the Israeli-Palestinian-Hamas problem is resolved?

Historically, everybody says well, all the problems in the Middle East or the world or the universe, you know, would be solved if the Israeli-Palestinian problem went away. Do we have it backwards? Who would like to start? Dr. Asali. Press your button.

Dr. ASALI. Thank you, Mr. Chairman. There are many, many comments that can be said about this. Fundamentally, I think, the two-state solution is more or less like democracy; it is the worst system except for all the others. If anybody gives us an alternative, we would be very happy to listen to a workable solution. Just to say that it is not working is not enough. You have to have an end to the conflict; no conflict goes unended.

So the two-state solution has not been given enough support, even at the present circumstances, to improve the situation well enough in the West Bank, under the Palestinian Authority, with knowing full well that Hamas has not supported the two-state solution and is not inclined to go along with it.

The problem is———

Mr. ACKERMAN. Are you saying deal Hamas out of the two-state solution?

Dr. ASALI. Yes. Hamas has been dealt out. And Hamas continues to be dealt out, and is not expected not to be dealt out. What is a problem———

Mr. ACKERMAN. That is what you are advocating, as well?

Dr. ASALI. I am advocating that, until they accept the Quartet conditions. I think it makes sense, and I think the Quartet conditions are simply an affirmation of the commitments that the PLO, as the governing entity for the Palestinians, has made, and that should be continued.

What was lacking, unfortunately, was real progress, palpable progress by the Palestinian people on the ground, and this has many, many causes. But it could not have happened, other occupation, without the cooperation of the occupying powers. And it could not have happened without an improvement in the governing system in the PA.

Mr. ACKERMAN. Thank you. Mr. Makovsky, 30 seconds.

Mr. MAKOVSKY. I agree with Ziad completely with the issue of Hamas. They need to accept the conditions.

I think if your premise is that the only thing that Hamas cares about is power, then I am sure accommodations can be found. I just believe there are a lot of Islamist movements in the Middle East, and they have a very heartfelt religious ideology. And I don't think we do ourselves or them any favors if we short-change—I don't think we do ourselves or them any favors if we short-change their world view.

And they have been willing, I think we should listen to what they are saying.

Mr. ACKERMAN. Thank you. Ms. Pletka, 30 seconds.

Ms. PLETKA. I agree with David. I think it is very important for us to listen to exactly what they say. This is not just a political fight, this is an ideological fight. But we also have a practical battle ahead of us.

You ask a very hard question. One, should we put Iran first? And the answer to that is no, of course not. We can't just walk on one path. We have to chew gum and walk.

We need to work toward an Israeli-Palestinian solution. But we must prioritize the support for terrorism along with Iran's nuclear weapons program, or we will end up———

Mr. ACKERMAN. Thank you.

Ms. PLETKA [continuing]. Facing this in the rest of the region.

Mr. ACKERMAN. Dr. Dunne, 30 seconds, because my time is running.

Ms. DUNNE. Regarding Hamas, I think that our problem as the United States is we want Hamas to walk the road that the PLO walked 20 years ago. And Hamas sees very well that the PLO walked that road, and it failed. And so that is the difficulty that we face now, is to give the Palestinians some hope in order to———

Mr. ACKERMAN. You are saying it failed because they have no state?

Ms. DUNNE. They failed for two reasons. Because they have no state, and because also what Ms. Pletka pointed out, disastrously bad governance and corruption. So they failed on both of those scores, and that is why we see the popularity of Hamas now.

Mr. ACKERMAN. Thank you. Thank you, my time has run.

Mr. Burton.

Mr. BURTON. Thank you, Mr. Chairman. First of all, let me just say that my view on whether or not Mr. Sharon should have gone into, or should have given Gaza back to the Palestinians, that was only my opinion. I certainly would not want to ever try to interfere or dictate to a foreign government on the policies that they have. But I did think it was probably an error, and it did bother me a great deal.

You indicated that there was a disproportionate amount of pressure put on by the Israeli military when they went in, and I thought they showed a great deal of restraint. Because the Hamas militants were using women and children, and hospitals and mosques as shields against Israeli attacks, and the Israelis did stop so that they could minimize the civilian casualties.

There were those who said that they should have pressed on further, to completely destroy Hamas. But I think they showed a great deal of restraint, even though there were some differences of opinion there.

Mr. Makovsky, the Washington Times reports this morning that Bebe Netanyahu is a likely winner. What is your opinion of that? And can you give me an answer on why that is the position they have taken?

And Saul, are you a friend of Saul Singer's?

Mr. MAKOVSKY. I know Saul very well.

Mr. BURTON. He used to be my first foreign policy guy, so would you tell him I said hi?

Mr. MAKOVSKY. Will do.

Mr. BURTON. Thanks.

Mr. MAKOVSKY. I would just say on the, if I could say on the humanitarian part of your question, I think by firing from civilian areas, Hamas has shown its disregard for human life. And that put Israel in a very difficult position.

I think one of the lessons Israel, though, has to take from this is to set up an urban core, where you have designated safe zones that would be manned by soldiers, so it could not be exploited by terrorists.

But that is the nature of warfare in the Middle East now, with these non-state actors, is using urban areas. And that requires I think some reorganization in Israel.

Mr. BURTON. Okay.

Mr. MAKOVSKY. According to Mr. Netanyahu's policy, my belief is that from what he said, and from the people around him who I have talked to in the last 24 hours, he is going to try to have a broad-based government with Ms. Livni of the Kadima Party, who won the most———

Mr. BURTON. Do you anticipate that he will prevail?

Mr. MAKOVSKY. If I was a Las Vegas odds maker, Congressman, I would have to say that he will, he will be the next Prime Minister.

Mr. BURTON. Okay. Ms. Pletka, there are several high-profile delegations going to Syria, Congressional delegations going to Syria in the next couple of weeks. What do you think about that? Do you think this is a wise thing to do?

Ms. PLETKA. An open-ended question. I never think that it is wrong for Members of Congress to go on delegations to find out what foreign leaders are thinking.

The only caution that I would give is not to, not to be fooled by talk. We are really interested in what the Syrians are willing to do. Are they continuing to funnel arms to Hezbollah? Yes, they are. Are they continuing to interfere in Lebanese politics? Yes, they are. Are they continuing to allow killers into Iraq? Yes, they are. Have they got a burgeoning relationship with al Qaeda? Yes, they do.

Mr. BURTON. Well, of course. What about Secretary of State Hillary Clinton has indicated that there is an opportunity for the Iranian Government to demonstrate a willingness to unclench their fists, and to begin serious and responsible discussion about a range of matters. And she goes on to indicate that there ought to be discussions.

What do you think about discussions with Iran from the State Department? And do you think that Congressional delegations ought to be involved in any way in discussing the situation in the Middle East with any Iranian officials?

