

DOCUMENTS AND SOURCE MATERIAL

INTERNATIONAL

A1. UN SECRETARY GENERAL KOFI ANNAN, ADDRESS TO THE OPENING SESSION OF THE UN GENERAL ASSEMBLY, NEW YORK, 19 SEPTEMBER 2006 (EXCERPTS).

In his final address to the UN General Assembly before leaving office, Secretary General Kofi Annan gave an unusually sober assessment of the challenges facing the world community. The brief excerpt below concerns the impact on the United Nations of the nonresolution of the Arab-Israeli conflict. The centrality of this conflict and the urgency of reaching a settlement are addressed in several other documents this quarter (see Docs. A3, A4, A6, and D3 below). The full text of the address is available at www.un.org.

...Just as some who benefit from globalization may feel threatened by it, so many who are statistically safer from conflict do not feel safe. For that, we have terrorism to thank. It kills and maims relatively few people, compared to other forms of violence and conflict. But it spreads fear and insecurity. And that, in turn, drives people to huddle together with those who share their beliefs or their way of life, while shunning those who appear "alien."

Thus, at the very time when international migration has brought millions of people of different creed or culture to live as fellow-citizens, the misconceptions and stereotypes underlying the idea of a "clash of civilizations" have come to be more and more widely shared; and insensitivity toward other people's beliefs or sacred symbols—intentional or otherwise—is seized upon by those who seem eager to foment a new war of religion, this time on a global scale.

Moreover, this climate of fear and suspicion is constantly refueled by the violence in the Middle East. We might like to think of the Arab-Israeli conflict as just one regional conflict amongst many. But it is not. No other conflict carries such a powerful symbolic and emotional charge among people far removed from the battlefield. As long as the Palestinians live under occupation, exposed to daily frustration and humiliation; and, as long as Israelis are blown up in buses and in dance halls: so long will passions everywhere be inflamed.

On one side, supporters of Israel feel that it is harshly judged, by standards that are not applied to its enemies—and too often this is true, particularly in some UN bodies. On the other side, people are outraged by the disproportionate use of force against the Palestinians and by Israel's continued occupation and confiscation of Arab land.

As long as the Security Council is unable to end this conflict, and the now nearly 40-year-old occupation, by bringing both sides to accept and implement its resolutions, so long will respect for the United Nations continue to decline. So long, too, will our impartiality be questioned. So long will our best efforts to resolve other conflicts be resisted, including those in Iraq and Afghanistan, whose peoples need our help just as badly, and are entitled to it. And so long will our devoted and courageous staff, instead of being protected by the blue flag, find themselves exposed to rage and violence, provoked by policies they neither control nor support.

A2. UN EXPERTS, REPORT ON SPECIAL FACT-FINDING MISSION TO LEBANON AND ISRAEL FOLLOWING THE END OF HOSTILITIES, GENEVA, 2 OCTOBER 2006 (EXCERPTS).

The forty-one-page report, presented to the UN Human Rights Council in Geneva, was prepared by four UN experts ("special procedures mandate holders" concerned with extrajudicial executions, the right to health, internally displaced persons, and the right to housing) on the basis of their fact-finding mission to Lebanon (7–10 September) and Israel (10–14 September). The study, which found "major violations" on both sides, includes analysis of relevant human rights and international humanitarian law and detailed recommendations to the various parties. The excerpts reproduced below cover the protection of the civilian populations both during and after the conflict. Footnotes have been eliminated for reasons of space. The report is available in full at www.ohchr.org.

IV. The Protection of the Civilian Population during the Conflict

A. Lebanon

32. During "Operation Change of Direction" from 13 July to 14 August 2006, IDF undertook two parallel efforts, an "air war"

involving attacks on Hezbollah fixed and mobile targets and Lebanese infrastructure and private homes, and a “ground war” involving the invasion of Lebanon and direct engagements with Hezbollah fighters.

33. In the conduct of the air war—which had a greater impact on the civilian population compared to the limited ground invasion—Israel used air, naval, and army forces. The Israeli Air Force flew some 15,500 sorties over Lebanon, attacking more than 7,000 “targets.” The Israeli Navy conducted over 2,500 bombardments of targets within range of the Lebanese coast. The Israeli Army fired tens of thousands of artillery shells and multiple launch rockets.

34. In the conduct of the hostilities, Israel is accused of having violated the principle of distinction between military and civilian targets, the principle of proportionality, and the prohibition of indiscriminate attacks. Hezbollah is accused of having used the civilian population of Beirut’s southern and eastern suburbs (*Dahiye*) and of towns and villages in southern Lebanon as “human shields.” These alleged violations need to be discussed because of their impact on human life, housing, health, and internal displacement covered by the mandates of the four independent experts. . . .

2. Attacks on Hezbollah and the Principle of Distinction

38. One well-informed analysis of Israel’s targeting policies concluded that they were premised upon the permissibility of targeting the whole of Hezbollah’s infrastructure:

“Targets belonging to the Hezbollah infrastructure which support the terrorist-operative apparatus in the Shi’ite neighborhoods of south Beirut (e.g., Dahiya) and other locations in Lebanon [are]: headquarters, offices, buildings serving Hezbollah’s various branches, leaders’ residences and the bunkers they are hiding in, as well as the organization’s ‘information’ infrastructure (Al-Manar TV) and offices of the organization’s social and financial infrastructure.”

39. Such an enumeration of permissible targets is inconsistent with the principle of distinction.

40. While Hezbollah was in conflict with Israel, it does not follow that every member of Hezbollah could be justifiably targeted. Individuals do not become legitimate military objectives unless they are combatants or civilians directly participating in hostilities. Many members and supporters of Hezbollah do not meet either criterion. Similarly, not every building owned by or associated with Hezbollah constituted a legitimate mil-

itary objective. Hezbollah is, in addition to being an organization using violence, a political movement and social services enterprise, particularly in the *Dahiye* and the areas of southern Lebanon with a Shi’ite majority population. It runs medical facilities, schools, groceries, an orphanage, a garbage service, and a reconstruction program for homes damaged during Israel’s invasion. It is the country’s second-largest employer, holds 14 seats in parliament and, since 2005, is part of the Government.

41. Various Israeli targeting decisions operationalized this failure to distinguish military from civilian objectives. For example, some of the warnings stated that, “[a]ny vehicle of any kind traveling south of the Litani River will be bombarded, on suspicion of transporting rockets, military equipment and terrorists.” Israel’s responsibility to distinguish between combatants and civilians is in no way discharged by warning civilians that they will be targeted. Warnings are required for the benefit of civilians, but civilians are not obligated to comply with them. A decision to stay put—freely taken or due to limited options—in no way diminishes a civilian’s legal protections. It is categorically and absolutely prohibited to target civilians not taking a direct part in hostilities.

42. As regards the destruction of high-rise buildings in the south-eastern suburbs (*Dahiye*) of Beirut, Israeli bombing destroyed about 150 apartment buildings and damaged approximately the same number. Because the buildings, which would normally have housed between 30,000 and 60,000 persons, had been nearly entirely evacuated before they were struck, the loss of life was limited. Because the mission was not able to obtain from the Lebanese authorities disaggregated data about the geographical distribution within Lebanon of the overall 1,191 deaths, a more precise statement is not possible at this stage. It also remains, moreover, unclear how many of those killed were Hezbollah fighters.

43. The IDF position is that each building targeted constituted a specific military target according to the definition of Hezbollah infrastructure outlined above, the most important being the Hezbollah headquarters and the bunkers with alleged long-range rocket launch sites. They argue that the fact that individual buildings remain standing next to others completely destroyed shows that IDF targeting was appropriately selective. The mission’s requests for specific information as to the military objective pursued

with the destruction of each building and the concrete and direct military advantage anticipated at the time of attack, however, remained unanswered on the grounds that such information must remain classified. This response is inadequate, however, in light of the evidence available.

44. In South Lebanon, thousands of buildings were destroyed and many others damaged by IDF attacks. The mission did not obtain any precise data as to the overall number of persons killed in South Lebanon during the conflict although it is clear that a great many civilians were killed. As to the number of Hezbollah fighters among the dead, figures contained in Hezbollah statements vary widely from those provided by the Government of Israel.

45. The mission drove through a stretch of South Lebanon from Tyre to Ayta ash-Shab through Qana and Bint Jbeil and its members witnessed the destruction of hundreds of houses, some of which had been bulldozed.

46. According to Israel, buildings were targeted in the "air war" primarily on the basis that they served as launching or storage sites for rockets or other materiel, and secondarily on the basis that they hosted Hezbollah fighters. Video footage provided by Israel shows instances of rockets being fired from residential buildings and thus confirms instances of Hezbollah abusing civilian objects in its military operations. But this cannot be dispositive justification for the destruction of hundreds of civilian houses in South Lebanon, nor other distant houses or infrastructure. In order to show that the attacks did not violate the principles of distinction and proportionality and the prohibition of indiscriminate attacks, Israel would need to provide substantially more and qualitatively different information relating to questions such as the kind of information on the basis of which specific houses and villages were targeted, the time lapse between the firing of a rocket from a house or village and the IDF attack in response, and the estimate by IDF of civilian presence in and around the target at the time of the strike. In the absence of such information the mission cannot conclude that the widespread targeting of civilian houses by IDF complied with international humanitarian law. In the absence of systematic evidence of any type, however, it is impossible to confirm the validity of the claim that every target was a legitimate military objective or that the principle of distinction was respected.

47. The same conclusion must be drawn regarding the reports of 12 destroyed and 38 severely damaged health facilities, notably in Bent Jbeil, Marjayoun, and Nabatieh. Ambulances and medical convoys were, according to ICRC [International Committee of the Red Cross], also hit during the conflict. In the absence of concrete evidence to the contrary, it must be assumed that the health facilities and ambulances attacked were not legitimate targets. In this context it is important to stress that killing persons placed *hors de combat* is prohibited at any time and in any place whatsoever.

48. There are well-documented reports of IDF strikes on civilian convoys fleeing villages in the South as a result of IDF warnings, including that which killed 21 civilians fleeing Marwahin. Israel has generally not disputed that these strikes occurred or that deaths resulted, but it has argued that if civilian convoys were attacked it was justified by Hezbollah's abuse of civilian convoys to move around fighters and materiel. The mission could not carry out any significant fact-finding to assess whether Hezbollah did in fact misuse the Marwahin or other convoys in this way. But it is important to note that the answer to this question would not by itself resolve the matter. To do so Israel would need to detail how many fighters were estimated to be among the civilians, the kind of materiel they were transporting, what precautions were taken to limit the impact of the strike on the civilians in the convoy, the concrete and direct military advantages anticipated at the time of attack and how did they outweighed [*sic*] the expected civilian casualties, and whether full consideration was given to other options designed to obtain the desired military effect.

3. Attacks on Dual-use Objects

49. The conflict was characterized, *inter alia*, by large-scale aerial attacks on parts of the Lebanese infrastructure, in particular roads and bridges. The mission notes that such attacks on the transportation infrastructure had a particularly debilitating effect on the safe transportation of IDPs [internally displaced persons], the provision of humanitarian assistance, and access to medical care, and thus raises questions from a human rights perspective. Israel justifies these attacks with reference to the military use of these objects, turning them into so-called dual-use objects that can be legitimately attacked.

50. In characterizing objects, in particular objects that serve primarily civilian purposes, as legitimate military objectives (see para. 38 above), Israel relies heavily on the “list of categories of military objectives” included in the ICRC Draft Rules for the Limitation of the Dangers Incurred by the Civilian Population in Time of War (1956). The list is relevant, but it cannot be seen as the end point of an analysis. The current legal rule, adopted in Additional Protocol I and recognized as customary, not only requires that the targeted objects, due to “their nature, location, purpose or use make an effective contribution to military action,” but also demands that their “partial or total destruction, capture or neutralization, in the circumstances ruling at the time, [offer] a definite military advantage.” The law in force thus imposes a test that requires an object-specific and context-specific assessment of each target rather than a test based on an object’s generic classification.

51. The distinction between a categorical and a context-specific approach is crucial to evaluating Israel’s targeting practice during this conflict. For example, a road connecting southern Lebanon to the rest of the country could be considered to contribute to Hezbollah’s military action and a bridge along such a road may thus be a legitimate military objective. But no such justification is plausible for most other areas, including targets in areas inhabited by populations with no links to Hezbollah. The mission notes that such attacks on the transportation infrastructure have a particularly debilitating effect on the safe transportation of IDPs, the provision of humanitarian assistance, and access to medical care.

4. The Use of Cluster Bombs in Southern Lebanon

52. The principal concern of many of the mission’s interlocutors in Lebanon was the massive use by IDF of cluster munitions and the ongoing impact of unexploded sub-munitions (bomblets) on the civilian population.

53. The United Nations Mine Action Coordination Centre (UNMACC) in Tyre had, as of 23 September 2006, recorded and confirmed 590 individual cluster bomb strike locations, mainly in built-up and agricultural areas, and UNMACC was continuing to discover additional strike locations. These unexploded bomblets are small, often difficult to spot, and highly volatile. Between the end of the

armed conflict and 26 September 2006, unexploded cluster bomb sub-munitions killed 14 and injured 90.

54. The available information is not sufficient to estimate the total number of bomblets with confidence or precision. The total number of bomblets—exploded and unexploded—could conceivably be as low as 158,000 or as high as 1,170,000. However, on the basis of the information available about the type of cluster munitions used by IDF, about the overall quantity of such weapons expended and the strike sites and bomblets found and destroyed, the mission finds the most likely estimate to be that between 850,000 and 1 million bomblets were expended. Depending on the failure (dud) rate, which appears to have been particularly high in this campaign, it is likely that between 170,000 and 340,000 unexploded bomblets were left in southern Lebanon. Some 15,000 bomblets had been found and eliminated at the time of the visit.

55. The justification given by the Government of Israel for the use of cluster bombs is that they were the most effective weapon against Hezbollah rocket launch sites. This argument is, in the abstract, compatible with a military rationale for the use of anti-personnel cluster bombs, as the radius of damage extends to the size of a football field and thus is able to neutralize mobile rocket launchers. The IDF interlocutors of the mission did not provide any information that would confirm that these weapons were in practice used in a manner consistent with this military rationale.

56. Regardless of whether the military rationale was sound, the use of cluster munitions was inconsistent with principles of distinction and proportionality. Israel could not reasonably have been ignorant of the fact that the sub-munitions dispersed by cluster munitions have a high failure (dud) rate. In effect, then, the decision was taken to blanket an area occupied by large numbers of civilians with small and volatile explosives. The impact of these bomblets would obviously be indiscriminate and the incidental effects on civilians would almost certainly be disproportionate. Nothing the mission heard from IDF suggests that their long-term effects on the civilian population was considered problematic before the decision to use cluster munitions was made. The mere fact that cluster munitions are not a banned weapon should not have led Israel to overlook other requirements of international humanitarian law.

57. Moreover, one government official acknowledged that cluster bombs were used in part to prevent Hezbollah fighters from returning to the villages after the ceasefire. As these sites were often located in civilian built-up or agricultural areas, the long-term effect on the civilian population should have been obvious. This rationale would be consistent with reports from UNMACC and other sources that the majority of the cluster munitions were delivered in the final 72 hours of the conflict, when a ceasefire was imminent. While some Government of Israel interlocutors denied the allegation, others spoke of a gradual crescendo in the use of cluster bombs during the last 10 days of the conflict.

