

REPORT ON ISRAELI SETTLEMENT IN THE OCCUPIED TERRITORIES

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THE OBAMA ADMINISTRATION TALKS TOUGH

By *Geoffrey Aronson*

When then Secretary of State Condoleezza Rice was set to visit Israel almost two years ago, Prime Minister Ehud Olmert decided to postpone the festive opening of the new border police station in E-1 east of Jerusalem in order not to embarrass the U.S. envoy, who, like her predecessors, had been promised that a decision to settle E-1 would not be realized for years.

Prime Minister Benjamin Netanyahu saw no need to be as sensitive to U.S. concerns about settlement in East Jerusalem during the recent visit of Vice President Joe Biden. The announcement of a routine planning approval for 1,600 dwellings in the East Jerusalem settlement neighborhood of Ramat Shlomo precipitated a crisis in relations that highlights not only Israel's intention to expand settlements—in East Jerusalem and elsewhere—but also the need for a more effective U.S. effort to rescue President Barack Obama's troubled diplomatic initiative.

The Obama administration's interest in resuming formal negotiations has been stymied for months by Palestine Liberation Organization chairman Mahmoud Abbas's refusal to open direct negotiations with Israel, a central feature of diplomacy for the last two decades, in the absence of a commitment by Prime Minister Benjamin Netanyahu to a "quiet" settlement freeze in East Jerusalem. In place of direct talks, special envoy George Mitchell won the agreement of all parties to

"proximity talks," thus formalizing the U.S. effort as it has evolved during the first year of Obama's presidency.

The fragility of this understanding was exposed by Israel's decision to advance the planning of 1,600 units for approximately 10,000 new residents, in the East Jerusalem settlement of Ramat Shlomo, a fast growing ultra-orthodox neighborhood of close to 18,000. PLO chairman Mahmoud Abbas suspended Palestinian participation in the yet to begin talks and Biden "condemned" the Israeli move. Tensions increased throughout the West Bank, but particularly in East Jerusalem, threatening to overwhelm the stalled diplomatic agenda promoted by Washington. The Arab League suspended its endorsement of the proximity talks, which may begin only if the Arab League reconfirms its grudging support at its summit in Libya.

American anger continued to grow. Secretary of State Hillary Clinton had the first of many difficult conversations with Netanyahu in a long telephone conversation. She announced in a subsequent television interview that the decision to advance settlement planning in East Jerusalem was "insulting" to the United States. During talks with Netanyahu in Washington, administration officials demanded that Israel reverse its approval for construction in Ramat Shlomo, make a "substantial gesture" towards the Palestinians, reportedly including transfer of Areas A and B to Palestinian Security Control, and publicly declare that all of the "core

issues" in the Israeli-Palestinian conflict, including the status of Jerusalem, be included in upcoming talks.

The loss of confidence between the two capitals fueled by the Netanyahu's settlement program has been highlighted by an unprecedented statement by CENTCOM commander Gen. David Petraeus, suggesting that the diplomatic impasse threatens the safety of U.S. forces in the region and impacts negatively on Washington's ability to meet regional challenges. After a hiatus of many months, U.S. officials are once again declaring that resolution of the Israel-Palestinian conflict is an American national interest.

George Mitchell is continuing separate discussions with Israeli and Palestinian delegations pending commencement of formal proximity talks. The U.S. goal remains the same as it has been for the past year, first and foremost to establish an agreed upon formula, described during late 2010 as "terms of reference," that will enable the resumption of direct Israeli-Palestinian negotiations.

Palestinians remain intent upon winning U.S. and Israeli agreement to a territorial framework for talks based upon the June 4, 1967 line dividing Israel from the West Bank, including East Jerusalem.

"If [Israel] accepts the framework of a two-state solution based on the 1967 borders and an end to occupation, with time lines and mechanisms, then there

OBAMA, continued on page 6

TO OUR READERS

Washington's recent flare-up with Israel over planned new settlement in East Jerusalem was an opportunity to explain that Israel will face unpleasant consequences in its relations with its best friend if it continues to ignore U.S. concerns over Jerusalem and settlements. Unusually frank rebukes by Vice President Biden and Hillary Clinton, and General David Petraeus's rare public acknowledgement that the Israeli-Palestinian conflict threatens U.S. national security, exposed the growing gap between U.S. and Israeli policies and serious strain in the relationship.