Ms. PLETKA. I think that Members of Congress should be as constrained as the State Department is in their discussions with Iranians. The United States Government and Foreign Service Officers and political appointees have been talking with the Iranians for years. Ambassador Khalilzad, Ambassador to Afghanistan and then to the U.N., had regular meetings with Iranian counterparts. Ambassador Crocker in Baghdad has been meeting with them.

I think we should not underestimate the imprimatur that the United States gives in having meetings with countries, and the seal of approval that it conveys. If it is, in fact, a change in position on our part, it should be accompanied by an expected change in position on the part of the Iranians. We know what we are looking for; let us see their bona fide.

Mr. BURTON. My time is running out. Would any of the others of you like to make a comment on that? Mr. Asali.

Dr. ASALI. If I might just say something in response to the remarks about the Israeli, what I call disproportionate—two things.

First off, a kill ratio of 100 to one or an injury ratio of 50 to one is a statistical evidence of something disproportionate. But there is a humanitarian aspect that is way too disproportionate.

And also, the first reaction to the attack on Gaza was blamed by several Arab countries, including the head of the Palestinian Authority, President Abbas. It is afterwards that this relentless attack resulted in so much destruction, with TV pictures all over the place showing it, that they lost support.

Mr. BURTON. Thank you. Thank you, Mr. Chairman.

Mr. ACKERMAN. Thank you. Mr. McMahon.

Mr. MCMAHON. Thank you, Mr. Chairman, and thank you for this fascinating hearing.

If you could speak to the most immediate needs of the population of Gaza. And is there a humanitarian crisis, or is the situation stable or just awful? Does the United States have a bigger role to play in helping the humanitarian side of what is going on on the ground there? And do we have to then look at reconstruction and stabilizing the situation, as well?

But what is going on in the daily lives of the people there, and how are the conditions?

Dr. ASALI. First off, if I may, we need to take lessons from what happened in Lebanon in 2006, where a promise of aid was never delivered after the invasion. And Hezbollah took charge of that process, and it changed that help that was extended to incredible political benefit.

I think this should not be lost, neither on this Congress nor anywhere else.

Secondly, the present humanitarian condition in Gaza is just beyond terrible. You know, there are problems with water, electricity, roads, housing. There are over 50,000 people without shelter. There is no food; there is not enough food. There is not enough of anything. And the convoys that are supposed to carry aid are still restricted by access in every direction in Gaza. And there is no manufacturing.

The life, the quality of life for the people at every level—the health, the education—probably is worse than anywhere in the world now.

This needs to be addressed, in and of itself, as a separate issue from all the other reconstruction and other developments that need to work be worked on apolitically. This cannot be politicized.

UNRWA, I heard some criticism about UNRWA in this panel's representation. UNRWA is what we have now as a main provider of help to Gaza. Over 800,000 people depend on the food that, and other help that is provided by UNRWA.

There are other sources, of course. But this cannot be now a subject of serious political conversation. Let us get the humanitarian situation out of hand and controlled. And here again, we propose that we have the Special U.S. Envoy deal with this issue promptly with the Quartet.

And we recommend the establishment of an international community that adds to the Quartet Egypt, which is the indispensable partner, and the one that can help in a meaningful way, and whose role has been quite positive. Plus the Palestinian Authority, which has to take the political credit for this thing in order to carry this forward.

Mr. MCMAHON. Mr. Makovsky.

Mr. MAKOVSKY. Yes. I just want to pick over that very last point.

I think the key thing is that the Palestinian Authority needs to get the credit. You are all politicians; you understand the importance of the nature of credit and public support. And I think that this is crucial.

There is going to be a donors conference in Cairo coming up, which I think will be key. I just want to say on the issue of UNRWA, I would be happy to—and I hope you don't see this as institutional self-promotion—James Lindsay, who was the legal counsel of UNRWA, wrote a study for us at the Washington Institute, a very serious, heavily, heavily footnoted study on UNRWA.

We are not calling for the abolition of UNRWA at all. We just think that it should focus much more on its humanitarian mission. And with your permission, I would like to circulate it to the members of the subcommittee.

Thank you.

Mr. MCMAHON. Mr. Makovsky, can you speak to the human conditions in Gaza today?

Mr. MAKOVSKY. Oh, I think that they are, you know, they are terrible conditions, you know. And Hamas, they brought all this on them because they cared more about their ideology than helping their own people. But I don't think that means that we should stand by.

What I would hope is that the Palestinian Authority could be at the access point going into Gaza. After they had been thrown out

in 2007, there should be an international effort on humanitarian assistance and reconstruction. And I think we should all care about that.

Mr. MCMAHON. Ms. Pletka, do you wish———

Ms. PLETKA. I wanted to say something quickly. I couldn't agree more with David.

The humanitarian situation, just to your specific question, there should be no disagreement about the humanitarian situation on the ground, nor about the urgency of getting assistance to the Palestinians.

On the other hand, I do think there is an important role for the Congress. And this committee and your Senate counterpart can play a very strong role in ensuring that American assistance is not manipulated or abused; that it does not go to terrorist organizations, directly or indirectly.

There are rules right now that are under consideration for AID that would significantly weaken the vetting process that goes on to NGOs and their subcontractors. Money has gone to terrorist groups in the past, and you can stand in the way of that and ensure that assistance is used effectively, not just for our interests, but also for the Palestinians.

Mr. MCMAHON. Thank you. Thank you, Mr. Chairman.

Mr. ACKERMAN. Mr. Inglis.

Mr. INGLIS. Thank you, Mr. Chairman. I suppose this question really involves something of a crystal ball for you to maybe assess what you think the approach would be of the new coalition that will be formed in Israel, and what their approach to the peace process would be. Or how would they approach Gaza.

Anybody want to take a stab at that? Shine up your crystal ball?

Mr. MAKOVSKY. Well, I think the most likely outcome, whether Mr. Netanyahu or Ms. Livni is the next Prime Minister, is a broader-based government led by Likud and Kadima, those two parties. And you could say well, you need unity if you are going to move forward.

The issue is, how much can be done? It seems to me that at the outset earlier and what the chairman said in his remarks about building a better alternative in the West Bank is part of the answer. It is not the whole answer. Improving economic institutions that Tony Blair and Dayton have been working on, working on the security institutions that Three-Star General Keith Dayton has been working on in training and equipping Palestinian security forces, so Israel could pull back to the September 28 lines, in the year 2000 at the start of the Intafada.

You know, there will be I am sure some discussion with the United States and Israel over a letter that was signed in 2004 between Secretary of State Rice and Mr. Weisglass, who was an aid of Mr. Sharon, about the binding settlement, you know, to make sure there is no expansive settlement. It has been a contentious issue.

I have a view—I don't claim it to be the view of my institute or of anyone else—but I believe the actual differences between the parties over land, despite what someone like, respectfully, I say, former President Carter might think, the differences are actually

very narrow. And I think there is actually more of a consensus in Israel on this.