5. Use by Hezbollah of Civilian Sites for Military Activities

58. It is clear that Hezbollah made at least some use of houses and other civilian sites to hide or conceal military activities. Although systematic evidence was not presented to the mission in this regard, the Government of Israel has provided it with video material unmistakably showing rockets being launched from civilian residential buildings in South Lebanon. This conduct was a violation of international humanitarian law obligations. The question of whether Hezbollah used human shields is more complicated, and the mission did not receive clear evidence on that issue. Under international law, the term "human shield" is appropriate when there is "an intentional collocation of military objectives and civilians or persons *hors de combat* with the specific intent of trying to prevent the targeting of those military objectives." This relatively precise definition of the term should be maintained, especially in light of the distinction between war crimes and other violations of humanitarian law.

6. Impact on the Civilian Population [...]

60. The destruction of homes in villages of the south of the country is said to have been the main cause of civilian deaths during the conflict. According to UNIFIL, on 15 August 2006, in Tayyabah, 80 percent of the civilian houses were destroyed, 50 percent in the villages of Markaba and Qantarah, and 30 percent in Mays al-Jabal. In the *Dabiya*, some 150 apartment buildings were destroyed and approximately the same number damaged. Between 30,000 and 60,000 persons are left without homes. The death of at least 28 civilians due to the collapse of a three-storey

residential building hit by Israeli missiles in Qana on 30 July 2006 underscores the relevance of destruction of buildings as a cause of death of civilians. A significant number of deaths were also reported in areas outside Beirut and the south of Lebanon such as in the Bekaa Valley.

61. The demolition of homes in violation of international humanitarian law (see para. 46 above) and subsequent displacement amounts to forcible eviction and calls into question numerous international human rights requirements. As stated by the Commission on Human Rights in its resolution 1993/77, forced evictions constitute "gross violations of human rights, in particular the right to adequate housing."

62. The destruction of thousands of homes forced many displaced families to live in situations marked by high density; lack of access to water, sanitation, electricity, health care; and generally insecure housing and living conditions. Others were forced to live in the open in places such as the Samaya Garden. This impacted on the well-being of individuals and families and contributed to mental health problems, especially among women and children.

63. One of the requirements of the right to the highest attainable standard of health is that health care be accessible to all, including children, the elderly, women, people with disabilities, and other especially vulnerable individuals and groups. During the conflict, the remaining inhabitants of a number of villages in South Lebanon became extremely isolated, seriously jeopardizing their access to elementary health care. While many inhabitants fled, most of those remaining were elderly or people with disabilities. Their acute vulnerability was compounded by the security situation, which made it dangerous for anyone to travel. The destruction of roads and bridges made it very difficult for the villages to be reached by emergency medical and other services. If pre-packaged emergency medical kits reached the isolated communities, the contents of the kits did not always cater for the distinctive chronic health problems of the elderly (e.g. hypertension and diabetes), although agencies tried to supplement the kits as necessary. Inhabitants who were able to leave their villages to seek medical care often found the local health clinics destroyed, damaged, or closed (see para. 47 above). During hostilities, access to mental health care became a major issue: in the last week of the conflict, Médecins sans Frontières reported that

20–30 percent of all its consultations related to mental health problems. These isolated communities of especially vulnerable people also suffered from a lack of other elements of the right to the highest attainable standard of health, including access to water (see para. 89 below). Although the problem of access to basic health care was especially grave in relation to these isolated rural communities, the problem extended beyond these villages.

64. The same communities also suffered from severe problems relating to denials of the right to adequate housing, such as access to potable water, sanitation, and electricity.

65. The military operations caused large-scale displacement. According to official government figures, 974,184 persons were displaced by the conflict, an estimated 128,760 of whom were accommodated in schools and other public buildings. An estimated 220,000 fled to the Syrian Arab Republic and other countries while the rest remained in Lebanon. A total of 128,760 IDPs were accommodated in schools or with families or friends, and 200,000 remain displaced because Israeli military operations damaged or destroyed their homes.

66. While some IDPs left on their own initiative, others were warned by IDF which dropped leaflets from planes or made individual telephone calls (see para. 41 above). International human rights law prohibits arbitrary displacement—a notion which includes displacement in situations of armed conflict—which is not warranted by the need to ensure the security of the civilians involved or imperative military reasons. The principle of precaution requires each party to the conflict to give effective advance warning of attacks which may affect the civilian population, and give it enough time and the opportunity to evacuate safely, unless circumstances do not permit. Reported cases of civilians attacked while fleeing cast doubt as to whether these obligations were always met.

67. As regards protection and assistance for the displaced persons, one has to note that, while Lebanon has experienced displacement before, it was caught unprepared by the magnitude of the recent displacement. The intensity of the conflict affecting large parts of the country, the degree of destruction of civilian infrastructure, and the far-reaching limitations on humanitarian access exacerbated the crisis. Despite an unprecedented degree of support and solidarity by nongovernmental organizations

and civil society and the population at large, many IDPs were in desperate need of assistance, especially the elderly, ill, and poor, often consisting of large families with small children. While maternal mortality and morbidity rates did not deteriorate among the IDPs, the mission was informed that maternal health and the health of newborns were compromised. The Lebanese authorities, other Lebanese actors, and the international community managed to avoid a large-scale humanitarian crisis among the IDPs despite very difficult circumstances.

B. Israel

1. The Conduct of Hostilities by Hezbollah

68. The public statements of the Secretary-General of Hezbollah, Hassan Nasrallah, explicitly reject the requirements of international humanitarian law, and Hezbollah's conduct appears to reflect this lawless approach to the conduct of armed conflict. While many of his statements do recognize that there are valid distinctions between civilians and combatants and between civilian and military objects, they argue that Hezbollah has a right and even a duty to disregard these distinctions in the pursuit of victory.

69. First, these statements reject the absolute character of the principle of distinction. Second, these statements argue that Hezbollah has a right to violate humanitarian law in so far as Israel does so: when “the Zionists” in their conduct abandoned all rules, red lines, and limits of engagement, it became Hezbollah's right to respond in like fashion. This analysis leads to the conclusion that so long as Hezbollah's violations of the law are “reactions” to Israeli excesses—whether violations of the law or of otherwise defined limits of engagement—they are justified.

70. The notion that one party's violation of humanitarian law may justify the other party's violation is called reprisal. Leaving aside the question of requirements for a reprisal to be legitimate, reprisals against civilians are absolutely prohibited.

71. Hezbollah's actual conduct was consistent with Mr. Nasrallah's public statements. Of the 4,000–4,500 rockets fired, about 900 hit built-up areas, i.e. villages, towns, and cities; the remainder landed in “open areas,” according to Israeli sources. The vast majority of rockets (more than 50 percent) landed in three areas: Kiryat Shmona, Nahariya, and Tzfat (Safed). Other

hard-hit towns include Karmiel, Akko (Acre), Haifa, and Tiberias. Although IDF provided no evidence that military installations had been hit, the number of Israeli soldiers killed and wounded would seem to indicate that a significant number of Hezbollah attacks did hit military targets.

72. The vast majority of rockets fired by Hezbollah were 122-mm "Katyushas," some of them with a larger warhead and modified to increase the range up to 50 km. But a variety of other weapons were also used, including 220-mm mobile rockets modified to carry thousands of small ball bearings, which spray out over a radius of up to 300 m when the rocket strikes and thus maximize harm to persons.

73. The Katyushas and 220-mm mobile rockets have an accuracy of 300–400 m when used at maximum range. As a consequence, when they hit civilian targets such as hospitals or villages which are more than 1 km away from a military target, it is reasonable to assume that they have either targeted the object in question or that their use is indiscriminate.

74. Thus, for example, some 20 rocket strikes reportedly hit the immediate vicinity of the Nahariya Hospital (located 6 km from the Lebanese border). They included one direct hit on 28 July which caused major damage to an ophthalmology ward. In the absence of a plausible military target within 1 km of the hospital, this would seem to suggest illegal targeting of a civilian building.

75. Overall, there emerges a clear picture of Hezbollah rocket attacks on Israeli civilians and civilian buildings and infrastructure in violation of the applicable norms of international humanitarian law, and in many instances of the prohibition on indiscriminate attacks and of the principle of distinction.

2. Impact on the Civilian Population

76. It is estimated that 300,000 individuals fled or were evacuated from the dangers of Hezbollah rocket attacks on northern Israel, a region with a population of more than 2 million. They found refuge in safe parts of the country, renting private accommodation in hotels and guesthouses, staying with family and friends, or provided with shelter by private individuals or non-governmental organizations.

77. Those who did not leave had to seek refuge in air-raid shelters under ground. In Israel, these shelters, which can be private or public, constitute an essential part of the civilian population protection system. In

Kiryat Shmona, for instance, 5,000–10,000 residents who remained in the city lived in shelters. The living conditions in these shelters were said to be appalling, with people suffering from overcrowding, very high temperatures, and lack of hygiene and fresh air. In some parts of the north, children and adults remained in the shelters almost 24 hours a day for approximately one month. Magen David Adom personnel treated and evacuated over 2,500 casualties, including 1,500 suffering from "anxiety attacks." In particular, women and children were reported to have suffered from acute stress arising from the conflict.

78. A large number of houses were destroyed. According to official figures, Hezbollah attacks damaged up to 12,000 buildings, including some 400 public buildings. In Kiryat Shmona, about 2,000 apartments were estimated to have been damaged. The conflict also had important consequences on the business sector and a correlative impact on the livelihoods of large parts of the population of northern Israel.

79. Many interlocutors felt that despite the good efforts by competent authorities—particularly the Home Front Command and the local authorities—the overall humanitarian response was often inadequate to respond to the needs of IDPs and those remaining in northern Israel. Reportedly, many persons remained in northern Israel involuntarily, in particular because they lacked the financial means to leave, or because they were too old, infirm, or sick. Because no domestic "state of emergency"—provided for by law to trigger additional humanitarian assistance—was declared, local authorities were not provided with the necessary means to respond to all needs. Many of the displaced did not receive sufficient assistance from the authorities. To a large extent, humanitarian assistance was provided by civil society organizations and private individuals. While medical services for both IDPs and those in shelters came from a variety of sources, there were reports that the services were uneven, varying from one locality and provider to another. During the conflict, hospitals were damaged in Nahariya, Haifa, Tzfat, and Mizra. One of them—a psychiatric hospital—had to be evacuated. Additionally, some 300 mental health patients living in the community had to be removed from the north to hostels in central Israel.

80. The situation of the Arab communities, 60 percent of which live in the Northern District and Haifa, raises particular concern. Some individuals, including local authorities,

have complained about alleged negligence toward Israeli-Arab communities. According to a survey carried out in Israel, only 41 percent of the Arab Councils have emergency alarm systems and only 46 percent have shelters—all in schools. It was reported that emergency instructions for residents were provided in Hebrew and, exceptionally, in Russian. Moreover, on several occasions Arab Israelis stated that before, during, and after the conflict, their communities did not have the same access to health services, including for mental health, as Jewish Israelis. It was also noted that since many Arab Israelis are among the poorer population in Israel, it was difficult for many to flee the area. All interlocutors who referred to the specific difficulties faced by Arab Israelis during the conflict insisted on the need to analyze this situation in light of the historic discrimination suffered by these communities in Israel.

81. It was also alleged that the Israeli Army had installed rocket launching bases near towns and villages in the north, in some cases only a few meters away, such as in the towns of Fassuta, Tarshheha, and 'Arab al-'Aramshe. In the town visited by the mission, Majd-al-Krum residents testified that Israeli artillery was located near the town during the conflict.

V. The Protection of the Civilian Population in the Aftermath of the Conflict

A. Lebanon

82. Lebanese Government figures seem to indicate that 200,000 of the original 974,184 IDPs still had not returned to their pre-conflict place of residen[ce] as of 24 September 2006.

83. Internally displaced persons have a right to voluntary return in safety to their homes or places of habitual residence as soon as the reasons for their displacement cease to exist, or, as citizens of the country they are living in, to remain or resettle in another part of the country. Limitations on this right are not subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals, or the rights and freedoms of others. . . .

85. Tens of thousands of persons were left homeless in the *Dabiye* and in South Lebanon as a result of the Israeli bombing. The mission witnessed efforts to remove the rubble and rebuild destroyed and damaged housing. These efforts are led by Hezbollah, and in particular its construction arm

Jihad al-Bina. Reports indicate that, in addition to serving Shi'ite areas, Jihad al-Bina is also working in predominately [*sic*] Sunni areas, like the northern area of Akkar, where it recently repaired some 200 houses in 13 villages. Hezbollah's apparent efficiency constitutes a considerable challenge to the Government's role and calls for more coordination in post-conflict work than is currently the case.

86. The Government has been successful in raising funds for reconstruction. It has also announced that it would pay US\$33,000 to each family whose home had been destroyed, but it yet has to make such payments and generally to prove its effectiveness in the reconstruction. In the end, the reconstruction process in Lebanon will probably involve a triangular configuration of private owners, Government, and Jihad al-Bina, which will require considerable coordination to avoid some victims falling through the cracks. As winter with its cold rains approaches, time is of the essence.

87. The existence of highly volatile, unexploded cluster bomb sub-munitions constitutes a threat to clearing building rubble and, more generally, to the rights to life and health of the population, as evidenced by the 104 casualties they caused as of 23 September 2006, 14 of which were fatal. Until the identification of cluster bomb strike locations and the clearance of the sites are completed, or at least significant progress made (a process which UNMACC estimates will take 12-15 months), people will not be able to go back to their homes, children will not be able to go to school, and returnees previously active in agriculture will be deprived of a livelihood.

88. A further complication to the return and reconstruction process is the insecurity surrounding the legal status of a significant portion of the real estate involved. In South Beirut and parts of southern Lebanon, many destroyed buildings reportedly had been constructed illegally and on land owned by the Lebanese State, religious endowments, and individuals displaced during the 1975-1989 civil war. There is therefore a real risk of property-related disputes delaying or impeding the reconstruction and return process.

89. Damage to medical facilities combined with shortages of fuel, power, water, and supplies have had a major impact on service delivery throughout the districts affected by the conflict. There is a serious gap, for example, in maternal and child care services. Just one in four primary health care facilities are able to provide prenatal care,

and just one in ten can support proper delivery and emergency obstetric care. One-third are able to store vaccines and just 13 percent are able to provide some mental health services. Normally, all of these facilities should be able to provide all of these services. The situation remains particularly acute in those communities in the south that were badly damaged during the conflict (see para. 63 above). The conflict is likely to have deepened pre-existing inequalities in the delivery of health care services in Lebanon.

90. The right to the highest attainable standard of health not only encompasses health care, but also access to the underlying determinants of health, such as adequate water and sanitation. Access to water, sanitation, and electricity are also essential elements of the right to adequate housing. In Lebanon, inadequate access to water, sanitation, and electricity remain among the most serious problems arising from the recent conflict. Local distribution networks (i.e. pipes) have been badly damaged and sewage and garbage collection systems have been interrupted, leading to an increased risk of waterborne diseases. Isolated enclaves in the south continue to have limited access to safe water, mainly because of the destruction of many private and community-owned water tanks, the damage to the distribution system, and the disrupted electricity supply. The Stockholm Conference for Lebanon's Early Recovery estimated the damage to the water sector at US\$81 million, more than a quarter of which will be required for South Lebanon.