This episode will prove useful if the U.S. continues to speak more candidly to Israelis about our troubled ties and the reality of their situation. To succeed, we need a less ambiguous vocabulary. While in Israel, Biden harshly condemned the Israeli plan, and said later in a speech that "sometimes only a friend can deliver the hardest truth." Yet most of Biden's speech was devoted to an over the top rhapsody of Israel and U.S.-Israeli relations.

The hard truth is that the American-Israeli relationship, exaggerated rhetoric aside, was not made in heaven. To survive, it must ultimately be a two-way street that also supports American interests. Today it is deeply troubled because Israel's policies of occupation and settlement undermine U.S. peace efforts and national security interests. Constant commitments to Israel's security as "absolute" and "fundamental" and the "unbreakable bonds" between the U.S. and Israel are meant to reassure. But they mask the reality that the greatest threat to Israel's security and its democratic and Jewish character are its own policies toward the Palestinians.

Resetting our dialogue with Israelis in a way that is both clear, honest, and empathic toward genuine Israeli fears is difficult. But we need to offer more truth telling and less sugar coating.



The fact is that our position is that settlement activity is illegitimate, and that the final resolution of borders has to be worked out that will give both sides, the Israelis and the Palestinians, the secure borders that they deserve to have. And both sides recognize that development and swaps will be necessary in order to achieve the outline of the Palestinian state. But, of course, it will be based, as I have said many times, on the 1967 lines, with the agreed swaps, and taking into account subsequent developments. Those are the very clear parameters that the United States believes that the parties should negotiate over.

So that is, then, our condition. It remains our condition. And we think the best way to resolve the ongoing concerns that are reflected in the question and the feelings that so many people have is to get the parties into a negotiation facilitated by the United States, and to assist them in whatever way we can to reaching a resolution on borders, on refugees, on security, on Jerusalem that will, once and for all, end the conflict.

Secretary of State Hillary Rodham Clinton, February 15, 2010

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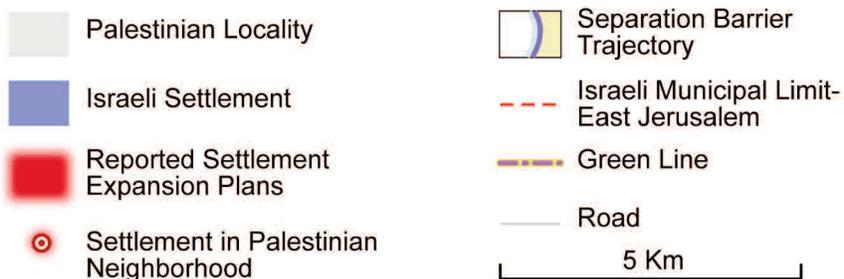
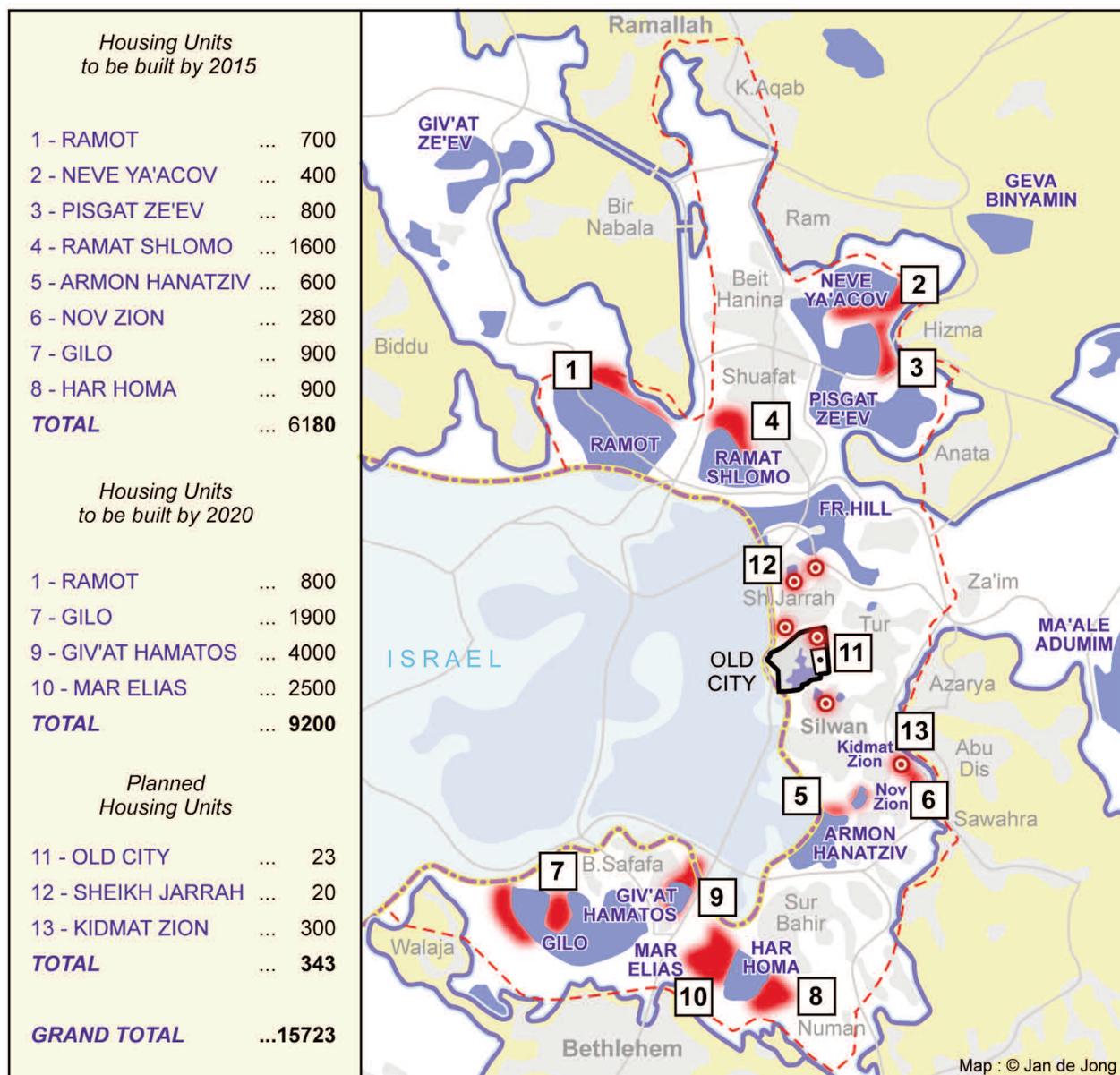
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Reported Settlement Expansion Plans in East Jerusalem - March 2010