The Israelis are just afraid of being blown up, given the Qassam rockets coming out of Gaza. Because they didn't like the book in Gaza, they don't want to see the movie in the West Bank.

So the question is, can you construct the situation where that you could demarcate the line, and basically end, once and for all, the problem of settlements, that has been a friction point since 1967. And say here, here, we now know where the border is. This will be Palestine, this will be Israel. And it may move those settlers, but maybe the IDF, the Israeli army, will have to stand there until the Dayton mission over years will be able to demonstrate that it could pick up the slack, and a vacuum will not be filled by terrorists.

I think something to end this ambiguity that has been with us for so long—sometimes ambiguity can be constructive, sometimes it is destructive. And I think a focus on the territorial dimension of this conflict—which everyone thinks is at the core, and I don't—I think it has been the problem of not rejecting that Israel's right to exist, for the most part.

But I think the territorial dimension, if you separated it from the security dimension, in my view actually holds forth some promise. And it is possible—I am not here making a grand prediction with a crystal ball—but I think that might be an area that the United States and Israel could actually engage upon, because the differences have narrowed between Israelis and Palestinians on the territory.

The key is security, security, security.

Dr. ASALI. If I may, I think there are two election contests that have just happened. One of them was one in this country, where there is a clear commitment of the new President and new administration to energetically get involved with the Middle East and pursue a two-state solution.

What happened in Israel is still uncertain, of course, in many ways. But the leader of Israel would have to accommodate his policies to the policies of the United States in order to continue the grand strategic relation. And it is hard for me to imagine that the leader of Israel would oppose the policy of the United States and stay in charge for very long.

Having said that, I think there are many things that can be done regardless of what happens. One is improving the political conversation that is taking place with the Palestinian Authority, and improving the security and economic situation of the West Bank. And part of this is to actually empower the Palestinian Authority by moving forward and forcefully on the Gaza reconstruction.

There is a proposal by the Prime Minister of Palestine, Prime Minister Fayyad, to move $600 million to $800 million through the banking system, a private enterprise solution to the present crisis in Gaza. That bypasses the difficult and thorny issues.

There is no question that the Israelis can be cooperative with that by allowing the money to go in. This has been another problem with Israel, not allowing actual money to go into Gaza.

So there are many things that can be done on the margins, as long as the policy approach remains solid toward a two-state solution.

Mr. INGLIS. Thank you. Thank you, Mr. Chairman.

Mr. ACKERMAN. Next, Ms. Berkley. Just so the members know where they stand for the questioning under the 5 minutes, we have switched to seniority order on the subcommittee, which is not necessarily the order people are sitting in right now, to add to the confusion.

Ms. Berkley, you are next.

Ms. BERKLEY. I thank you, Mr. Chairman. I have a lot of questions that I would like to ask, but perhaps by way of speaking, and then I will ask the questions.

When it comes to rushing aid into Gaza and thinking that we are going to give credit to the Palestinian Authority, and that the Palestinians in the Gaza are going to rise up and be, throw Hamas away because they finally recognize who is helping them, I think is nonsense.

If Hamas have a whit about the Palestinian people, there would be peace, and there would have been a two-state solution long ago.

The reality is that there are many, many trucks getting through that provide aid, and have equipment and food and medicine for the Palestinian people living in the Gaza. And we already know that Hamas has been commandeering these trucks, and stealing the content, instead of the content going where it needs to be.

But this is nothing new, and nothing surprising. So more trucks going in and more aid rushing in doesn't change the situation on the ground.

Now, I agree with Ms. Pletka. Secretary Rice was sitting right where you were when she was, when Hamas won the election, and she stated that American policy was not to give any aid to Hamas, so the Palestinian people would realize that Hamas was not where their destiny lie.

But she said we were giving money to the NGOs. And I remember Mr. Ackerman asking this question, well, how do we track, how do we know that the money we are giving the NGOs is actually going to the Palestinian people. Her response took my breath away, because she said well, she says, we don't actually know, because we don't have any people on the ground ourselves. But we know people who know people that tell us that the money we are giving the NGOs is actually going to the Palestinian people.

I thought, for a Secretary of State of the only superpower in the world to say that was absolutely astonishing to me.

And I also agree with you that there is a reason that Hamas won this election. And it is because Fatah is corrupt and riddled, riddled with fraud and abuse of the Palestinian people.

And I would submit to you that the Palestinian people's problem has nothing to do with money. Because the Quartet, particularly Europe and the United States, has given billions, billions of dollars over the last several decades to the Palestinian people through their leaders.

And I also would submit if the Palestinian Authority wants additional money, and they definitely need it because the Palestinian people are suffering, they might track down Arafat's widow. Be-

cause I believe she is living very, very well on the hundreds of millions of dollars that we have donated to the Palestinian people. While she is living high on the hog, they are starving. And that is outrageous to me.

Now, I cannot understand why the Palestinian people are held to such a low standard. If the Palestinians are ever going to have a state of their own that is governable, that they can take their children into a new direction and a new future for the Palestinian people, they have to get control of their own destiny. And it can't be constantly with their hat in hand, asking for the rest of the world to keep bailing them out.

I submit to you that the Palestinian people have to stand up for themselves, take control of their own destiny, and make a determination of who their leaders are that are going to move them into a new future. It is not Fatah. Abu Mazen is a very weak leader that does not even command the respect of his own people. That is not America's destiny, and we shouldn't be hooking up with him. And Hamas is a terrorist organization.

Either way you go, the Palestinian people are the losers. And until the Palestinian people empower themselves, I don't see how we have a two-state solution, and I don't see how the United States partners with either Fatah, and obviously not Hamas, to help the Palestinian people.

And I am not sure if that is a question, but that certainly is a statement precipitated by all of your comments.

There is one other question that I wanted, to Ms. Dunne. I understand some of the measures that you suggested, and I think they have been tried time and time again. But one in particular———

Mr. ACKERMAN. Your 5 minutes are run.

Ms. BERKLEY. Thank you very much.

Mr. ACKERMAN. Mr. Wexler.

Mr. WEXLER. Thank you, Mr. Chairman. We all agree that the United States policy vis-à-vis Hamas should be that we don't acknowledge, or deal with in any way, until Hamas meets the Quartet's principles. We agree with it; President Obama agrees with it; Secretary Clinton agrees with it.

It seems to me, then, the question becomes: How does the United States participate in a dynamic that either defeats Hamas or marginalizes it? And that, to me, is the question.

Now, what I have heard from Arab leaders who have dealt with Hamas over the last several years, and principally in the last several months—what I hear from them—is that, very consistent to what has been said here: Listen to what Hamas says; they are genuine in their expression of their goals. And the idea that there is a mechanism in which to co-opt Hamas from a terrorist organization into some type of constructive political entity is not realistic.