91. Although frequently neglected, mental health is an integral element of the right to the highest attainable standard of health. The recent conflict poses a profound and continuing challenge to the mental and psychosocial well-being of many. Women, children, and the disabled suffer particular stress. Often struggling to care for their families, women may be at increased risk of domestic violence. Behavioral and emotional difficulties are a common and normal reaction to events such as the recent hostilities. Some individuals are suffering from disabling posttraumatic stress disorder and in some cases this condition will continue for the rest of their lives.

92. The rights to health and adequate housing also encompass a safe and healthy environment. The conflict damaged the environment in a number of ways, not least following the attack on the Jiyeh power plant. Some 30 km south of Beirut on the Mediter-

ranean coast, Israeli bombs hit Jiyeh on 13 and 15 July. Storage tanks caught fire and burnt for some weeks. Also, 10,000-15,000 tons of heavy fuel spilled into the sea and spread northwards. About 150 km of coastline are affected. The Stockholm Conference for Lebanon's Early Recovery estimated the clean-up costs to be US\$50 million. It is premature to assess the long-term impact of the oil spill on, inter alia, human health. While some local health professionals are reporting an increase in asthmatic and skin complaints that may be attributable to smoke and other pollution since the attacks in mid-July, at present these reports are unsupported by firm scientific evidence.

B. Israel

93. In Israel, the number of those who are unable to return to their homes because they have not yet been rebuilt or repaired is reported to be very low. During their visit to the north, the members of the mission could see that the reconstruction was advancing quickly. The Israeli Tax Authority, under the supervision of the Ministry of Finance, administers a fund financed by a percentage of the property tax. The Director of the Tax Authority announced in an interim report on 23 September 2006 that the Authority had settled some 10,000 claims for direct damage and 25,000 claims for indirect damage suffered during July. Overall, 60,000 claims had been filed. The Tax Authority also announced that it would support 100 families whose homes are no longer habitable due to extensive damage. Of these, 400 people are still residing in hotels. The Government will also compensate those who suffered bodily injury as a result of the conflict, e.g. due to rocket shrapnel.

94. In the course of the visit, however, the mission heard persistent complaints that affected members of the Arab Israeli community were discriminated against and disadvantaged in the payment of compensation for their damages incurred during the war. The perception among some of the mission's interlocutors was that the Tax Authority's assessors would systematically underestimate the property damage suffered by them. Challenging the Authority's assessment requires means which Arab Israelis often lack and delays the payment process, which many cannot afford. Similarly, with regard to claims arising from injuries, the mission heard allegations of health officials unjustly denying claims on the basis that the injury was not proven to be related to the war. Where

an injury requires long-term treatment, including for mental health patients, the grave effects of such a determination on the access to health care of the victim and the financial situation of the family are obvious. The mission could neither investigate individual cases of alleged unjust denial, nor of course the alleged systemic and thus discriminatory dimension of such denials.

95. In order to ensure better protection for the civilian population in the future, there is a clear need for the authorities to build, repair, and upgrade shelters throughout the country, in particular in towns and villages with Arab populations. There is also a need to be better prepared to provide adequate humanitarian assistance in possible future armed conflicts, in particular to the poor, children, the sick, and the elderly.

96. An official assessment of the environmental damage caused by the conflict in the north confirms, *inter alia*, that sewage plants were damaged and, in some cases, effluent had to be released into the sea and atmosphere (by burning). The mission was also informed that unexploded ordnance remains a problem over a wide area.

97. While medical services have resumed their activities, there is a need to better prepare and equip hospitals for possible future attacks (e.g. fully equipped underground facilities). As in Lebanon, the recent conflict poses a profound and continuing challenge to the mental and psychosocial well-being of the Israeli population, especially women and children and the elderly, giving rise to many cases of post-traumatic stress disorder. Four weeks after hostilities ended, an Israeli mental health specialist reported that hospitals were receiving "late reactions" to the conflict. He estimated that these amounted to "a few hundreds," but he expected they would climb to "a few thousands." In both countries, health professionals emphasized the high level of stress disorders, observed that it is much too early to assess the full impact of the conflict on individuals' mental and psychosocial health, and urged that more resources be made available on an equitable basis for these extremely important issues.

A3. WORLD LEADERS, CALL FOR ACTION ON THE ARAB-ISRAELI CONFLICT, NEW YORK AND LONDON, 4 OCTOBER 2006.

Entitled "Towards A Comprehensive Settlement of the Arab-Israeli Conflict" and published as an advertisement in the New York Times and the Financial Times, the

statement was signed by 135 respected global leaders, including former presidents of twenty-two countries (including Mikhail Gorbachev of the USSR and Jimmy Carter of the U.S.); the prime ministers, foreign ministers, or defense ministers of many more countries; eight Nobel peace prize laureates (including the Dalai Lama and Archbishop Desmond Tutu); as well as congressional leaders, heads of international organizations, and other high officials. The statement was organized by the International Crisis Group (ICG) as part of its "global advocacy initiative" launched in September 2006 with the aim of generating political momentum behind a comprehensive settlement in the Middle East. The text and a full list of signatories are available at www.crisisgroup.org.

With the Middle East immersed in its worst crisis for years, we call for urgent international action towards a comprehensive settlement of the Arab-Israeli conflict.

Everyone has lost in this conflict except the extremists throughout the world who prosper on the rage that it continues to provoke. Every passing day undermines prospects for a peaceful, enduring solution. As long as the conflict lasts, it will generate instability and violence in the region and beyond.

The outlines of what is needed are well known, based on UN Security Council resolutions 242 of 1967 and 338 of 1973, the Camp David peace accords of 1978, the Clinton Parameters of 2000, the Arab League Initiative of 2002, and the Roadmap proposed in 2003 by the Quartet (UN, U.S., EU, and Russia). The goal must be security and full recognition to the state of Israel within internationally recognized borders, an end to the occupation for the Palestinian people in a viable independent, sovereign state, and the return of lost land to Syria.

We believe the time has come for a new international conference, held as soon as possible and attended by all relevant players, at which all the elements of a comprehensive peace agreement would be mapped, and momentum generated for detailed negotiations.

Whether or not such an early conference can be convened, there are crucial steps that can and should be taken by the key players, including:

- Support for a Palestinian national unity government, with an end to the political

and financial boycott of the Palestinian Authority.

- Talks between Israel and the Palestinian leadership, mediated by the Quartet and reinforced by the participation of the Arab League and key regional countries, on rapidly enhancing mutual security and allowing revival of the Palestinian economy.
- Talks between the Palestinian leadership and the Israeli government, sponsored by a reinforced Quartet, on the core political issues that stand in the way of achieving a final status agreement.
- Parallel talks of the reinforced Quartet with Israel, Syria, and Lebanon, to discuss the foundations on which Israeli-Syrian and Israeli-Lebanese agreements can be reached.

Nobody underestimates the intractability of the underlying issues or the intensity of feelings they provoke. But if the Arab-Israeli conflict, with all its terrible consequences, is ever to be resolved, there is a desperate need for fresh thinking and the injection of new political will. The times demand no less.

A4. INTERNATIONAL CRISIS GROUP, "THE ARAB-ISRAELI CONFLICT: TO REACH A LASTING PEACE", JERUSALEM, AMMAN, BRUSSELS, 5 OCTOBER 2006 (EXCERPTS).

The ICG's thirty-page report seeks to provide "a realistic analysis of all the obstacles to peace in the current climate" and to chart "a way forward that could succeed." Reproduced below is the "Executive Summary and Recommendations" section. Like the "Call for Action on the Arab-Israeli Conflict" (see Doc. A3 above), the study is part of the ICG's global advocacy initiative. The full report is available at www.crisisgroup.org.

Executive Summary

If there is a silver lining in the recent succession of catastrophic developments in the Middle East, it is that they may impart renewed momentum to the search for a comprehensive settlement of the Arab-Israeli conflict. It is, admittedly, a slender hope. Since the collapse of the peace process in late 2000, none of the region's parties has displayed the requisite capacity or willingness to reach an acceptable compromise, while the international community has shown more fecklessness than resolve. But

the Lebanon war must serve as a wake-up call: so long as the political roots of the Arab-Israeli conflict are not addressed, it will remain a bottomless source and pretext for repression, radicalization, and bloodletting, both in the region and beyond. Now is the time for an international push to launch a new peace initiative.

Reasons for skepticism abound. Six years after the last genuine peace effort, whatever modicum of trust existed between the parties has collapsed. The Palestinian polity, battered from without and within and increasingly fragmented, verges on outright disintegration. It is hard to imagine which political forces could negotiate effectively with Israel, with what mandate, and with what capacity to translate any eventual agreement into new realities on the ground. Israel, fresh from its Lebanese trauma, still struggling in Gaza and shaken by a perceived growing trend in the Muslim world that rejects its very existence, hardly seems in the mood for political concessions. Instead, its political class appears torn between a desire to revive Israel's power of deterrence, which it believes has been seriously eroded, and the inevitable finger-pointing following the war, which threatens to bring the government down. Neither is conducive to grand peace moves.

Israeli-Syrian negotiations came to a grinding halt in 2000, with anticipated ripple effects in Lebanon, Palestine, and elsewhere in the region. Today, Syria is isolated, ostracized by key international players and intent on waiting out the Bush and Chirac presidencies. Arab regimes allied to Washington, many of whom had banked on a quick Israeli victory over Hizballah and hoped to mobilize their citizens against a so-called Shi'ite crescent led by Tehran, were doubly wrong: Hizballah held on, and their Sunni publics rallied around the Shi'ite Islamist movement, not against it. Today, these regimes' legitimacy deficit stands as plain as ever. Arab advocates of a diplomatic option increasingly are on the defensive, promoters of armed resistance on the ascent. The U.S. administration, preoccupied by Iraq and Iran, is giving scant sign of reconsidering its approach: no dealings with Hamas until it meets the Quartet conditions; no serious engagement with Syria; and a general lack of interest in the Arab-Israeli conflict. Indeed, with its regional legitimacy and credibility in tatters, some question whether the U.S. would be in a position to lead a renewed effort even if it wanted to.

And yet this desultory state of affairs is an important reason why an urgent, ambitious international effort is required. Years of culpable neglect have crippled forces of pragmatism throughout the region and made the achievement of peace immeasurably more difficult. Another several years of waiting would only make it harder still. Some promising ingredients exist: the possibility of a Palestinian national unity government, Syria's repeated call for a resumption of negotiations, increased eagerness on the part of Arab regimes for a renewed peace process, and even Israel's search for an alternative way forward after the collapse of its unilateralist experiment.

Moreover, the absence of initiative is itself a policy choice that inevitably will have a significant negative effect. Perpetuation of the Arab-Israeli conflict, with all the anger it generates, fuels extremist, jihadi movements in the Muslim world; intensifies animosity toward the West and the U.S. in particular; radicalizes Muslim populations in Western Europe; discredits pro-Western governments; deepens the damaging divide between the Islamic and Western worlds; and, as both Syrian and Israeli officials have warned, sows the seeds of the next Arab-Israeli war. Resolving the conflict clearly would not be a sufficient condition to tackle such deep-seated problems; but it is, on all available evidence, a necessary one.

American and Israeli reluctance to move, coupled with the extreme fragility of the situation, means that others—the UN, EU, and Arab world—must now step forward with fresh ideas and initiatives, optimally to persuade Washington to act, at a minimum not to be held fully hostage to its passivity. The challenge is to devise an initiative or series of initiatives bold enough to alter regional perceptions and realities, yet not so audacious as to provoke U.S. or Israeli obstruction. Many have advanced the notion of an international peace conference; the Arab League has called on the UN Security Council to take the lead in shepherding a comprehensive settlement. Both ideas have merit; at this point, however, neither is likely to materialize due to opposition from Washington and Israel. A conference coinciding with the fifteenth anniversary of the Madrid peace conference and attended by all relevant current players could well be the most visible launching pad for renewed negotiations. The idea is worth pursuing but it could take months to organize and reach agreement on invitees and terms of refer-

ence; substantive progress, not a procedural battle, is what the region desperately needs.

In devising a new mechanism, principal lessons of the past must be kept in mind: the need to define early on the endgame, i.e., the shape of a settlement; the importance of an active third party to oversee negotiations and compliance with whatever interim agreements are reached; and the necessity to avoid a discrepancy between lofty talks at the negotiating table and destructive developments on the ground. More concretely, a new mechanism should:

- be comprehensive and inclusive, enabling all parties with a recognized stake in the outcome to participate. As the Lebanese crisis once more illustrated, the problems are closely interconnected. Hizballah was motivated, at least in part, by intensified conflict in Gaza; Syria's and Iran's marginalization did not give either a reason to restrain the Islamist movement; Hamas and Hizballah have strong ties to Damascus and Tehran; both the U.S. and Israel saw the Lebanon war as a proxy war with Iran; Lebanon has made clear it would not sign a peace treaty with Israel before Syria does; and, more broadly, Arab normalization with Israel (a key prize of any peace deal) will require settlement of all outstanding Arab-Israeli disputes. Dealing with Lebanon is an urgent priority but, alone, will not suffice; the Lebanese conflagration is intimately related to broader regional issues which, if not addressed, risk pushing the Middle East over the brink. Likewise, it will be hard to achieve stability in the Middle East without a peaceful resolution of the Iranian nuclear question and a broader U.S./Iranian dialogue;
- provide from the outset a clear political horizon as well as a credible means of getting there. The goal must be unambiguously stated as security and full recognition of the state of Israel within internationally recognized borders, an end to the occupation for the Palestinian people and an independent, sovereign state based on the 1967 borders with East Jerusalem as its capital, a just resolution of the refugee issue, recovery of lost land by Syria, and a fully sovereign and secure Lebanese state;
- be realistic and reflect conditions on the ground, in other words begin with what is achievable: a mutual ceasefire

between Israelis and Palestinians, coupled with steps to allow the Palestinian government to govern and the Palestinian economy to revive;

- build on existing, accepted instruments, such as the Quartet, but give them a more inclusive character, greater oversight, and facilitating role and ensure that European and Arab actors seize the initiative rather than await an increasingly unlikely U.S. reawakening; and
- involve far greater engagement of Arab states, which have both an incentive to reach a settlement (to boost their legitimacy and prove that diplomacy, not armed action, works) and a means to do so (the ill-utilized 2002 Arab League Initiative in Beirut, which calls for full normalization with Israel in exchange for its full withdrawal).

The Middle East is immersed in its worst crisis in years with no stable resolution in sight. Observers and analysts are quick to point out that circumstances are far from ideal for an Arab-Israeli initiative. They are right. But time for a negotiated settlement is quickly running out.

Recommendations

To the United Nations Security Council:

1. Pass a resolution calling on members of the Quartet (UN, represented by the Secretary-General, U.S., EU, and Russia) to work closely with regional partners (the Arab League, Arab countries, and Turkey) to implement an initiative aimed at achieving a comprehensive Arab-Israeli settlement based on UN Security Council Resolutions 242 (1967) and 338 (1973), the 2002 Arab League Beirut Initiative, and the 2003 Roadmap.

2. Instruct the Quartet and its regional partners to report every 30 days on progress toward this goal.

3. Pass a follow-up resolution to Resolution 1701 calling for:

(a) comprehensive Lebanese security reform with the assistance of outside parties, based on the need to effectively assert the state's sovereignty and defend its territorial integrity;

(b) sustained and substantial international financial assistance, channeled through the government and focused on the neglected and war-damaged areas of the South and the Bekaa valley; and

(c) intensive efforts to address outstanding Israeli-Lebanese issues, including a prisoner exchange, a halt to Israeli violations

of Lebanese sovereignty, and resolution of the status of the contested Shebaa Farms, by transferring custody to the UN under UNIFIL supervision, pending Israeli-Syrian and Israeli-Lebanese peace agreements.