So if they are correct, and our policy remains the same, I go back to the original question. How, then, do we defeat or marginalize Hamas.

Before I get there, though, just a few points, if I could. Respectfully, Ms. Pletka, you are obviously an incredibly bright, informed, thoughtful person. And I agree with about 80% of your written testimony. But there are parts of it that I think undermine, in es-

sence, the position that you take, or at least I think the position you take.

You say American policy goals should be straightforward: An end to the Israeli-Palestinian conflict built on a stable edifice that may, but should not necessarily, include a state of Palestine.

Well, if the United States is ambivalent in its support of a two-state solution, we condemn the moderates to fail in that arena, it would seem to me.

Also, statesmen such as Abu Mazen and Salam Fayyad represent a new Palestine, supposedly; but rather, they are the old Palestine that looks better only when compared to Hamas.

Prime Minister Fayyad: I mean, no one is perfect, but the man has set up a transparent system of accountability that both the United States, Israel, and others believe in deeply. He is obviously handicapped in many different respects, but again, to dismiss the efforts, the ideology, and the perspective of Prime Minister Fayyad is quite unhelpful and undermines the goal of what it is we are seeking to achieve.

Dr. Asali, I agree with 90% of what you say. I respect you enormously. I would respectfully disagree as to the conclusion with respect to disproportionate force in the context of Israel's actions. To me, it is a false misnomer.

No nation should act with proportionate force when it is attacked in the manner in which Israel was attacked by Hamas repeatedly. And Israel was totally justified in doing what it did, as catastrophic as the consequences undoubtedly were.

But I do think you make one extremely important point. And I think those of us, and I would like to think I am one of them, who are deeply committed to the security, both professionally, emotionally, and personally, to the state—the security of the state of Israel—must say, and must say it in an unequivocal fashion: It is incumbent upon Israel to freeze settlement activity. While in and of itself that is not the only part of this equation, the Palestinians have enormous responsibilities; but the notion that Israel can continue to expand settlements, whether it be through natural growth or otherwise, without diminishing the capacity of a two-state solution, is both unrealistic and, I would respectfully suggest, hypocritical.

And it is incumbent, in my view, upon the new administration, along with many other factors, to assist upon that part of previous agreements.

So to the original question: How do we defeat Hamas? Please.

Mr. MAKOVSKY. Congressman Wexler, you raise a very important point. And I would argue that we need a new paradigm in our relations with our Arab allies, with our friends in the Arab world; that we cannot let them off the hook. This is the core.

Whatever we as Americans, or what they, the Israelis, say about Hamas is one thing. In my view, the only people who could delegitimize Hamas are Arabs, are Muslims. And we need to make that point.

I would like to just quote one thing Hosni Mubarak said, a rare statement—it was right after George Mitchell visited Cairo, so maybe there is a relationship there. He was speaking to the Police Academy, I believe, in Egypt.

He says:

> "The resistance must take into account victories and losses. It is responsible for the people, who in turn should settle the score with resistance over the gains it has achieved, but also the sacrifices, the pain, and the destruction it has caused."

Ideally, the Arab States should say it is immoral to say, to engage in terrorism. At minimum, they should say it is counter-productive.

In my view, until the leadership in these countries delegitimize what Hamas is doing, we are going to have a very marginal return on everything else. They are the missing piece of this puzzle, and I would hope that Congress, with all its relationships with our Arab friends in Arab capitals around the world, that the leadership makes this point clear in Arabic, on Arabic satellite television, together.

I feel that there is really no other alternative. This has been an area which has not been pushed in the past.

Thank you.

Mr. ACKERMAN. Thank you. Mr. Connolly.

Mr. CONNOLLY. Thank you, Mr. Chairman. Let me ask the panel this question first.

In the aftermath of the Israeli military operation in the Gaza, is Hamas politically stronger today, or weaker?

Dr. ASALI. Politically stronger in the West Bank, and weaker in Gaza, if we are to believe the statistics and what we hear. And it is significant in that sense.

There has been a war, a propaganda war, global propaganda war about this issue, and a fight about ideas and about images, et cetera, et cetera, that has been very effective. And it did portray the destruction in Gaza as beyond, you know, endurance in every way. And people were seeing that not just in the West Bank, everywhere. And that has definitely accrued to the benefit of Hamas, not just on the West Bank, also in the Arab world.

On the other hand, you can say that what we hear from Gaza—and this is supported by the recent surveys, there are two surveys in fact—the people of Gaza live there. They have lived what happened, and they have an understanding of how it started, how it was triggered at least, and they still are suffering the consequences. So Hamas cannot very readily convince them by vote.

And I will go back to how we can defeat Hamas. Eventually this has to be a democratic process. We have to believe in what we preach. And it is doable. Eventually the Palestinians will have to vote. The Palestinians must vote at some point in time to give legitimacy to any kind of a government that comes.

And this is how you, if you want to defeat Hamas, you have to convince them not that Hamas is offering a dead end, but that there is another end that actually works. That is why I cannot say enough about what Congressman Wexler said. You have to empower the people who are trying to offer the alternative, as you demand of them the accountability and transparency that you need. You cannot just say all the Palestinians.

If you say Hamas is terrible and Fatah is terrible, you are condemning the Palestinians and the Israelis, so there is my future.

Mr. CONNOLLY. Anyone else on the panel? Yes, Dr. Dunne.

Ms. DUNNE. I would like to note that regarding the status of Hamas in the Arab world, unfortunately it is in the opposite direction from what Mr. Makovsky suggested it should be. In other words, the status of Hamas has risen in the Arab world, and the recognition of Hamas as somehow the legitimate governing body at least in Gaza, and perhaps the legitimate representative of the Palestinians.

This is a very unfortunate development. But we saw, for example, Qatar invited the representative of Hamas to an Arab summit, instead of the PLO. And this is the result of the hopelessness about the two-state solution, the sense that it isn't going anywhere, and it isn't going to go anywhere.

And also, the weakness of the secular nationalist Palestinian leadership, the PLO and Fatah, which frankly has not been able to pull itself together in the last few years and represent, you know, a strong alternative to Hamas.

Mr. CONNOLLY. Mr. Makovsky.

Mr. MAKOVSKY. I will just say very briefly, I mentioned in my remarks that only 35% of Gazans believe Hamas actually won the war.

So I know people like to say that Hamas is 10 feet tall. I don't believe it, given those results.

And Michele is right about that in the Arab satellite television—which is a key form of communication—they did well with the publics. But I think it should be pointed out that President Mubarak, when he understood that national security interests were at stake, he held the line and didn't call for Hamas to take over the crossing points.

And that, to me, is the key. The key is leadership at the top. The public is going to say what it is going to say. And we should care about that, of course; but we should care no less that the leadership, in my view, understand and act in concert when vital issues are at stake.