To the Members of the Quartet (UN, U.S., EU, Russia):

4. In concert with a core group of regional actors (Arab League, key Arab countries, Turkey), pursue the following initiatives:

(a) facilitate an agreement between Israel and the Palestinian Authority (PA) entailing an immediate prisoner exchange, a mutual and comprehensive ceasefire, resumption by Israel of Palestinian tax revenue transfers to the PA, a settlements freeze, implementation of the November 2005 Agreement on Monitoring and Access, and gradual withdrawal of Israeli troops, first to the positions they held prior to 28 September 2000, and later from other West Bank areas;

(b) establish a monitoring presence on the ground to verify both sides' adherence to the ceasefire;

(c) end the financial and diplomatic boycott of the Palestinian Authority based on steps it takes toward a mutual ceasefire;

(d) facilitate discussions between the PLO and Israeli leaderships on the core political issues that stand in the way of achieving a final status agreement;

(e) conduct parallel discussions with Israel, Syria, and Lebanon to prepare the ground for a resumption of Israeli-Syrian and Israeli-Lebanese negotiations on peace agreements;

(f) at the appropriate time, but without unnecessary delay, put forward more detailed parameters of a viable Arab-Israeli peace, in its Israeli-Palestinian, Israeli-Syrian, and Israeli-Lebanese components; and

(g) report to the Security Council on a monthly basis about progress on these various tracks.

To the Arab League:

5. Propose direct talks with the Israeli government to describe and discuss the 2002 Beirut Initiative and launch a public diplomacy campaign aimed in particular at the U.S. and Israel to explain that initiative.

To UN Secretary-General Kofi Annan:

6. Prior to completing his term, deliver a major Middle East speech that states the outlines of a comprehensive Arab-Israeli settlement, underscores the need for rapid movement and the risks inherent in delay, points out how close the parties are on the

substance of the issues, and makes clear that his successor needs to take this issue on.

To the PLO, the Palestinian Authority, Fatah, Hamas, and Other Relevant Palestinian Organizations:

7. Make every effort to establish a government of national unity on the basis of the Palestinian National Conciliation Document and reform the Palestine Liberation Organization as provided in March 2005 Cairo agreement.

8. Release Corporal Shalit in the context of a prisoner swap, reinstate the truce, and stop all militias from firing rockets.

9. Formally empower the PLO leadership to conduct political discussions with Israel on a longer-term political settlement, announce that any agreement will be put to a national referendum, and pledge to adhere to the outcome of such a referendum.

To the Government of Israel:

10. Release recently jailed Palestinian cabinet members and parliamentarians and begin the release of other Palestinian prisoners (such as those who have not been charged with an offence, have been convicted of minor charges, or are seriously ill or under age).

11. Agree to a ceasefire providing for an end to its military operations in the occupied territories while simultaneously opening border crossings in accordance with the Agreement on Movement and Access, lifting the ban on travel imposed on segments of the Palestinian population, removing outposts, halting settlement activity, resuming tax transfers to the PA, and gradually withdrawing the IDF from Palestinian population centers.

12. Begin political discussions with the Palestinian leadership on a longer-term political settlement.

13. Agree to talks with the reinforced Quartet on the parameters of Israeli-Syrian and Israeli-Lebanese deals, as well as the 2002 Arab League peace initiative.

14. Assist in implementation of UNSCR 1701 by:

(a) halting, to the extent Hizballah refrains from hostile activity, all operations in Lebanese territory, including the capture of militants and civilians in Southern Lebanon, violations of Lebanese waters and airspace, and the distribution of propaganda leaflets;

(b) renouncing assassination of Hizballah officials; and

(c) cooperating with UN efforts to address remaining Israeli-Lebanese issues, in-

cluding through a prisoner exchange and resolution of the status of the Shebaa Farms.

To the Government of Syria:

15. Agree to talks with the reinforced Quartet on the parameters of an Israeli-Syrian deal.

16. Support Arab League discussions with the Israeli leadership on the Beirut Initiative and consider its own, symbolic overture to the Israeli people (e.g., a proposed Assad/Olmert meeting) to jump-start negotiations;

17. Engage in an open dialogue with Lebanon aimed at clarifying and addressing both sides' legitimate interests.

To the Government of Lebanon:

18. Agree to talks with the reinforced Quartet on the parameters of an Israeli-Lebanese deal.

19. Assist in implementing a follow-on UN resolution by:

(a) undertaking, in cooperation with international partners, thorough security reform aimed at reestablishing and defending the state's sovereignty over its territory, emphasizing defensive capabilities, and reinforcing the army as an instrument of national defense;

(b) ensuring that such security reform not be used to further any international or partisan domestic agenda;

(c) concentrating economic assistance on the neglected South and Bekaa valley; and

(d) facilitating Hizballah's gradual demilitarization by addressing outstanding Israeli-Lebanese issues (prisoner exchange, violations of Lebanese sovereignty, and Shebaa Farms); reforming and democratizing Lebanon's political system; and more fairly allocating resources.

A5. UN OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (OCHA), ONE-YEAR REPORT ON IMPLEMENTATION OF THE ISRAELI-PALESTINIAN "AGREEMENT ON MOVEMENT AND ACCESS" IN GAZA AND THE WEST BANK, EAST JERUSALEM, NOVEMBER 2006 (EXCERPTS).

The "Agreement on Movement and Access in Connection with the Gaza Disengagement" was signed on 15 November 2005 by the Palestinian Authority and (grudgingly) by Israel after round-the-clock negotiations brokered by U.S. Secretary of State Condoleezza Rice. With former World Bank president James Wolfensohn threatening to quit his role as Quartet economic

envoy when Israel imposed a siege on Gaza following disengagement, Rice personally vested herself in securing Israel's easing of restrictions (see Quarterly Update in JPS 138). For this reason, the White House is reported to have privately viewed Israel's refusal to implement the arrangements as an affront. For the full text of the agreement, see document A4 in JPS 138. For a PA assessment of the agreement's implementation, see the PLO Negotiations Affairs Department's November 2006 report at www.nad-plo.org. Footnotes and figures in OCHA's report have been eliminated for reasons of space; the full text is available at www.ochaopt.org.

One year after the signing of the Agreement on Movement and Access (AMA) on 15 November 2005 between the Government of Israel (GoI) and Palestinian Authority (PA), the ability of Palestinian residents of the Gaza Strip to access either the West Bank or the outside world remains extremely limited and the flow of commercial trade is negligible. Movement within the West Bank is also more restricted. There has been no peaceful economic development as envisaged by the AMA but rather a deterioration in the humanitarian situation and an increase in violence overall. The increased closure of Gaza's crossing points has contributed to the worsening of the economic situation over the last 12 months. In the Gaza Strip, unemployment levels have risen from 33.1% to 41.8% between 2005 and 2006 and already high poverty levels have risen by over two percent. Gazan business owners' perception of the future is bleaker than at the beginning of the year: in January 2006 81.3% were optimistic about future productivity compared to just 22.6% in September. . . .

1. Rafab

The first of the six points in the AMA was the re-opening of the Rafah border crossing with Egypt, operating according to international standards and under the auspices of the European Border Assistance Mission (EU BAM). The target date for opening, 25 November 2005, was met and the crossing opened on all but one day until 25 June 2006. During the first six months of 2006 the crossing was opening nine and a half hours a day with an average of 650 people crossing daily each way; almost double the average during the six months prior to the AMA (360 people a day).

However, following an attack by Palestinians on an Israeli military post at Kerem

Shalom and the capture of an Israeli soldier, on 25 June, the crossing closed. Since then, the opening of the crossing has been intermittent and erratic (open only 14% of days) preventing the regular passage of businessmen and patients referred for medical treatment abroad. The use of the crossing by ordinary Palestinians has been severely restricted as the operators of the crossing, faced with high demand, have been forced to prioritize a few key categories of people. The Israeli authorities prevent the crossing opening by preventing EU-BAM access to Rafah through Kerem Shalom.

2. Crossing Points

Karni crossing. The operation of the primary commercial crossing point of Karni remains well below target. The implementation of the AMA started promisingly with Karni being open all scheduled hours in December 2005 and the average number of trucks being exported doubling to 66 per day by the end of the month. However the improvement was short-lived: the crossing opened for only ten days (for fewer than 20% of scheduled hours) in January 2006 since when there has been little improvement.

By 29 March, Karni crossing had been closed 46 days in 2006 or 53% of the year by the Israeli authorities citing security concerns. In comparison, Karni was closed for a total of 18% in 2005 and 19% in 2004. Since the beginning of April, Karni has been closed 54% of the scheduled operating days by the Israeli Authorities for security reasons, including suspicions of planned attacks and tunnel construction. As of 26 April, no Palestinian militant attacks have been reported, although on 30 August, the IDF announced the discovery of a tunnel leading to Karni.

On average only 12 truckloads of goods have been exported each day during 2006 which is only 8% of the target set in the AMA of 150 per day by December 2005 and well short of the target of 400 per day to be reached by the end of 2006. Currently the opening of bays for exports is controlled by the Israeli authorities at Karni and the number varies daily. Bay opening times, and, therefore, the capacity for goods to be exported, is provided only one day in advance to two committees chaired by the PA Ministries of Agriculture and National Economy that are, in turn, responsible for coordinating, prioritizing, and preparing the daily list of exports on the Palestinian side. On average only 40% of the trucks scheduled for export manage to do so due mainly to slow

operating procedures, limited numbers of bays open for exports, or unscheduled/early closure of the bays. This uncertainty prohibits commercial companies from planning and maximizing resources.

The inability of Palestinian merchants to transport sufficient quantities of goods out of the Gaza Strip had a dramatic impact on export revenues. The Palestine Trade Centre (PalTrade) estimated daily Palestinian export losses for the first quarter of 2006 at \$600,000—or more than \$30m in total. The Palestinian Economic Development Company (PEDC), responsible for the cultivation of agricultural produce in the former settlements, was particularly affected by the closure and estimated that by the end of March it had donated/destroyed nearly 1,000 MT of produce with a value of \$6 million.

The AMA specifically stated “On an urgent basis, Israel will permit the export of all agricultural products from Gaza during the 2005 harvest season . . . and will facilitate its speedy exit and onward movement so that quality and freshness can be maintained. Israel will ensure the continued opportunity to export.”

According to PEDC, of the total 2005/2006 harvest (just under 14,000 MT) only 465 MT were exported. While a further 3,440 MT were sold in local markets and through Israeli wholesalers, the vast majority of the crops were donated and destroyed. As a consequence the PEDC will not proceed with seeding for the 2006/2007 season and will hand over its resources to the Ministry of Agriculture. The future employment of the 4,200 PEDC manual workers is unclear.

Sufa crossing. Sufa is used for the import of construction materials, primarily gravel, and periodic humanitarian supplies from UN agencies. The crossing operated on most scheduled days following the implementation of the AMA until 14 February when it closed. Sufa reopened in the last week of March but closed again on 25 June, since when it has not opened regularly. Overall Sufa crossing has been open only 60% of scheduled days during the first year of the AMA implementation, severely restricting the importation of aggregates into the Gaza Strip.

Erez and Kerem Shalom crossings. The AMA provides for the management system used at Karni to “be adapted to the passages at Erez and Kerem Shalom.” However, as Kerem Shalom is located within Israel, the use of this crossing point for commercial

goods import and export has been unacceptable to the PA. Therefore, Kerem Shalom has only been open for humanitarian goods that originate outside of Israel although due to the capacity at Kerem Shalom the daily through flow is limited to 15 trucks. Karni is thus the preferred entry point for humanitarian goods and the only acceptable one for goods originating in Israel or the West Bank.

Although a small number of trucks with emergency humanitarian goods were imported through Erez during the IDF Operation Summer Rains, the crossing is not operational for commercial goods and the management system is not established. A new terminal is under construction at Erez, although its capacity to handle commercial traffic is unknown.

From 22 January to 11 March an average of 2,700 workers and 120 traders crossed through Erez each day. For the eight months since 11 March Erez has been closed to Palestinian workers with the exception of some urgent humanitarian cases (usually medical patients) who are allowed to cross subject to prior coordination with the Israeli authorities.

3. Link between the Gaza Strip and West Bank

The target date for establishing bus convoys was 15 December 2006 and for establishing truck convoys 15 January 2006. Neither deadline was met, and there has been no movement toward implementation of this provision of the AMA. The movement of people between the Gaza Strip and the West Bank remains virtually impossible and expensive. Goods movement between these two areas is dependent on Israeli freight companies and requires off and on-loading at Karni commercial crossing.

4. Gaza Seaport

The construction of a seaport has not started. The GoI has not assured donors that it will not interfere with the operation of the port and the parties have not established a US-led tripartite committee to develop security and other relevant arrangements as required under the AMA.

5. Gaza Airport

Discussions on the issues of security arrangements, construction, and operation of the airport have not continued.

6. Movement within the West Bank

The aim of the AMA, “to facilitate the movement of people and goods within the West Bank and to minimize disruption to

Palestinian lives . . . [by developing] a plan to reduce [the number of obstacles] to the maximum extent possible . . . by December 31 [2005]" was not met. The number of obstacles has increased by 44% over the year and the movement for Palestinians within the West Bank has become more difficult.

The effect of the physical obstacles is the division of the West Bank into ten segments (not including the "closed areas" between the Barrier and the Green Line). In addition, Palestinians are channeled through permanently manned checkpoints when they move between these segments.

In most cases passage through a checkpoint requires a permit, and the eligibility for permits varies between checkpoints. Different types of permit are issued for individuals; private vehicles; public vehicles; commercial trucks; and commercial goods.

Furthermore, blanket restrictions on movement through these checkpoints are often imposed, frequently preventing men of working age accessing employment. The segments are further divided into pockets between which movement is restricted by channeling through partial (not permanently manned) checkpoints or choke points such as tunnels under "restricted" roads used by settlers.

A6. UN ALLIANCE OF CIVILIZATIONS, REPORT AND ACTION PROGRAM FOR STRENGTHENING CROSS-CULTURAL UNDERSTANDING AND COUNTERING EXTREMISM, NEW YORK, 13 NOVEMBER 2006 (EXCERPTS).

The Alliance of Civilizations is a UN initiative launched in August 2005 by Secretary General Kofi Annan to combat misperceptions, promote dialogue, and build bridges between Muslim and Western societies. To guide the initiative, which is cosponsored by Turkey and Spain, the Secretary General appointed a panel ("High Level Group") of twenty scholars and political figures from around the world called upon to assess the current state of Muslim-Western relations, identify collective actions to address the trends at the civil society and institutional levels, and recommend practicable steps to promote harmony. The underlying premise of the panel's forty-page report, as spelled out in the introductory section, is that the Muslim-Western rift is not cultural but political. At the heart of the Alliance's general policy recommendations—from which the following excerpt is taken—is the urgent need

to address the Israeli-Palestinian conflict. The full report is available at www.unaoc.org.

V. Towards an Alliance of Civilizations: General Policy Recommendations

The Middle East

5.1 With regard to relations between Muslim and Western societies, we must acknowledge the contemporary realities that shape the views of millions of Muslims: the prolonged Israeli-Palestinian conflict, the violence in Afghanistan, and the increasingly violent conflict in Iraq.

5.2 We must stress the increasing urgency of the Palestinian issue, which is a major factor in the widening rift between Muslim and Western societies. In this regard, it is our duty to express our collective opinion that without a just, dignified, and democratic solution based on the will of all peoples involved in this conflict, all efforts—including recommendations contained in this report—to bridge this gap and counter the hostilities among societies are likely to meet with only limited success.

5.3 Our emphasis on the Israeli-Palestinian conflict is not meant to imply that it is the overt cause of all tensions between Muslim and Western societies. Other factors also create resentment and mistrust, including the spiraling crisis in Iraq, the continued instability in Afghanistan, issues internal to Muslim societies, as well as terrorist attacks on civilian populations in many countries. Nevertheless, it is our view that the Israeli-Palestinian issue has taken on a symbolic value that colors cross-cultural and political relations among adherents of all three major monotheistic faiths well beyond its limited geographic scope.

5.4 Achieving a just and sustainable solution to this conflict requires courage and a bold vision of the future on the part of Israelis, Palestinians, and all countries capable of influencing the situation. We firmly believe that progress on this front rests on the recognition of both the Palestinian and Jewish national aspirations and on the establishment of two fully sovereign and independent states living side by side in peace and security.

5.5 Reaching this objective will require Israel not only to accept but to facilitate the establishment of a viable Palestinian state. The peace accords involving Israel, Egypt, and Jordan demonstrate that such constructive steps taken in line with international

law are workable. Moreover, the terms of reference agreed to by all parties at the Madrid Conference in 1991, the peace initiative by President Clinton in 2000, and the peace proposal by the Arab League in its meeting in Beirut, Lebanon in 2002, make it clear that the framework for a broad-based accord does exist and the political will can be generated.

5.6 Of primary importance in this regard is the mutual recognition of the competing narratives that emerged following the establishment of the state of Israel. In the eyes of most Jews and Israelis this event was the result of a long-standing aspiration to build a Jewish homeland and was immediately followed by an attack from neighboring Arab countries. For Palestinians and a majority of people in the Muslim world, however, the establishment of Israel was experienced as an act of aggression that led to the expulsion of hundreds of thousands of Palestinians and to the occupation of their lands. It is worth noting that these competing narratives are mirrored in divergent interpretations of recent history: different ways of describing conflicts, occupation, and peace negotiation efforts.

5.7 *A White Paper on the Israeli-Palestinian conflict.* The competing narratives of Palestinians and Israelis cannot be fully reconciled, but they must be mutually acknowledged in order to establish the foundations of a durable settlement. To this end, we recommend the development of a White Paper analyzing the Israeli-Palestinian conflict dispassionately and objectively, giving voice to the competing narratives on both sides, reviewing and diagnosing the successes and failures of past peace initiatives, and establishing clearly the conditions that must be met to find a way out of this crisis. Such a document could provide a firm foundation for the work of key decision-makers involved in efforts to resolve this conflict. A level-headed and rational analysis would make it clear to the Palestinian people that the price of decades of occupation, misunderstanding, and stigmatization is being fully acknowledged, while at the same time contributing to exorcize the fears of Israelis. This effort would strengthen the hand of those who seek a just solution to this conflict while weakening extremists on all sides, as they would no longer be the champions of a cause they have been able to appropriate because its story had been left untold or deliberately ignored by the community of nations.

5.8 *A re-invigorated multilateral peace process.* As a further step in a renewed effort to solve the problems that lie at the heart of the Middle East crisis, the High-level Group calls for the resumption of the political process, including the convening, as soon as possible, of an international conference on the Middle East Peace Process, to be attended by all relevant actors, with the aim of reaching a comprehensive peace agreement.

ARAB

B1. THE LATIN PATRIARCH AND LOCAL HEADS OF CHURCHES IN JERUSALEM, DECLARATION ON CHRISTIAN ZIONISM, JERUSALEM, 25 AUGUST 2006.

The statement was signed by the Latin Patriarch of Jerusalem, the Syrian Orthodox Patriarch of Jerusalem, and the Bishops of the Episcopal and Evangelical Lutheran Churches of Jerusalem and the Middle East.

“Blessed are the peacemakers for they shall be called the children of God.”
(Matthew 5:9)

Christian Zionism is a modern theological and political movement that embraces the most extreme ideological positions of Zionism, thereby becoming detrimental to a just peace within Palestine and Israel. The Christian Zionist program provides a worldview where the Gospel is identified with the ideology of empire, colonialism, and militarism. In its extreme form, it places an emphasis on apocalyptic events leading to the end of history rather than living Christ's love and justice today.

We categorically reject Christian Zionist doctrines as false teaching that corrupts the biblical message of love, justice, and reconciliation.

We further reject the contemporary alliance of Christian Zionist leaders and organizations with elements in the governments of Israel and the United States that are presently imposing their unilateral pre-emptive borders and domination over Palestine. This inevitably leads to unending cycles of violence that undermine the security of all peoples of the Middle East and the rest of the world.

We reject the teachings of Christian Zionism that facilitate and support these policies as they advance racial exclusivity and perpetual war rather than the gospel of universal love, redemption, and reconciliation taught by Jesus Christ. Rather than condemn

the world to the doom of Armageddon, we call upon everyone to liberate themselves from the ideologies of militarism and occupation. Instead, let them pursue the healing of the nations!

We call upon Christians in Churches on every continent to pray for the Palestinian and Israeli people, both of whom are suffering as victims of occupation and militarism. These discriminative actions are turning Palestine into impoverished ghettos surrounded by exclusive Israeli settlements. The establishment of the illegal settlements and the construction of the Separation Wall on confiscated Palestinian land undermine the viability of a Palestinian state as well as peace and security in the entire region.

We call upon all Churches that remain silent, to break their silence and speak for reconciliation with justice in the Holy Land.

- Therefore, we commit ourselves to the following principles as an alternative way:
- We affirm that all people are created in the image of God. In turn they are called to honor the dignity of every human being and to respect their inalienable rights.
- We affirm that Israelis and Palestinians are capable of living together within peace, justice, and security.
- We affirm that Palestinians are one people, both Muslim and Christian. We reject all attempts to subvert and fragment their unity.
- We call upon all people to reject the narrow world view of Christian Zionism and other ideologies that privilege one people at the expense of others.
- We are committed to non-violent resistance as the most effective means to end the illegal occupation in order to attain a just and lasting peace.
- With urgency we warn that Christian Zionism and its alliances are justifying colonization, apartheid, and empire-building.

God demands that justice be done. No enduring peace, security, or reconciliation is possible without the foundation of justice. The demands of justice will not disappear. The struggle for justice must be pursued diligently and persistently but non-violently.

“What does the Lord require of you, to act justly, to love mercy, and to walk humbly with your God.” (Micah 6:8)

This is where we take our stand. We stand for justice. We can do no other. Justice alone guarantees a peace that will lead to reconciliation with a life of security and prosperity for all the peoples of our Land. By standing on the side of justice, we open ourselves to the work of peace—and working for peace makes us children of God.

“God was reconciling the world to himself in Christ, not counting men’s sins against them. And he has committed to us the message of reconciliation.” (2 Cor 5:19)

B2. PA PRESIDENT MAHMUD ABBAS, ADDRESS TO THE OPENING SESSION OF THE UN GENERAL ASSEMBLY, NEW YORK, 23 SEPTEMBER 2006 (EXCERPTS).

The full text of Abbas’s address is available at www.un.org.

Only a few weeks ago, the fire of war stopped raging in Lebanon. Despite the gravity of the losses, destruction, and tragedy, the international community expeditiously, effectively, and successfully intervened to put an end to the war, and to provide support to the people and legitimate government of Lebanon, in order to safeguard its security and independence and to end the era of war on its soil. As I commend this international role, I hope that this positive and effective intervention extends politically and practically to resolve the root of all the conflicts and wars that have plagued our region over many decades. Indeed, after all the experiences of war that we have been through, I need not reaffirm the fact that without resolving the question of Palestine, and the continuation of the occupation of Palestinian and Arab lands since 1967, the elements of tension and conflagration will keep the conflict alive and will keep the door wide open to all forms of violence, terrorism, regional confrontations, and global crises.

It is unfortunate today to see that international plans and initiatives, foremost among them the road map, which was endorsed by the United Nations Security Council, have reached a state of stagnation and even regression. Even calls for the resumption of negotiations are faced with preconditions. Despair and frustration thrive with the roar of bulldozers that build illegal settlements, change the demographic nature of Jerusalem, and erect the apartheid separation wall inside our occupied land and between its various parts. They thrive on the continuation of the frightful siege, through military checkpoints that have turned our cities and regions

into reservations, on the continuing saga of killings and assassinations that have claimed hundreds of civilian lives, on home demolitions and on the ongoing arrests that have reached more than eight thousand Palestinians including parliamentarians and cabinet ministers, as well as some who have been languishing in [prisons and] suffering for three decades, and whose release and freedom is eagerly awaited by their families and whole nation.

Under these conditions, I can legitimately ask how the international community can expect extremism to retreat, or the waves of violence to ebb. How can we and all the forces of moderation and peace in our region forcefully intervene and convince our public opinion that there is hope on the horizon? Or that the option of dialogue, negotiations, and international legitimacy—which is our strategic choice and the path which we have relentlessly advocated, and which we will never abandon—will be fruitful and will have a real chance of success?

It is not only I who lives in the midst of this tragedy who must answer such a fundamental question. The whole international community, particularly influential powers, is called upon to provide tangible evidence that they will support the unconditional resumption of negotiations and will provide them with a true international cover and support to ensure their success through the cessation of settlement activity, collective punishment, and separation walls. This will provide the positive atmosphere for launching negotiations and reaching their objectives of achieving a just peace based on the two-state solution as called for by President of the United States of America George Bush.

Such a solution must be based on international legitimacy which was upheld in the Arab Peace Initiative through the establishment of the independent State of Palestine on the June 4th, 1967 borders and with East Jerusalem as its capital, and reaching a just and agreed upon solution for the problem of the refugees—who constitute more than half of our Palestinian people—in accordance with UN General Assembly Resolution 194.

We have heard lately from the Government of Israel that it will abandon the policy of unilateralism and one-sided actions. This is encouraging, provided that the alternative is not stagnation or the imposition of facts on the ground, but rather a return to the negotiating table and reaching a comprehensive solution to all of the permanent

status issues, to ensure a secure future for our children and theirs.

Madame President, I have recently sought, in tandem with all the strands of the Palestinian political spectrum, to establish a government of national unity that is consistent with international and Arab legitimacy and that corresponds to the principles established by the Quartet. Therefore, and based on our commitment to these criteria, I would like to reaffirm that any future Palestinian government will respect all the agreements that the Palestine Liberation Organization (PLO) and the Palestinian National Authority have committed to, particularly the Letters of Mutual Recognition exchanged between the two great late leaders Yasir Arafat and Yitzhak Rabin on September 9th, 1993. These letters contain mutual recognition between Israel and the PLO, renunciation of violence, and commitment to negotiations as the path to a permanent solution that will lead to the establishment of the independent State of Palestine alongside the State of Israel.

Any future government will commit to imposing security and order, to ending the phenomena of multiple militias, indiscipline, and chaos, and to establishing the rule of law, since this is primarily a national Palestinian need.

The efforts that we have exerted are for the sole purpose of establishing a national unity government that has real substance, so as to achieve national Palestinian consensus on our national objectives, which comply with international legitimacy and the Arab Peace Initiative, and on peaceful means for the realization of these objectives. When such a national consensus is reached, and when a new national unity government is established according to it, this must be viewed as a qualitative achievement, not a step backwards or a regression—even a limited one—from the path to which we have always been determinedly committed even in the face of the bleakest of conditions.

I would like to reiterate that negotiations with Israel have been and will remain to be under the jurisdiction and responsibility of the PLO, which I head. The outcome of these negotiations will be presented to the Palestinian National Council, the highest Palestinian national body or to a national public referendum.

What we have achieved in this regard should suffice to lift the unjust siege imposed on our people, which has inflicted extensive

damage on our society, its livelihood, and the means of its growth and development.

Madame President, I come to you bearing the wounds of a people that bleed everyday. A people that seek a normal life, where our children go safely to school, where children are born to live, and not die.

Where youth can find honorable work that provides them with a dignified path to a secure future, so that they can be participants in formulating their narrative, not victims to the cruelty of history. Where women give birth to their babies in hospitals, not on the checkpoints of the occupation. Where families gather in the evenings to dream of a new day, devoid of killing, imprisonment, or arrest.

I simply want tomorrow to be better than today. I want my homeland Palestine to be a homeland not a prison, independent and sovereign like all other peoples of this world. I want for Jerusalem to be the meeting point for the dialogue of all prophets. To be the capital of two neighboring states that live in peace and equality.

From this venerated platform, thirty-two years ago, the late President Yasir Arafat issued his famous resounding call: "do not let the olive branch fall from my hand." And here I am repeating this same call: do not let the olive branch fall from my hand, do not let the olive branch fall from my hand.

B3. PA PRESIDENT MAHMUD ABBAS AND PA PRIME MINISTER ISMAIL HANIYEH, INTERVIEWS ON THE CURRENT STALEMATE, RAMALLAH AND GAZA, 3 NOVEMBER 2006 (EXCERPTS).

Under the title "Gaza-Ramallah Dispatch," the 3 November 2006 edition of al-Ahram Weekly ran parallel interviews with the feuding Palestinian president and prime minister on the current crisis. Conducted by Dina Ezzat, the interviews effectively illustrate the distance that separates the two men and the constituencies they represent. The full interviews are available at weekly.abram.org.eg.

Abbas: Better Something than Nothing

In his unassuming presidential office in the Muqata'a in Ramallah, Palestinian President Mahmud Abbas, called President Abu Mazin by Americans, Israelis, and Arabs alike, looks tired, burdened, and bored stiff.

In his blue-grey suit that accentuates his ultra-grey hair and naturally grim looks, Abu Mazin claims neither the flamboyance of Hamas leaders—now his political

adversaries—nor the charisma of the historic and controversial Palestinian leader Yasir Arafat, whose grave in the Muqata'a is only meters away. Typical of many other current Arab heads of state, especially those well-liked in the West and Israel, Abu Mazin seems to be his own self, with no pretense about him. He talks with ultra-"realism," arguing that it was only when Palestinians pursued "realism" that they managed to extract some of their long-ignored rights.

Even if for some it is too compromising, Abu Mazin's position could not be more down-to-earth. Palestinians must stick to international legitimacy, no matter how fallible it might be, so they can get something out of Israel and the world; the road map offers all the answers for the transitional and final status Palestinian-Israeli talks and so must be pursued; back channel talks should be pursued with Israel on final status issues parallel to talks on transitional issues; and Hamas needs to either adapt to international legitimacy or step aside—not down.

During a 30-minute interview, the words "Palestinian struggle" did not come up once. Instead, Abu Mazin claimed the Oslo Accord, rejected by some Palestinian figures, was one of the best things that Palestinians had ever done for themselves.

On the other hand, one of their most glaring mistakes was rejecting the call extended to them close to four decades ago by former Egyptian president Anwar Sadat to participate in the Mena House talks.

According to Abu Mazin, Palestinians need not suffer from the hardships imposed on them by the world, in the wake of the election of the Hamas government, in order to reach their elusive dream of an independent Palestinian state. Nor do they have to give up their dream of independence to lead a decent life.

Abu Mazin is well aware that given its internal concerns, the Israeli government of Ehud Olmert is unlikely to be able to take any strategic or even practical decisions in the span of a few months. He simply seeks to use this time to put the Palestinian house in order, from his point of view, to be ready for negotiations once the Israelis get their own act together.