Because Hamas there, and as, you know, as Danni pointed out, with Iranian support, this is not in the interest of any Arab country. They understand very well who Hamas is aligned to, and I think we need to encourage them to be more clear in public. They whisper wonderful things in private, to all of us. But what is important is what is said in Arabic in public to their own people. They could shape public opinion.

Mr. CONNOLLY. Mr. Makovsky, I only have 30 seconds left. Could you expand a little bit? You predicted that if you were in Nevada, you would bet on Netanyahu putting together some kind of coalition government.

What is that going to look like? And what does that mean for the peace process moving forward, do you think?

Mr. MAKOVSKY. I think a broader-based government, with Livni, the Kadima Party, and making her Foreign Minister, maybe giving one of her colleagues to be the defense minister; you know, they will cobble together a government. I think there will be elements more on the more left side of Israel that will sit it out. But I think that clearly on economic issues—and this shows that there has

been progress. I realize that everyone can be very disdainful that no progress has been made.

Everyone now thinks it is important to build economic institutions in the West Bank. Well, let us see that practically. What does that mean? We, in the United States, should put forward ideas.

But economics is not enough. There has to be a movement on the political process, too. The economics won't sustain it.

But I think under the able leadership of Mr. Fayyad, the Prime Minister who has done fantastic work there, and with Blair and Dayton and all the other who are on the ground, we have some foundation to build on. And any new Israeli Government is going to be receptive to it.

But again, it is not sufficient. I accept the point on the settlements, and the broader process. But there is something to build on.

Mr. ACKERMAN. Thank you. The chair believes Mr. Ellison will be back in. In the meantime, we will entertain a second round of questions for 2 minutes from each of the members, if that is okay with the panel.

I will turn first to my ranking member.

Mr. BURTON. Thank you, Mr. Chairman. I just have one question.

And Syria is the "headquarters" for Hamas. Is there any hope or any indication that discussions between Members of Congress or the administration with the leadership in Syria, that we could bring about a change in their attitude toward Israel and toward stability in the Middle East? And would that be a worthwhile endeavor, as far as stopping them from being conduit for weapons getting into Hezbollah and Hamas coming in from Iran?

In other words, is there any chance that we could have some reasonable status area if we had discussions with them on a multilevel basis?

Mr. MAKOVSKY. Sure, if I may very briefly—and Danni Pletka and I might disagree on this one—but I think it is at least worth a conversation of a new administration with the authorities in Syria about peace.

They have to understand what this involves. It is a realignment of their regional foreign policy. Are they going to sever their military alliance with Iran? Are they going to stop missile flow to Hezbollah? That would be a huge windfall, if they are willing to do basically what Egypt did in the 1970s, and expel the Hamas and Islamic Jihad offices.

I don't think we know the answer to that. And I am not here to say that I know the answer, but my view is it doesn't hurt to have a conversation with the Syrian authorities about that.

Ms. PLETKA. David is right, we do disagree. I think that the problem is not in talking. All of us have enjoyed the election and talking about talking to our enemies, and we are done with that now. But let us not fool ourselves.

The prospect that Bashar al-Assad is going to sever his relationship with Iran and his support for Palestinian so-called rejectionist groups, like Hamas and Palestinian Islamic Jihad, cut off the weaponry and everything else to Hezbollah, and disentangle his own government from interference in Lebanon—and let us not forget, that is a priority for the United States—means essentially that

he would recast the entire nature of the Baathist Alawite regime in Damascus. And certainly I believe it is his estimation that it would be his downfall.

So what we are really saying is come and lie to us a little bit so we can move forward with you, and we can put in place the elements of this great, great game, which all the dominoes fall into place. And we talk to Iran, we isolate them. We isolate the Palestinians, we cut off Syria. I am sorry, forgive me, I have been doing this a little bit too long. It is not credible.

We can go in with an open mind, but for goodness sakes, let us not engage in fantasy.

Mr. ACKERMAN. Mr. Makovsky, in discussing reconstruction you noted the enormous potential of the wealthy Gulf States, and you urge the U.S. to seek their involvement in the process.

What price do you think we would have to pay them in order to get their whole-hearted and open-handed support? And what do they need to make contributions worthwhile politically?

Mr. MAKOVSKY. I am not sure I know the answer. But I mean, they who are the biggest advocates, in theory at least, of Palestinian nationalism, should at least be supportive of their brethren. That has not often been the case.

The things they could do are not just in Gaza. But if they could just do large-scale housing construction projects in the West Bank, I think they would help the Palestinian Authority enormously.

And my view is we just shouldn't let them off the hook. They are very happy to hold our coats and see us pressure the parties. But I think we should just be more insistent than we have been in the past on their participation. That means economic participation; that means their political persuasion and their use of the public bully pulpit to make its views clear on which parties are bringing us closer to a two-state solution, and which ones are bringing us farther away.

And I think because of maybe other priorities we have had, and maybe the price of oil and all sorts of issues, we have not been energetic in dealing with the Gulf States. And I would hope that would change with the Obama administration.

Mr. ACKERMAN. The interesting statistics that have been cited as to who believes Hamas won the war, with that indication saying that was a more popular notion in the West Bank than in Gaza, I guess is because the people in Gaza have to live with the reality, and the people in the West Bank can live with the romance.

In a year from now, what does that poll show?

Dr. ASALI. Well, we hope, and we hope this committee and this administration in general, would contribute to answering that question in the right direction.

I think a commitment to improving the situation in the West Bank, and here I cannot but emphasize how positive the role of General Dayton and his security forces buildup has been important in order to bolster the safety and security of the Palestinian people, which would in turn make it possible to make economic improvements. And all this within the context of a political horizon would be the way to point for the future elections if it is held, let us say 1 year from now.

The Palestinian people cannot but see some kind of an improvement on the ground if they are going to be voting the way you want them to vote. We hope that they would vote.

Settlement freeze, unquestionably, because it undercuts the credibility of the two-state solution. And this is a political, as well as a practical, step that can be taken.

Secondly, withdrawal from cities, and you know, David has already alluded to that one the 8th of September, and access and mobility, improvement of these things. This is not just talk; this is the way people live.

I understand pork in this country. I think we all understand pork in this country. Well, pork is everywhere. If you do not give pork to the people of Palestine, then how can they possibly respond to the kind of politicians and add to that the accusation———

Mr. ACKERMAN. This is the Muslim explaining to a Jew why pork is necessary? [Laughter.]

It works, doesn't it? I think it is the grease.

Mr. MAKOVSKY. I would just add very briefly to Ziad's answer of two specific programs that I think, and if Congress would undertake to help out on the West Bank.

The United States Customs Service in different countries has a container initiative program to seal containers for export. In my view, if this was done in the West Bank, and working with the Israeli authorities as well, that the Israelis didn't have to worry that there are bombs and there are et cetera, it could fast-track Palestinian exports. And exports have been a huge problem.