This interview was conducted in Arabic in Mahmud Abbas's presidential office in Ramallah. Below are excerpts:

Is the Palestinian question being weakened under the current international and regional political imbalance, or is it being

resurrected under the firm positions taken by the Hamas government which are creating new facts on the ground?

From international, regional, and Arab perspectives, the presence of Hamas now does not help at all for progress to be achieved. The problem is not with Hamas itself, but rather with the ideas that Hamas is still engaging—ideas that run counter to international legitimacy. This is why we thought of establishing a national unity government or a technocrat government whose work will be supervised for a while by Hamas through the National Council until we can get out of the current crisis.

The United States and the West are keen to implement the road map. They just want the situation to be adequate for this. We are trying to create the right circumstances so that we can put the world before its responsibilities in relation to the implementation of the road map.

As far as we are concerned, the road map has everything—it has all the answers; it has the transitional and final status answers; it includes the vision of President Bush, the Arab initiative, and all the relevant international resolutions including 242, 338, 1397, and 194.

Things could move on parallel tracks. . . . While working on the transitional talks we can also discuss the final status issues through what we have always called the back channel.

But why insist on international legitimacy? Haven't Palestinian rights been long ignored by international legitimacy?

No. International legitimacy has not been ignoring Palestinians. International legitimacy might have been slow, it might have been delayed or hampered, but this is no reason for us to say we do not want to implement international legitimacy.

It is the duty of Palestinians to tell the world that we are committed—if you [the world] start implementation. If we say we are not committed, then we would have relieved them [of their responsibilities].

Egyptians have a proverb: if you walk straight, you exasperate your enemy. Let us walk straight and we will see what others do.

We tried this approach when we acknowledged resolutions 242 and 338 in 1988. When we later went to Madrid the world was obliged to deal with us.

So you are willing to abide by international legitimacy even at the expense of your legitimate rights?

If it is absolute justice we are judging by, then we would find ourselves in absolute grief. In 1947, Palestine was all ours; today we are only asking for 22 percent.

But this does not even amount to partial justice.

International legitimacy offers partial justice. It is better [that] we stick to that than to get nothing at all.

The Israelis used to refuse to recognize the Palestinian people and their rights on their land. Today they acknowledge our right to statehood. This is progress. On the ground there is a Palestinian Authority. . . .

Don't you feel you are being dragged into an unnecessary confrontation with Hamas, under pressure from some Arab capitals who are prejudiced against Hamas for being a symbol of the Islamization they dread? So in fact when Egypt is trying to marginalize Hamas, it is doing so . . .

Egypt is not at all trying to marginalize Hamas; nor are we. It is just that we as a Palestinian Authority are working to be compatible with international legitimacy and we would welcome Hamas if it wishes to do so, but the fact of the matter is that it does not.

And behind closed doors, some from within Hamas, be they in the West Bank, Gaza, or overseas, say we need to adapt to international legitimacy. The fact of the matter is that Arab countries have a specific point of view. They have always asked us to acknowledge 242 and when we did, things moved forward.

So in fact you regret that you have not followed the path of Sadat?

But we did take the path of Sadat—and even more.

I meant do you regret having not been at the Mena House [where the first Egyptian-Israeli negotiations took place in 1978]?

I think that was a mistake. . . . We should have been present and this would not have constituted any compromise on our part.

Was that your worst mistake?

It was one of them.

Was it also a mistake to abandon the Washington talks in favor of Oslo?

Oslo was not a mistake. In Oslo we agreed with the Israelis on transitional solutions and then final status issues. But then [Benjamin] Netanyahu was elected and then it was [Ehud] Barak. They hampered progress. Then it was the intifada and everything was stalled. So the problem is not with Oslo.

Then why are you now trying to pursue the international umbrella of the UN Security Council?

Our objective of going to the UN Security Council is to find a way, any way, to implement the road map.

And do you think that [on the basis of the road map] it is realistic to expect the establishment of a viable Palestinian state within five or even ten years?

Why five or ten years? One or two years is enough if we have the right intentions.

But if you have been unable to put together a meeting with [Israeli Prime Minister Ehud] Olmert for weeks over an exchange of prisoners, how can you realistically think that in one or two years you can have a state?

The meeting with Olmert is not just about the prisoners' exchange. There is a long agenda. . . . The trouble is that the Israeli prime minister does not have an answer to any of the questions on the agenda.

If this is the case, how can you argue that you can have your independent and viable Palestinian state with East Jerusalem as its capital in one or two years, and not twenty years?

The alternative for us is to accept the status quo. The Israelis would then say "let the Palestinians be as they are" and meanwhile the settlements would be further expanded and the whole question will be liquidated.

We should not give up. . . . We can get the whole world to take our side against Israel if we pursue a path acceptable to the world.

But why didn't any of this happen before the election of Hamas? It has been years of endless negotiations led by Yasir Arafat who. . .

We have to accept reality as it is and deal with it. . . . And if there is a window [of opportunity] we have to stick to it. It is in our interest.

Don't you feel at times tired or even desperate?

I have so many concerns, and this comes with the responsibilities I am entrusted with, but I have not reached a stage of desperation.

So you are not considering resigning?

Not at all.

Haniyeh: We Will Stick to Political Resolve

[. . .]

The house of Palestinian Prime Minister Ismail Haniyeh is in the heart of Gaza's slums and refugee camps. The abode might not be the poorest in the explosive Strip but is certainly humble for a man who has put Americans, Israelis, and for that matter some Arabs on alert over the consequences of the success of the increasingly appealing option of "political Islam."

It comes as no surprise to the average Palestinian that unlike his Palestinian political adversaries, this unmistakably popular prime minister is not basking in the comforts of wealth. Consider six-year-old Latifa Ismail Haniyeh, who, judging by the simple, somewhat over-worn play suit she wears, could pass for just another little girl in al-Shatti Camp. But Latifa, who enjoys her father's genuine smile and glow of serenity, is the daughter of the Palestinian prime minister.

As far as the average Gaza resident is concerned, even if Haniyeh stays in office for several years, it is unlikely Latifa will grow to be like the daughters of some Palestinian Authority officials who, these residents bitterly observe, drive fancy cars in the morning along atypically smooth routes through Israeli checkpoints which keep other Palestinians stranded for hours.

Haniyeh's Palestinian political adversaries beg to differ. They argue that Haniyeh and other Hamas figures are so enamored with their newly obtained power that they are willing to keep Palestinians in the occupied territories starving under the international siege just to remain in control. This is an argument Haniyeh strongly rejects. The man who is so uncomfortable with being addressed "Mr. Prime Minister" or "Excellency" that he blushes, insists that Hamas is on a mission to deliver to its people two objectives: good governance and political resolve. This, he says, is the project of all Palestinians, not just that of Hamas.

Haniyeh has no illusions about the difficulties his Hamas government is faced with, be it from within Palestine or outside. But observers say it is the faith that Hamas and

the Palestinian people share that allows both to confront the difficulties ahead.

The struggle for justice is a crucial concept for Haniyeh who is willing to carefully approach the notion of international legitimacy but solely on the basis of Palestinian political resolve that would keep the Palestinian people, and Palestinian question, away from the “grip of the U.S.” This said, Haniyeh is also keen on avoiding having his government in what he qualifies as an artificial confrontation either with other Palestinian factions or with any Arab capital. The Palestinian struggle is only against Israeli occupation, he says. Haniyeh seems interested in playing the game of a Palestinian state within the 1967 borders but he dares the advocates of this project to deliver.

This might be the reason why some Arab, Israeli, and American officials qualify him as the “moderate face” of Hamas in comparison to Khalid Mishal—the Damascus-based Hamas leader—the alleged extremist representative. For Haniyeh, Hamas is one movement with one chain of command that allows for alternative views but follows one decision.

This interview was conducted in Arabic in Ismail Haniyeh’s house in Gaza. Below are excerpts:

You seem to be trapped in a serious crisis that could undermine your government, challenge the Hamas project and [everything] that Hamas stands for.

What matters most to me is the Palestinian project. We work to protect this national project.

Anyway, I am not concerned. . . . Our project is an ongoing political project that has its legacy, roots, its present, and its future. It is a project of resistance, martyrs, resolve, and sacrifices. The future is on the side of the Palestinian national project.

But don’t you think you are confronted with too tough a test? Aren’t you concerned that among those challenging your project are Palestinian brethren who, like you, are living under Israeli occupation?

We are not underestimating the test. The world has failed to respect the democratic choice of the Palestinian people.

It must be clear that we will not allow the current situation to be portrayed as an intra-Palestinian fight. The powers of injustice in the U.S. administration and the Israeli government are imposing a state of siege on our people to deny them the right to have a

government capable of exercising political resolve to preserve Palestinian rights.

But you cannot ignore the Palestinian [component] in the current suffering of the Palestinians.

This is about vested interests. . . . It seems some thought they will never leave the seat of power. . . . It seems that in their resistance to [this new reality] some are willing to resort to methods not at all compatible with our national norms.

But if Hamas [wishes to] play the game of pragmatism, why don’t you try to satisfy those by giving them something—just to spare the overall [national Palestinian] project?

What were we supposed to do?

Perhaps demonstrate some flexibility toward them . . . and toward their [direct interests].

We have made it clear that we are interested in a national unity government . . . and that we are keen on political partnership. . . . We never closed [that] door. . . .

But those who wish to join our government must have two obvious qualities: efficiency and honesty. . . . We cannot tolerate a repetition of previous experiences of corruption. . . . This would be terribly frustrating for the Palestinian people.

It seems that this national unity government is a hard objective to achieve.

We believe that not enough sincere efforts have been exerted in this respect. . . . I am convinced that we can deliver a national unity government. . . .

Why do you sound so confident? After all, it seems clear that nobody wants to deal with you. This applies to the Palestinian Authority, major Arab capitals, Washington, and the Israeli government. They may not mind your presence but do mind your intervention.

This is partially true. . . . It seems there is a [consistent effort] to keep Hamas away from the government. . . . But Hamas was democratically elected. It did not rise to power through a military coup. . . .

But there are threats made by Palestinian President Mahmud Abbas to dissolve the government of Hamas.

This would be a leap in the dark. If he dissolves the government, it would still remain

an acting government until the legislative council approves a new cabinet. Without the support of Hamas in the council, no new government will win a vote of confidence. This much is clear. . . .

Alternatively, President Abbas could decide to resign. Such a move could create a serious political vacuum for which Hamas could be blamed.

We are not at all expecting him to take such a step. We could still find some common denominators.

You have a serious conflict of principles. You cannot reach common denominators. . . .

We have the National Accord Document. . . . This document [addresses] issues of negotiations, Arab legitimacy, international legitimacy, the approach toward [signed] agreements, the [role of the] PLO, and resistance. This it does within the constitutional framework.

So if the right intentions were there we would have worked on those bases toward a national unity government—provided we do so away from the grip of the U.S. administration.

Moreover, the president is in control of the political file. Nobody will tell him “you are conducting negotiations” or “you are working on the basis of the Arab Initiative.” He could pursue whatever political or negotiation basis he finds opportune to pursue legitimate national objectives.

So what is the fuss all about, if this is your stance?

Ask the president. I do not wish to say that the ball is in his court now, but let me say that there is nothing that merits the current state of political deadlock.

But if you have a situation in which the United States, Israel, some Arab countries, and some Palestinian factions decide to challenge Hamas and to starve the Palestinian people to punish them for electing Hamas, then would it not make sense, in the interest both of Hamas and the Palestinian people, for you to bow out and return to the [role] of resistance, even for a while?

First, we have not abandoned resistance, so we do not need to go back to it. Second, our presence in the government under the current political circumstances and our determination to exercise political resolve is

an act of steadfastness and resistance. Third, our decision to pursue [active] political participation was not at all haphazard. It was a strategic decision adopted in the historic context of the evolution of Hamas as a movement. It was a decision based on very careful thinking at the highest levels of the movement.

We do not at all feel we made a mistake that we should rectify. The mistake is made on the side of those who oppose the free will of the Palestinian people who voted for those who could preserve their rights and dignity.

But maybe you should have paved the way for the day you ascend to power. Obvious homework would have been to assure key Arab capitals that the success of Hamas is not the first step toward the Islamization of Arab regimes or an [immediate alliance] with Iran. You know this is a source of concern. Egypt for instance is . . .

First, we have very solid relations with Egypt. Our relations with Egypt go back to 1996 when Hamas started to expand its political presence. And in the framework of our relations with Egypt, Jordan, or any other Arab state, we are always very straightforward.

Second, we do not act as a member of any axis. We are not part of an Iranian-Syrian axis against an Egyptian-Jordanian axis [as has been suggested by some]. We are part of the entire Arab and Muslim worlds.

Third, we do not at all interfere in the internal affairs of other states. We have the Palestinian question to be [fully] occupied with.

So why are these Arab governments opposed to you?

We are hoping for a better Arab stance . . . and [better help] to the Palestinian people.

But when you decline to accept the Arab peace initiative, for example, you are not enabling Arab countries to help you.

We said we accept Palestinian legitimacy and we can go as far as acknowledging the resolutions of Arab summits.

Moreover, they said they want us to accept a Palestinian state on the borders of 1967. We say give us this state. Give it to us if you can within a reasonable timeframe.

The fact of the matter is that the Israeli occupation will not give us this or anything else. And this is why we are [telling our

Arab brethren] we would [all] be wrong to allow the problem to be one between Palestinians and the rest of the Arab world. It is equally wrong, in our view, to allow the problem to be portrayed as an inter-Palestinian one.

Hamas has no problem with any of its Arab brethren or with any Palestinian. Hamas has a problem with the Israeli occupation. We should never lose sight of this. Our struggle is against the occupation.

So you are willing to pursue national dialogue and contacts with all Arab countries?

Of course.

And is this something that has the approval of both Haniyeh and [Kbalid] Mishal because it is no secret that there are different views within Hamas?

Hamas is a big movement that allows for alternative views to be discussed, but Hamas has a chain of command by which we all abide.

And it is the decision of Hamas to stick to political resolve and to protect Palestinian rights. It is the decision of Hamas to keep on making all necessary sacrifices in pursuit of our legitimate rights. We are only pursuing justice for the Palestinian people.

This is the choice of those who voted for Hamas. And it must be clear that this is about Palestinians in general, not just a particular group. I just received a call from a group of our Christian brethren in Bethlehem saying they support our steadfastness.

But you must be concerned that if your adversaries give up on dissuading you from this resolve, they will launch more assassinations like those which eliminated top Hamas officials, including Ahmad Yasin and Abd al-Aziz al-Rantisi?

We are expecting the worst. But we are not going to give up. No, we will not.

UNITED STATES

C1. HUMAN RIGHTS WATCH, "NOWHERE TO FLEE: THE PERILOUS SITUATION OF PALESTINIANS IN IRAQ," NEW YORK, SEPTEMBER 2006 (EXCERPTS).

Approximately half of this detailed forty-two-page study concerns the background of the Palestinian community in Iraq and the backlash against the community in the wake of Saddam Hussein's overthrow, the remainder being devoted to the upsurge in

violence following the bombing of a revered Shi'i mosque in Samara in February 2006. The sections relating to the current situation are based on a three-week research mission conducted to Jordan and the Iraqi border during April and May 2006 by a Human Rights Watch team; the report was written by Peter Bouckaert. The excerpts reproduced below include the Executive Summary and Recommendations and the section entitled "Closed Borders and Lack of Resettlement Alternatives." Footnotes have been eliminated for reasons of space. The full report is available at www.brw.org.

I. Executive Summary

The security of the approximately 34,000 Palestinian refugees in Iraq has drastically deteriorated since the fall of the Saddam Hussein government in April 2003. Militant groups, mostly Shi'a, have targeted this predominantly Sunni minority community, attacking their communal buildings, committing several dozen murders, and threatening harm unless they immediately leave Iraq. Amidst the widespread politically motivated and criminal violence in Iraq, Palestinians have been targeted more than other minorities because of resentment of the privileges Palestinians received during Saddam Hussein's rule, and suspicions that they are supporting the insurgency.

The Iraqi government bears considerable responsibility for the plight of the country's Palestinians. Elements of the Ministry of Interior have been implicated in the arbitrary detention, torture, killing, and "disappearance" of Palestinians. Despite their status as refugees, Iraqi Palestinians have been subjected to new and extremely burdensome registration requirements, providing a venue for bureaucratic hostility. And unlike Iraqi citizens at risk, who are largely able to find refuge abroad, Palestinians have nowhere to flee: countries in the region (with rare, temporary exceptions) have kept their borders firmly closed to fleeing Iraqi Palestinians. And the international community has done little to help ease their plight.

Palestinian refugees in Iraq became a target for violence, harassment, and eviction from their homes soon after the Iraqi government fell to U.S.-led forces in 2003. Unknown assailants fired upon Palestinian housing projects with assault weapons and mortar rounds, and threw bombs into Palestinian homes. A particular point of contention had been the government's provision to Palestinians of subsidized housing, often at the

expense of mostly Shi'a landlords who were paid a pittance in rent by the Iraqi government. Immediately after the fall of the Saddam government, Shi'a landlords forcibly evicted their Palestinian tenants.

Since then, conditions for Palestinian refugees in Iraq continue to worsen. The February 22, 2006 bombing that destroyed one of Shi'ism's holiest shrines, al-Askariyya mosque in Samarra, led to a wave of sectarian killings that continues to date. Alleged Shi'a militants attacked Palestinian housing projects in Baghdad and killed at least ten Palestinians, among them the two brothers of the former Palestinian attaché in Baghdad, who were kidnapped from their father's home on February 23 and found dead at a morgue two days later, their bodies mutilated. On the evening of the Samarra bombing, unidentified persons murdered Samir Khalid al-Jayyab, a fifty-year-old Palestinian, hitting him over the head with a sword and shooting him some twenty times. On March 16, unidentified armed men strangled to death Muhammad Hussain Sadiq, a twenty-seven-year-old Palestinian barber, together with two Sunni Iraqis in the Shu'la neighborhood of Baghdad.

In mid-March, a militant group calling itself the "Judgment Day Brigades" distributed leaflets in Palestinian neighborhoods, accusing the Palestinians of collaborating with the insurgents, and stating, "We warn that we will eliminate you all if you do not leave this area for good within ten days." The killings and death threats put the Palestinian community in a "state of shock," according to the United Nations High Commissioner for Refugees (UNHCR), and led Palestinian National Authority President Mahmud Abbas and the High Commissioner for Refugees António Guterres to each call upon Iraqi President Jalal Talabani to intervene to stop the killings of Palestinians. Fear continues to grip Palestinian communities in Baghdad, and thousands more Palestinians in Iraq are eager to leave the country. And the killings continue: UNHCR reported at least six more killings of Iraqi Palestinians in Baghdad and renewed death threats against Iraqi Palestinians in the last two weeks of May.

The post-Saddam Iraqi governments have done little to protect the Iraqi Palestinians—a community whose members were given the same rights as citizens, minus the actual citizenship and the right to own property—and some elements within government have actively contributed to this community's insecurity. Notably, in October 2005 the min-

ister of displacement and migration called on the government to expel all Palestinian refugees to Gaza, accusing Palestinians of involvement in terrorism. Iraqi Palestinians consistently told Human Rights Watch that Ministry of Interior authorities frequently harass and discriminate against Palestinian refugees in Iraq, singling them out for arrest and falsely accusing them of terrorism. One Palestinian who had been detained at the Kut military base southeast of Baghdad for sixty-eight days described torture he believes he suffered simply for being Palestinian: the guards would enter the detention room and ask for "the Palestinian," and gave him regular beatings and attached live electrodes to his penis. A lawyer for a group of four Palestinians arrested on terrorism charges in May 2005 said his clients had suffered beatings with chains, electric shocks, cigarette burns on their faces, and being placed in a room with standing water carrying live electric current. Iraqi National Guard troops arrested a seventy-five-year-old Palestinian man in April 2005, and he remains "disappeared," with the suspicion that they killed him in custody.

Where previously Palestinian refugees in Iraq had little trouble obtaining and maintaining their residency status, the Ministry of Interior ordered Palestinian refugees to obtain short-term residency permits, treating them as non-resident foreigners instead of as recognized refugees. The residency requirements are onerous, requiring Palestinian refugees to bring all members of their families to Ministry of Interior offices to renew the permits, which can take days or even weeks, and the new permits are only valid for one to two months.

Palestinian refugees seeking to flee Iraq face far greater obstacles than do Iraqi citizens, including other minority communities under threat, such as Mandaeans and Chaldeans. Neighboring countries like Jordan, Kuwait, Saudi Arabia, and Syria refuse to admit them. Israel in general does not allow Palestinian refugees to return to Israel or the Occupied Palestinian Territories. And resettlement options in other countries have been largely unavailable to them.

The attacks in 2003 on Palestinian refugees led to the internal displacement of thousands of Palestinian refugees, and the flight of hundreds to neighboring Jordan. Jordan initially blocked the border for Iraqi Palestinians, then allowed a few hundred into the barren, isolated al-Ruwaishid refugee camp eighty-five kilometers inside

Jordan from the Iraqi border. Other Iraqi Palestinians remained at the equally barren Karama camp located inside the no-man's land (NML) at the Iraqi-Jordanian border for more than two years, until the Jordanian authorities closed the camp in 2005 and relocated them to al-Ruwaishid camp. For the past three years, several hundred Palestinian refugees have remained virtual prisoners in al-Ruwaishid camp. Some 250 of them elected to return to the dangerous conditions in Iraq rather than remain in the camp with no solution to their plight in prospect.

From March to May 2006, a group of nearly 200 Iraqi Palestinians was stuck on the Iraqi side of the Jordanian border, after Jordan refused them entry and armed Iraqi border guards forcibly pushed them back into Iraq. Following a request from the Palestinian Authority's foreign minister, Syria allowed these Palestinians into Syria, but again closed its borders to Palestinian refugees immediately afterwards.

Human Rights Watch calls upon the states bordering Iraq to open their borders to Palestinian refugees from Iraq and to afford them the same opportunities to flee persecution and generalized violence that they accord to Iraqis. The current Palestinian refugee crisis in Iraq needs a regional approach, and all countries in the region—including Israel and the Gulf States—should participate in sharing the burden of accepting and housing the Palestinian refugees fleeing Iraq. The broader international community should also assist governments in the region by sharing the burden, either through providing financial assistance or through third-country resettlement.

II. Recommendations

To the Iraqi Authorities, including the Ministry of Interior and Ministry of Displacement and Migration

- Publicly affirm Iraq's commitment to hosting Palestinian refugees in secure and humane conditions, and that abuses against Iraqi Palestinian refugees will not be tolerated and will be investigated and prosecuted;
- Provide specifically detailed security in neighborhoods and camps where Iraqi Palestinians reside;
- Take all appropriate measures to end torture, "disappearances," summary killings, and other abuses by Iraqi security forces, and investigate and punish such abuses. Investigate whether Iraqi

Palestinians are being targeted for abuse and take appropriate action against the perpetrators;

- Ensure that Iraqi Palestinians are officially treated in a way appropriate to their status as recognized refugees, and cancel burdensome registration requirements imposed on them by the Ministry of Interior's Department of Residency.

To the United States and the U.S.-led Multinational Forces in Iraq

- Assist the Iraqi government with providing security to Iraqi Palestinian refugees in Iraq, and monitor the treatment of Iraqi Palestinians by Iraqi forces. Ensure that abuses committed against Iraqi Palestinians by Iraqi forces are investigated and punished by the appropriate authorities.

To the Governments of Jordan, Syria, and Other Countries in the Region

- Recognize that Iraqi Palestinians are a particularly vulnerable population in Iraq, and keep borders open to Iraqi Palestinians fleeing Iraq;
- Ensure that no Iraqi Palestinian refugee is subjected to *refoulement*, either at the border (by refusing to grant access) or after entering the host country;
- Ensure that government agencies treat Iraqi Palestinian refugees within your borders with dignity and respect for their human rights, including their right to freedom of movement within the host country;
- Provide protection and assistance to all Iraqi Palestinians within your border, with the cooperation and financial assistance of the international community;
- Countries in the region not hosting Iraqi Palestinian refugee populations should engage in burden-sharing with the host countries through humanitarian assistance and financial contributions;
- Permit Iraqi Palestinian men married to women from countries in the region to enter their spouse's home country with their families.

To the Government of Israel

- In the absence of a resolution of the broader Palestinian refugee issue, permit Iraqi Palestinian refugees with direct ties to Gaza to return to areas

now administered by the Palestinian National Authority.

To the Office of the United Nations High Commissioner for Refugees

- In coordination with the United Nations Assistance Mission for Iraq (UNAMI), closely monitor and report on attacks and abuses against Palestinians in Iraq, and their access to asylum and other aspects of their treatment within the region;
- Continue to advocate for a regional commitment from neighboring countries to allow Iraqi Palestinian refugees to enter their territories and to treat Iraqi Palestinian refugees in conformity with international standards;
- Secure resettlement places in countries outside the region, with the active cooperation of the international community, particularly the governments of the United States and the United Kingdom. Afford those Iraqi Palestinian refugees who are unable to integrate locally in the region to return to their place of origin, or to return to Iraq [or] resettlement places in third countries;
- Insist that the relevant authorities in Iraq, including the Iraqi security forces and the U.S.-led Multinational Forces, take the necessary steps to ensure the safety of Iraqi Palestinian refugees and protection of their rights.

To Donors and the International Community

- Urge governments of neighboring states to keep their borders open to Iraqi Palestinians fleeing persecution and violence in Iraq, and insist that Iraqi Palestinians fleeing Iraq are treated in accordance with international standards;
- Donor states should uphold their legal and humanitarian obligations to share responsibility for refugees by providing financial and humanitarian support to protection and assistance activities for Iraqi Palestinians fleeing Iraq;
- The international community should provide third-country resettlement possibilities for Iraqi Palestinians who are unable or unwilling to return to Iraq or to their place of origin, and who cannot safely remain with a secure refugee status in countries in the region. . . .

VIII. Closed Borders and Lack of Resettlement Alternatives

Background: The Protection Gap for Palestinian Refugees

Palestinian refugees are not the only population under specific threat inside Iraq. Many other minority communities, like the Mandaean and Chaldeans, also find themselves under frequent attack, and have fled the country in large numbers. Ordinary Iraqis, Shi'a and Sunni, are also fleeing the armed conflict and criminal violence inside Iraq: there are probably from 500,000 to one million Iraqis currently living in Jordan, and a similar number in Syria, with a smaller number in Lebanon. However, the Palestinian refugee situation is unique because of their inability to seek refuge either in neighboring countries or elsewhere: neighboring countries keep their borders largely closed to them, Israel refuses to allow them to return, and resettlement options in other countries have been largely unavailable to them. To understand their situation, a closer look at the legal regime covering Palestinian refugees is necessary.

Since the adoption of the Convention relating to the Status of Refugees in 1951 (the Refugee Convention), three "durable solutions" have emerged under international law and refugee policy to enable refugees to put an end to their refugee status and reestablish an effective link in a country. These are voluntary repatriation to the refugee's country of origin, local integration in the country of asylum, and resettlement in a third country.

UNHCR promotes voluntary repatriation (the voluntary return of refugees to their home countries) as the optimal solution to refugee crises. UNHCR has statutory responsibility to seek, promote, and facilitate the voluntary return of refugees to their country of origin.

The right to return to one's own country is a fundamental human right, which is recognized in several international human rights instruments. The right to return is most clearly enshrined in the International Covenant on Civil and Political Rights (ICCPR) under the right to freedom of movement, which includes the right to enter one's own country. The basis for the right to return under international refugee law can be found in the Refugee Convention and its 1967 Protocol, various regional refugee instruments, U.N. Resolutions, and Conclusions of UNHCR's Executive Committee (ExCom). There are also specific pronouncements pertaining to the Palestinian refugees, the most important of which are the U.N. General

Assembly resolutions that uphold the right of the Palestinian refugees to return.

To this end, Human Rights Watch has long urged Israel to recognize the right to return for those Palestinians and their descendants who fled or were expelled from territory that is now within the State of Israel or the Occupied Palestinian Territories, and who have maintained appropriate links with that territory. This is a right that persists even when sovereignty over the territory is contested or has changed hands.

The Palestinian National Authority (PA) has repeatedly stated its willingness to accept in Gaza those Palestinian refugees fleeing Iraq, and to issue them with PA passports. Israel has refused to participate in such a solution, which it can prevent through its control of the borders of Gaza and the West Bank. UNHCR twice approached Israel to encourage it to allow Palestinian refugees from Iraq to return—once in 2003 with a group of six to eight Palestinian refugees with direct ties to Gaza, and a second time in 2006 when it gave Israel a list of Palestinian refugees with direct ties to Gaza who were stuck at the Iraqi-Jordanian border. Israel in both instances denied UNHCR's request to let the Palestinian refugees enter Gaza.

Muhammad Abu Bakr, director-general of the Department of Refugee Affairs of the Palestine Liberation Organization (PLO) in Jordan, told Human Rights Watch in April 2006: "Our position concerning the [Palestinian] refugees in Iraq and elsewhere is that either we receive them inside Palestinian National Authority territories or the [Palestinians fleeing Baghdad] stay near the border and return to Baghdad." He said that the PA was willing to consider interim solutions "to see the easing of their humanitarian suffering," but otherwise stood firmly by its position on the Palestinian refugees.

The durable solution of local integration was never open to Palestinians in Iraq and has not become easier under the new Iraqi government. The success of local integration depends on several factors, including the willingness of the refugees to settle locally and the receptiveness and commitment of the host country and local population toward the integration of the refugee population.

The third durable solution is resettlement, the transfer of a refugee from the country of first asylum to a third country that has agreed to provide the refugee with protection. Resettlement is an appropriate protection strategy for refugees whose safety and security cannot be secured in the

country of first asylum or who have special humanitarian needs that cannot be met in the country of first asylum. It is also an appropriate durable solution for those who are unable or unwilling to return to their own country or to locally integrate in their country of asylum. Resettlement is also a mechanism whereby wealthier countries can share the responsibility for the broader refugee problem.

The PLO and the Arab League have rejected in principle and actively discouraged in practice local integration or third-country resettlement of Palestinian refugees. Their view is that local integration or resettlement would negate the right to return of the resettled refugees. The Arab countries hosting large Palestinian refugee populations point to Israel's legal obligation to permit the refugees' return to justify their refusal to integrate the Palestinian refugees and afford them rights equal to their own citizens. Only Jordan has granted its Palestinian refugee population citizenship, breaking with the practice of other Arab states.