The second element is biometrics at crossing points that could ensure that movement and access is upgraded.

So my whole premise is, how do you improve Palestinian institutions and better life, and not at the expense of Israeli security? I don't believe it has to be a zero-sum game.

And Mr. Chairman, in mentioning your remarks, I think it is interesting there were virtually no demonstrations in the West Bank during the Gaza initiative. So I think that is an interesting sidelight.

Mr. ACKERMAN. Were there no demonstrations? Or were they tamped down?

Dr. ASALI. There were demonstrations, but they were ruly and orderly.

Mr. ACKERMAN. Anybody else want to answer the underlying question?

Ms. DUNNE. Mr. Chairman, I would like to add a point. I think we need to be realistic about the need for a stronger and more unified nationalist leadership on the Palestinian side.

All of these things that we are speaking of—improving economic conditions, freezing settlement movement and so forth—all of this can help, but none of it will be enough if Fatah is not able to pull itself together in some way. Because that was one of the reasons why they lost the 2006 elections, in addition to the greater credibility that Hamas had in some ways, also Fatah was extremely disorganized. And we have seen that continue.

Despite good leadership of the Palestinian Authority on the ground by Prime Minister Fayyad and President Abbas, we still have seen a failure of political organization and unity. The Fatah

has been trying to organize a general conference to renovate its leadership and so forth, and has failed to do so.

So this is a continuing problem that we have to be aware of and be realistic about.

Mr. ACKERMAN. Thank you. Mr. Ellison.

Mr. ELLISON. Thank you, Mr. Chairman.

Mr. Makovsky, could you identify for us which organizations, which international aid organizations have the experience, the infrastructure, the wherewithal to deliver aid in Gaza?

Mr. MAKOVSKY. I don't feel that I am qualified. I mean, a lot of them, I think there was just $20 million that the United States gave through the International Red Cross and some of the other NGOs. I don't think people are questioning the ability of these organizations so identified by the United States.

Mr. ELLISON. I only ask you because the issue of UNRWA has come up. And I just want to know, do you believe they are one of the groups that are effective at delivering aid in Gaza?

Mr. MAKOVSKY. Well, as I said before, and I will say it again, I feel that UNRWA has an important humanitarian mission. And my hope would be it would focus on its humanitarian mission.

I think there are some other parts that it has evolved into, that were not in its original mission when UNRWA was formed. And I think it has strayed into those areas. And I think the goal is not to abolish it, but to make it more effective. And I think that should be the hope.

Mr. ELLISON. Thank you. I am curious to know your views on the Israeli election. Obviously things are so well settled, it is pretty tough to know what is exactly going to happen.

But in my reading and research, I have run across documents which seem to suggest that Mr. Netanyahu does not necessarily support the two-state solution. Could you give me a better reading of whether some of those documents that I read are accurate, whether they are not accurate? And if he doesn't support the two-state solution, what does that mean in terms of the U.S. policy?

Mr. MAKOVSKY. I think here it is going to be what sort of government is configured. If there is a broad-based government, I think there is hope. Ms. Livni is a very passionate advocate for a two-state solution.

And to be fair to Mr. Netanyahu, who said, well, he wouldn't talk to Yasser Arafat, I remember when he was in the opposition in 1996. Well, when he won, he met with Arafat within 100 days of taking office. And he is the one also, when there was an issue of Hebron—Hebron is one of the most religiously charged cities—and he was the one who reached an agreement there.

So I don't think we should disqualify people. But I do think the constellation of power is important, and there is no doubt, I would have more confidence, in terms of his own rule as part of a broader-based government. I think if he leads a narrow government, frankly I am very concerned. I do not think this will be a walk in the park in terms of United States-Israel relations in the future.

But I don't think he wants to go that way. And he said publicly it would be wrong for him to go that way, and this is one of his biggest regrets when he was in power in the 1990s.

Mr. ELLISON. So Mr. Asali, do you have any views on the same question I just put to Mr. Makovsky? So let me just tighten it up.

If Mr. Netanyahu is the Prime Minister, and given some of the things he is reported to have said—and I can't say he said them to me, so I don't know if he said them or not, I just know what I read—how does the position that he hasn't affirmed the two-state solution square with the U.S. policy embracing the two-state solution?

Dr. ASALI. Well, I think I discussed this earlier about having two elections that matter. One of them was the election in the United States where President Obama is clearly committed to a two-state solution, and his administration is. And there is no doubt in my mind that the agenda of the United States is, should I say carries more weight than a local agenda anywhere when it comes to discussions about international interests.

I imagine that Mr. Netanyahu would have to adjust his thinking or his campaign rhetoric or his previous position to come to some terms with the President of the United States if he is going to have any relations that are meaningful.

Mr. ELLISON. And Ms. Dunne, could you offer some views on some of the comments that Mr. Netanyahu has said, reported in the press? Again, I haven't talked to him, so I don't know if he said this, but he reportedly said he wasn't in favor of negotiating land for peace with Syria on the Golan. Are you familiar with those comments?

Ms. DUNNE. Actually, I am probably less an expert on Netanyahu's statements than Mr. Makovsky.

Mr. ELLISON. Well, let us go back to Mr. Makovsky, then.

Mr. MAKOVSKY. Like, here is welcome to the Middle East, you know.

Mr. ELLISON. Right.

Mr. MAKOVSKY. Because Mr. Netanyahu said that, and he went up to the Golan Heights when he said it.

But the same Mr. Netanyahu, through a cosmetics executive by the name of Ronald Water, in 1998 actually cut a back-door deal. Well, it was awaiting a signature. And it was a fellow named Ariel Sharon who was then his Foreign Minister who squashed it.

I think there is speculation in Washington and a lot of capitals that Mr. Netanyahu, if he is going to surprise us, will surprise us on the Syria track because there the issues are much more clear-cut. Given what was said before about Iran and Hezbollah, the regional benefits, the biggest cheerleaders in Israel for talks with Syria are the Israeli military.

And given his track record in 1998 and the fact that Mr. Sharon tragically is not around to stop it, I don't think we could rule out that what Mr. Netanyahu said on the campaign trail and what he does in office may be two separate things.

Mr. ELLISON. Am I all done, Mr. Chairman? Okay.

Now, we have now a three-state situation, not a two-state. What position should the United States take regarding Palestinian unity talks?

I mean, one of the interesting things that is going on here is that if the United States or Israel's—I mean, if Mr. Mahmoud Abbas said I will sign any document you put in front of me, he still

couldn't speak for all the Palestinian people. What does that mean, going forward? Ms. Dunne, do you care to offer a view on that?

Ms. DUNNE. Thank you, Congressman. I think you have raised an extremely important point, Congressman, that this lack of Palestinian unity, lack of unified leadership is a serious problem moving forward.

I am not an advocate of direct U.S. engagement with Hamas, which we consider to be a terrorist organization. But I do think the United States has become gradually more supportive of efforts by Egypt, for example, to get Fatah and Hamas talking to each other, and to try to work out some sort of unified arrangement.

There is the possibility of some kind of a technocratic type of Palestinian Government, or a government that would not bring senior leaders of Hamas into major positions.

Probably some kind of arrangement like this needs to be worked out so that there can be a restoration of some semblance of connection or unity between the West Bank and Gaza once again and so that the Palestinians eventually can move toward elections, hopefully under a situation where there is a much more hopeful prospect for realization of the two-state solution and so forth.

But all of this is going to take some time. And the United States, I also agree with what Ms. Pletka said in terms of the United States not really being able or being very good at getting in and trying to re-engineer Palestinian politics directly.

Mr. ELLISON. Mr. Asali, do you want to talk on this?

Dr. ASALI. Yes, thank you. This and many other issues have really been dealt with in our long document, and I recommend for people who have time to read it.

I think the idea that a unity government that would repeat the Mecca Agreement that would be rejected by the international community is a non-starter. We do not want to have a Palestinian Government again in a position where it is in its entirety rejected by the international community.

What can be done, and what is being considered as far as I know, is what is called a national accord government, whereby you have individuals who are supported by Fatah or Hamas or whatever, who would be on that, who would serve on that government without direct participation, either Fatah or Hamas, as partisans. Which would have two assignments. One is work on the relief and reconstruction business; two is prepare for elections.

I think this is not an entirely bad idea. I think it is something that most people can live with. And I think this is something that the Egyptians are working very hard to put together. We will see how this jells in the next few days in Cairo. And I think that the United States has to commit itself to the idea that a two-state solution is appropriate; that elections to validate whatever agreement that eventually are subjected to the Palestinian people through negotiations, is the way to go.

If that is acceptable, then we can make progress, I think.

Mr. ELLISON. What progress can we make in terms of opening up the crossings? As I understand from things I have read from UNRWA, there is about 120 trucks going through the Karni Crossing now, and they need about 700 a day.

Dr. ASALI. Yes.

Mr. ELLISON. What can be done to get that, the aid flowing to the degree that it needs to be? Mr. Asali, do you want to address it?

Dr. ASALI. First off, I just want to, I want to say that these are the statistics, the accurate statistics that all of us have. And I think there is, you know, with all due respect, there is a problem still with delivering these trucks. And it is all tied into the security issues or the explanation that it is a security issue.

We said there are two separate issues that have to be dealt with immediately. One is the humanitarian relief. You cannot have people not have enough to eat or drink, or have their daily needs, day-to-day life, hospital, et cetera. You cannot have that, and accept it, and accept any kind of political explanation for that. Those kinds of things have to be dealt with with these kinds of organizations that we talked about: UNRWA, CHF, et cetera, et cetera. All of them have to have enough.

And they have the statistics. They know how many trucks are needed. And the materials that Israel would let go through. All these things have to be done, and done quickly.

The other is reconstruction.

Mr. ELLISON. Last one. Mr. Makovsky, if we, if Israel could open up those Karni Crossings, and if they had the scanning material that they needed to make sure there was no contraband coming in, wouldn't that make the security issue on the border easier? Because then you could assume that, you know, any non-humanitarian goods-and-service-type stuff in those tunnels is probably up to no good.

Mr. MAKOVSKY. I think you raise a very good point. Once you make the distinction between, that it be clear that anything that goes through the tunnels is patently illegal, I think that is a very good idea.

I just think the Palestinian Authority should be the one manning those crossing points to get the credit. But I certainly believe humanitarian assistance, which Israel says it is doing, that whatever can be done is intensified.

Mr. ACKERMAN. Unless anybody has an immediate solution to the problem in the Middle East and the funding, this committee will be adjourned.

[Whereupon, at 11:43 a.m., the subcommittee hearing was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

SUBCOMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS

U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C.

Subcommittee on the Middle East and South Asia
Gary L. Ackerman (D-NY), Chairman

February 5, 2009

TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS

You are respectfully requested to attend an OPEN hearing of the Subcommittee on the Middle East and South Asia, to be held in **Room 2172 of the Rayburn House Office Building:**

DATE: Thursday, February 12, 2009

TIME: 9:30 a.m.

SUBJECT: Gaza After the War: What Can Be Built on the Wreckage?

WITNESSES:

Mr. David Makovsky
Director
Project on the Middle East Peace Process
The Washington Institute for Near East Policy

Ziad J. Asali, M.D.
President & Founder
The American Task Force on Palestine

Michele Dunne, Ph.D.
Senior Associate
Carnegie Endowment for International Peace

Ms. Danielle Pletka
Vice President
Foreign and Defense Policy Studies
American Enterprise Institute for Public Policy Research

NOTE: Witnesses may be added.

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF SUBCOMMITTEE ON *the Middle East and South Asia* MEETING

Day *Thursday* Date *2/12/09* Room *2172*

Starting Time *9:35am* Ending Time *11:45am*

Recesses [ ] (____ to ____)

Presiding Member(s) *Ackerman*

CHECK ALL OF THE FOLLOWING THAT APPLY:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]

Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING or BILLS FOR MARKUP: *(Include bill number(s) and title(s) of legislation.)*

Gaza After the War: What Can Be Built on the Wreckage

SUBCOMMITTEE MEMBERS PRESENT:

Ackerman, Carnahan, McMahon, Berkley, Crowley, Costa, Ellison, Klein, Wexler, Connolly, Burton, Inglis, Royce

NON-SUBCOMMITTEE MEMBERS PRESENT: *(Mark with an * if they are not Members of HIRC.)*

Berman

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] No [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Burton- opening statement, Ellison- ADC statement

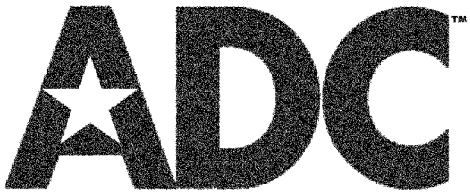
ACTIONS TAKEN DURING THE MARKUP: *(Attach copies of legislation and amendments.)*

RECORDED VOTES TAKEN (FOR MARKUP): *(Attach final vote tally sheet listing each member.)*

Subject	Yeas	Nays	Present	Not Voting

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *11:45am*

Subcommittee Staff Director



Gaza After the War:
What Can Be Built on the Wreckage?

A Hearing of Subcommittee on the Middle East and South Asia

Gary L. Ackerman (D-NY), Chairman

Testimony of American-Arab Anti-Discrimination Committee
National Board Chair Safa Rifka, MD

American-Arab Anti-Discrimination Committee | 1732 Wisconsin Ave NW | Washington, DC 20007

INTRODUCTION

Mr. Chairman and members of the committee, on behalf of the American-Arab Anti-Discrimination Committee, the nation's largest Arab American civil and human rights organization, I would like offer the following remarks for this important hearing.