Jordan and Syria have (with some exceptions) refused entry to Palestinians who attempt to flee Iraq, in violation of the international legal prohibition against *refoulement*. When these two countries made temporary exceptions to their policies of refusal, they conditioned admission of Palestinian refugees on their confinement to camps, for example al-Ruwaishid camp in Jordan in 2003, and al-Hol camp in Syria in 2006 (for which, see below). Because of the widely observed policy against resettlement of Palestinian refugees, these camp residents have already waited longer than other refugees fleeing Iraq, such as the Iranian Kurds, for access to third-country resettlement.

Most western states, including the United States and the countries of the European Union, similarly decline to consider Palestinian refugees for resettlement, except for a few "humanitarian cases." At the time of the publication of this report, Human Rights Watch had learned that Canada was considering for resettlement [*sic*] the Palestinian refugees at al-Ruwaishid, but had not made a final decision. However, UNHCR anticipates that Canada will not be able to grant resettlement to all of the Palestinians at al-Ruwaishid, leaving at least some of the Palestinians in continuing limbo.

The 2006 Jordan Border Issue

In March 2006, new groups of Iraqi Palestinians, fleeing the intensified killings and death threats in Baghdad, sought refuge in

Jordan. A group of eighty-nine Palestinians, including many women and forty-two children, arrived at the Iraqi-Jordanian border on March 19, 2006, accompanied for their protection by three members of the activist group the Christian Peacemaking Team. They spent the first night on the Iraqi side of the border, sleeping on their buses. After calls to the Iraqi MoI, the group was allowed to cross the Iraqi border the next morning. However, as soon as the group entered the NML, the Jordanian authorities closed the border and prevented the group from reaching the Jordanian border post. One of the group told us:

The Jordanian soldiers prevented us from getting off the bus. They brought tanks and Humvees with Jordanian soldiers. They obliged us to return and we stayed next to the [Iranian] Kurdish camp [located in the NML]. We stayed there for four days in the desert with no food.

The Jordanian authorities completely shut down their border for four days, refusing to allow anyone to cross the border until the Iraqi authorities returned the Palestinian refugees to the Iraqi side of the border. After four days, on March 23, at about 3 P.M., armed Iraqi soldiers ordered the Palestinian refugees to return to the Iraqi side. The Palestinian refugees, defenseless and intent on avoiding a violent confrontation in which many women and children might be caught up, returned peacefully to the Iraqi side of the border, where Iraqi authorities housed them in an abandoned building formerly used as a horse stable. The Iraqi Red Crescent Society (IRCS) provided them with tents and humanitarian assistance. UNHCR assistance arrived on the same day as the IRCS, and UNHCR continued to provide assistance throughout.

Other Palestinians soon joined the original eighty-nine, and the group ultimately grew to more than 200 persons. The Iraqi border authorities tried to stem the influx, refusing to allow new arrivals to enter the makeshift camp established for the Palestinian refugees, instead forcing them to sleep out in the open. When the last group of fifty-four Palestinian Iraqis arrived at the border on April 23, the Iraqi border authorities told them to return to Baghdad, because the Iraqi commander of the border post had decided not to let any more Palestinians join the camp. The new arrivals were forced to stay at the border, until the women and children in the group were moved into the camp during a sandstorm. However, the men were

forced to remain outside the camp, sleeping in an abandoned trailer at the border post.

In an interview with Human Rights Watch, the secretary-general of Jordan's Ministry of Interior, Mukhaimar F. Abu Jamous, said that Jordan would not alter its policy of refusing entry to Iraqi Palestinians. He said that Jordan already had a massive Palestinian refugee burden and could not take on additional Palestinians. The official said that because Iraqi Palestinians had no passport, only a Palestinian travel document, there was concern that once Jordan accepted Iraqi Palestinians, they would be unable to leave Jordan again, unlike ordinary Iraqis. To support this, the UNHCR has learned that the Iraqi border officials have stamped the travel documents of Iraqi Palestinians leaving Iraq with "right to exit, no right to return." The Iraqi MoI also stated to the UNHCR that Palestinians who have fled will not have the right to return to Iraq. Abu Jamous of the Jordanian Ministry of Interior stressed that the Iraqi Palestinian issue should be resolved through regional burden sharing, but that even with international financial assistance Jordan would not allow the Iraqi Palestinians to enter its territory.

Syria's Offer to Take Palestinian Refugees

With the renewed crisis at the Jordanian border, the newly elected Hamas-led Palestinian National Authority urged countries in the region to take in Palestinians fleeing Iraq, seeming to break with the position of the PLO that the Iraqi Palestinians should either return to Palestine or remain in Iraq. During his first official visit to Syria, the newly appointed Palestinian Authority foreign minister, Mahmoud Zahar, announced that he had received a commitment from the Syrian authorities to accept the Palestinians stranded at the Iraqi-Jordanian border.

The Syrian offer was a departure from its previous practice of sealing its borders to Palestinians, much like Jordan. It had previously allowed in a group of nineteen Palestinians, stranded at the Iraqi-Syrian border from October 4 to November 21, 2005, to go to its al-Hol refugee camp (a UNHCR-run camp mostly holding Iraqis), but only after extensive negotiations between UNHCR and the Syrian authorities.

On May 9, 2006, the International Organization for Migration moved the more than 250 Iraqi Palestinians stuck at the Iraqi-Jordanian border to Syria, and Syrian authorities transferred them to al-Hol refugee camp.

They should then receive assistance from UNRWA, probably after being moved to an UNRWA-managed camp where movement is less restricted than at al-Hol camp. The Syrian authorities then allowed an additional group of thirty-seven Iraqi Palestinians who had fled directly from Baghdad to the Syrian border to cross the next day. However, since May the Syrians again have closed the Syrian-Iraqi border to Iraqi Palestinians, and as of the time of this report just under 200 Iraqi Palestinians, including children and pregnant women, are stranded at the NML at the Syrian border. By contrast, Iraqi citizens continue to enter Jordan and Syria in large numbers, showing the discriminatory nature of Jordan and Syria's policies toward persons fleeing Iraq.

**C2. AMERICAN JEWISH COMMITTEE, 2006
ANNUAL SURVEY OF AMERICAN JEWISH
OPINION, NEW YORK, OCTOBER 2006
(EXCERPTS).**

The 2006 survey was conducted for the American Jewish Committee by Synovate (formerly Market Facts) by telephone between 25 September and 16 October 2006. The sample consisted of 958 self-identifying Jews demographically representative of the adult U.S. Jewish population, the margin of error being plus or minus 3 percentage points. The American Jewish Committee has been sponsoring such annual surveys since 1997. The full survey results are available at www.ajc.org.

A. International Affairs

1. Do you approve or disapprove of the way the United States government is handling the war against terrorism?

Approve 31
Disapprove 62
Not sure 8

2. Compared to one year ago, do you feel more safe from the threat of terrorism, less safe, or about as safe as you felt one year ago?

More 8
Less 31
Same 61
Not sure 0

3. Looking back, do you think the United States did the right thing in taking military action against Iraq, or should the U.S. have stayed out?

Right thing 29
Stayed out 65
Not sure 6

[...]

5. Do you approve or disapprove of the way the United States government is handling the situation with Iran's nuclear weapons program?

Approve 33
Disapprove 54
Not sure 13

6. Would you support or oppose the United States taking military action against Iran to prevent it from developing nuclear weapons?

Support 38
Oppose 54
Not sure 8

7. Do you agree or disagree with those who claim that the West and the Muslim world are engaged in a clash of civilizations?

Agree 64
Disagree 29
Not sure 7

B. Israel

8. Do you think there will or will not come a time when Israel and the Arabs will be able to settle their differences and live in peace?

Will 38
Will not 56
Not sure 6

9. Do you agree or disagree with the following statement? "The goal of the Arabs is not the return of occupied territories but rather the destruction of Israel."

Agree 81
Disagree 13
Not sure 6

[...]

11. Do you approve or disapprove of the way the Israeli government has handled the conflict between Israel and Hezbollah in Lebanon?

Approve 55
Disapprove 35
Not sure 10

12. Do you approve or disapprove of the way the United States government has handled the conflict between Israel and Hezbollah in Lebanon?

Approve 53
Disapprove 39
Not sure 8

[...]

14. Would you support or oppose Israel taking military action against Iran to prevent it from developing nuclear weapons?

Support 57
Oppose 35
Not sure 8

[...]

16. In the framework of a permanent peace with the Palestinians, should Israel be willing to compromise on the status of Jerusalem as a united city under Israeli jurisdiction?

Yes 40
No 52
Not sure 7
[...]

D. Anti-Semitism

28. Do you think that anti-Semitism in the United States is currently a very serious problem, somewhat of a problem, or not a problem at all?

Very serious problem 26
Somewhat of a problem 65
Not a problem at all 9
Not sure 1

29. In your opinion, what proportion of each of the following groups in the United States is anti-Semitic—most, many, some, very few, or none?

	Most	Many	Some	Very Few	None	Not sure
Asians	2	4	37	38	10	8
Muslims	32	27	29	6	1	5
Hispanics	2	6	46	31	6	8
Blacks	5	16	55	17	3	5
Evangelical Protestants	9	15	41	20	5	11
Catholics	5	10	53	24	4	5

31. Looking ahead over the next several years, do you think that anti-Semitism around the world will increase greatly, increase somewhat, remain the same, decrease somewhat, or decrease greatly?

Increase greatly 17
Increase somewhat 36
Remain the same 36
Decrease somewhat 7
Decrease greatly 1
Not sure 3

E. Jewish Identity

32. How important would you say being Jewish is in your own life?

Very important 61
Fairly important 28
Not very important 10
[...]

35. How close do you feel to Israel?

Very close 37
Fairly close 39
Fairly distant 16
Very distant 6
Not sure 2

36. Do you agree or disagree with the following statement? "Caring about Israel is a very important part of my being a Jew."

Agree 74
Disagree 25
Not sure 2

C3. IRAQ STUDY GROUP REPORT, "THE WAY FORWARD—A NEW APPROACH," WASHINGTON, D.C., 6 DECEMBER 2006 (EXCERPTS).

The bipartisan Iraq Study Group, co-chaired by former secretary of state James Baker and former House majority leader Lee Hamilton, was formed in March 2006 to "conduct a forward-looking, independent assessment" of the current situation in Iraq, its impact on the region, and its consequences for U.S. interests. The long-awaited final report generated immediate controversy for its linkage of U.S. interests in Iraq and the region as a whole to resolution of the Israeli-Arab conflict and for viewing direct U.S. talks with Iran and Syria as integral to a successful Middle East policy. (Israel denounced these aspects of the report, dispatching senior officials to Washington to lobby against the linkage and talks with Iran and Syria.) The report was not expected to greatly influence the administration's Iraq policy reassessment expected in January 2007. The full report is available at www.bakerinstitute.org.

A. The External Approach: Building an International Consensus

[...]

1. The New Diplomatic Offensive

Iraq cannot be addressed effectively in isolation from other major regional issues, interests, and unresolved conflicts. To put it simply, all key issues in the Middle East—the Arab-Israeli conflict, Iraq, Iran, the need for political and economic reforms, and extremism and terrorism—are inextricably linked.

In addition to supporting stability in Iraq, a comprehensive diplomatic offensive—should address these key regional issues. By doing so, it would help marginalize extremists and terrorists, promote U.S. values and interests, and improve America's global image. . . .

Recommendation 1: The United States, working with the Iraqi government, should launch the comprehensive New Diplomatic Offensive to deal with the problems of Iraq and of the region. This new diplomatic offensive should be launched before December 31, 2006. . . .

4. *The Wider Regional Context*

The United States will not be able to achieve its goals in the Middle East unless the United States deals directly with the Arab-Israeli conflict.

There must be a renewed and sustained commitment by the United States to a comprehensive Arab-Israeli peace on all fronts: Lebanon, Syria, and President Bush's June 2002 commitment to a two-state solution for Israel and Palestine. This commitment must include direct talks with, by, and between Israel, Lebanon, Palestinians (those who accept Israel's right to exist), and particularly Syria—which is the principal transit point for shipments of weapons to Hezbollah, and which supports radical Palestinian groups.

The United States does its ally Israel no favors in avoiding direct involvement to solve the Arab-Israeli conflict. For several reasons, we should act boldly:

- There is no military solution to this conflict.
- The vast majority of the Israeli body politic is tired of being a nation perpetually at war.
- No American administration—Democratic or Republican—will ever abandon Israel.
- Political engagement and dialogue are essential in the Arab-Israeli dispute because it is an axiom that when the political process breaks down there will be violence on the ground.
- The only basis on which peace can be achieved is that set forth in UN Security Council Resolutions 242 and 338 and in the principle of “land for peace.”
- The only lasting and secure peace will be a negotiated peace such as Israel has achieved with Egypt and Jordan.

This effort would strongly support moderate Arab governments in the region, especially the democratically elected government of Lebanon, and the Palestinian Authority under President Mahmoud Abbas.

Recommendation 13: There must be a renewed and sustained commitment by the United States to a comprehensive Arab-Israeli peace on all fronts: Lebanon and Syria, and President Bush's June 2002 commitment to a two-state solution for Israel and Palestine.

Recommendation 14: This effort should include—as soon as possible—the unconditional calling and holding of meetings, under the auspices of the United States or the Quartet (i.e., the United States, Russia,

European Union, and the United Nations), between Israel and Lebanon and Syria on the one hand, and Israel and Palestinians (who acknowledge Israel's right to exist) on the other. The purpose of these meetings would be to negotiate peace as was done at the Madrid Conference in 1991, and on two separate tracks—one Syrian/Lebanese, and the other Palestinian.

Recommendation 15: Concerning Syria, some elements of that negotiated peace should be:

- Syria's full adherence to UN Security Council Resolution 1701 of August 2006, which provides the framework for Lebanon to regain sovereign control over its territory.
- Syria's full cooperation with all investigations into political assassinations in Lebanon, especially those of Rafik Hariri and Pierre Gemayel.
- A verifiable cessation of Syrian aid to Hezbollah and the use of Syrian territory for transshipment of Iranian weapons and aid to Hezbollah. (This step would do much to solve Israel's problem with Hezbollah.)
- Syria's use of its influence with Hamas and Hezbollah for the release of the captured Israeli Defense Force soldiers.
- A verifiable cessation of Syrian efforts to undermine the democratically elected government of Lebanon.
- A verifiable cessation of arms shipments from or transiting through Syria for Hamas and other radical Palestinian groups.
- A Syrian commitment to help obtain from Hamas an acknowledgment of Israel's right to exist.
- Greater Syrian efforts to seal its border with Iraq.

Recommendation 16: In exchange for these actions and in the context of a full and secure peace agreement, the Israelis should return the Golan Heights, with a U.S. security guarantee for Israel that could include an international force on the border, including U.S. troops if requested by both parties.

Recommendation 17: Concerning the Palestinian issue, elements of that negotiated peace should include:

Adherence to UN Security Council Resolutions 242 and 338 and to the principle of land for peace, which are the only bases for achieving peace.

Strong support for Palestinian President Mahmoud Abbas and the Palestinian Authority to take the lead in preparing the way for negotiations with Israel.

A major effort to move from the current hostilities by consolidating the cease-fire reached between the Palestinians and the Israelis in November 2006.

Support for a Palestinian national unity government.

Sustainable negotiations leading to a final peace settlement along the lines of President Bush's two-state solution, which would address the key final status issues of borders, settlements, Jerusalem, the right of return, and the end of conflict.



Palestinian children collect possessions from the rubble of a home flattened in an Israeli air strike in Rafah, 19 September 2006. (Said Khatib/AFP/Getty Images)

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