THE ATTACKS ON GAZA

The exploitation of division between the Palestinians has led to a humanitarian disaster in Gaza. Electricity, water and food are scarce in one of the world's most densely populated spots. Chronic malnutrition has long since reached third world standards and the vast majority of 1.5 million residents of Gaza live below the poverty line.

The most recent Israeli assault on the people of Gaza has left over 1300 Palestinians dead and thousands more injured, some maimed for life. Thirteen Israelis, three of them civilians, tragically lost their lives in this conflict as well. This horror came after 18 months of sanctions of siege, a period during which 262 Palestinians died from lack of medical treatment and nourishment. According to the United Nations, the vast majority of the casualties were civilians.

Throughout the course of this attack, the State of Israel used American made weapons to target a largely civilian population. Despite numerous claims from the Israeli Defense Forces, independent human rights organizations such as Amnesty International have indicated that the Israeli offensive in Gaza may have been tantamount to war crimes. It is time that another State Department investigation is launched into potential Israeli violations of the Arms Export Control Act and it is time for Congress to hold a hearing on such a report.

The reality of this 22-day War reached the living rooms of concerned people around the world. The images of children, fatally wounded by American produced weaponry, are not conducive to any of our efforts to bridge divides between the United States and the Arab and Muslim World. The solution to this is not to censor these images, but rather to prevent American manufactured weapons from destroying civilian lives and infrastructure. Our government has so far failed in its oversight responsibility and enforcement of our own laws prohibiting such atrocities.

It is also imperative that immediate humanitarian assistance should be sent to Gaza to help aid the traumatized civilian population, assist the overburdened and incapable health system, and send a message that the United States truly cares about Palestinian civilians. But not only be

sent but be allowed into the territory. In addition to humanitarian aid supplies, reports are circulating that UN run schools don't even have textbooks because Israel has blocked supplies of paper from entering the territory.

POLICY PROBLEMS OF DIVISION

Eight years of the Bush Administration policies in the Middle East has left much of the region in disarray, and the Palestinians have perhaps suffered immeasurably.

At the end of the Clinton Administration we were left with an ongoing Camp David process in Taba where the Palestinians were represented by then Chairman of the PLO, Yasser Arafat. As he had done so many times before, Arafat represented the Palestine Liberation Organization in an international forum.

The PLO developed in exile and operated in Jordan, Lebanon, Tunis and elsewhere. Its legitimacy came from international recognition by the Arab League and other international bodies which accepted the PLO as the "sole legitimate representative of the Palestinian people".

Even after Oslo and the creation of the Palestinian Authority and despite Arafat election as President of the Palestinian Authority in 1996, when Arafat represented Palestinians, he continued to be "Mr. Chairman" since he acted in his capacity as the head of the PLO.

But what had been the status quo for so many years, starting with President George H.W. Bush at the Madrid Conference in 1991 and continued by President Clinton through 2000. These efforts shifted drastically under President George W. Bush from 2001-2009.

Despite being unengaged for the majority of his tenure, President Bush's policies can be characterized in two periods. The first period was the marginalization of Yasser Arafat and the push for the democratization of Palestinian governing institutions. After Arafat's death, the free and fair election of Mahmoud Abbas as President of the Palestinian Authority in 2005 was lauded by President Bush and he continued to call for the democratization of Palestinian institutions, including in the Palestinian Legislative Council elections of 2006, until he saw the outcome.

The election of Hamas in 2006 was the end of the first era of Bush policy toward the conflict. But for nearly 6 years the message from Washington completely contradicted the messages that had been emanating from Washington earlier. What Palestinians were hearing from

President Bush was that the PLO was defunct and the only true and legitimate representation is the democratically elected leadership of the Palestinian Authority.

Of course when the largest opposition party in Palestinian politics, the Islamic Resistance Movement, participated in the election for the first time and won, the policy of the Bush Administration abruptly halted and began to meander backwards in disarray.

What resulted from this, however, was a crisis of legitimacy in Palestinian politics. The election of Hamas, while upsetting for many, was for better or worse, was democratic, with numerous US and international observers attesting to this and it is also not something that can be erased from history. This issue exposed a crisis of legitimacy.

Since the election we have seen the divisions among the Palestinian people grow. The second part of Bush administration policy toward the conflict can be characterized as one that encouraged division between Palestinians. The continued neglect of the elected party and later the suffocation of the people in Gaza, coupled with the support for Mahmoud Abbas' Fatah party and the economic revitalization centered in Ramallah, served only to reinforce the perception among many Palestinians that the United States and Israel sought a more divided Palestinian nation.

The negotiations at Camp David in 2000 were, according to many observers, the closest we have come to a lasting agreement between both parties. When the delegations left Camp David, the late Yasser Arafat admitted that he could not agree to the conditions of accords without the consent of the Palestinian people.

I ask you, if Yasser Arafat, the longest serving leader in the history of official Palestinian representation, did not have the legitimacy to sign the Camp David Accords without public consent, how can we expect a Palestinian partner to accept an agreement today when the leadership is fragmented, and there is much less on the table?

The policies of the Bush Administration have yielded destruction, division and the exact opposite of peace. It is time for a fundamental shift in our policy toward the conflict. To continue to do the same things over and over again and expect different results, as the esteemed American thinker Benjamin Franklin said, is the very definition of insanity.

STEPS FORWARD

Forge Palestinian Unity

With that said, any Obama administration policy, interested in achieving a realistic and lasting agreement between Israelis and Palestinians, must be a policy that encourages unity among the Palestinian people and not division.

Enforce Agreements Evenhandedly

The outcome of the recent Israeli elections indicates the electorate's sharp movement to the right end of the political spectrum. The leaders of the Likud and Yisrael Beiteinu parties, who will likely lead the next Israeli government, have openly announced their intentions to ignore previous promises made by the former Israeli governments. The United States must communicate a clear message to the new Israeli government that we expect them to abide by previous agreements and that the illegal occupation of Palestinian territory, the expansion of settlements, and destruction of civilian life are debilitating the two-state solution.

CONCLUSION

Ultimately, the United States will continue to play as significant role in the dynamics of the Israeli/Palestinian Conflict whether it is through its active engagement for peace, or its deafening silence in the face of Israeli occupation.

One of the first actions of President Barack Obama was to name former Senate Majority Leader George Mitchell as the special envoy to the Middle East. He has proven his abilities to broker peace in other troubled spots in the world and we all hope and pray that Envoy Mitchell will be successful in his efforts.

Thank you, Mr. Chairman and members of the Committee for allowing me to make a state at this very important hearing.

Dr. Safa Rifka

Chair, American -Arab Anti-Discrimination Committee

○