SETTLEMENT TIME LINE

December 1 A group of Israel Defense Forces (IDF) reserve officers living in the West Bank circulate a letter calling for reservists there to abstain from reserve duty for the duration of the 10-month settlement construction moratorium. (*Yediot Abaronot*)

Verbal clashes ensue when civil administration officials arrive at the Kiryat Arba, Revava, Karnei Shomron, and Shavei Shomron settlements to issue construction freeze orders. (*Yediot Abaronot*)

Settlers, escorted by IDF soldiers, enter the home of Rifka al-Kurd in the Sheikh Jarrah neighborhood of East Jerusalem. Her family was not there at the time, in compliance with an Israeli court order prohibiting them from staying in the home. (*al-Quds*)

Heads of settler regional councils in the West Bank condemn the Israeli government's moratorium on the construction of homes as "unlawful, immoral, anti-Zionist and inhuman." They add, "We will continue to build through the Land of Israel, with or without permission of the government." (*Ma'ariv*)

December 2 Israeli police arrest the mayor of the Beit Arieh settlement after residents there block the entry of officials to enforce the construction moratorium. (*Ha'aretz*)

Settlers from the Elon Moreh settlement march toward Nablus to protest the moratorium. (*Ha'aretz*)

Israel's Defense Ministry announces a decision to allow the construction of 84 new buildings in West Bank settlements outside the construction moratorium. The new buildings, whose foundations are yet to be laid, will add 492 apartments to the 2,500 housing units under construction in the West Bank. (*Ha'aretz*)

Defense Minister Ehud Barak orders the formation of a "blue line" team, responsible for mapping and categorizing land as state land or private land owned by Palestinians, and a land review team, tasked with determining lands of unaccounted ownership and transferring them to the authority of the government of Israel and ultimately to settlements. Such teams had been inactive under former defense minister Amir Peretz. (*Yediot Abaronot*)

Barak stresses that the "settlement blocs are an inseparable part of Israel in all future

negotiations with the Palestinians." (*Yediot Abaronot*)

IDF soldiers are forced to cease training exercises so they can assist border police in quelling violence arising from enforcement of the construction moratorium order. (*Ma'ariv*)

The Israeli High Court states that because of the settlement moratorium, demolition of illegal outposts in the West Bank would have to be postponed. (*Yediot Abaronot*)

Rabbi Dov Lior of Kiryat Arba asserts that construction work should be permitted on the Sabbath if it is carried out by non-Jews. Under Israeli law, however, Jewish building inspectors are forbidden to work on the Sabbath. (*Yediot Abaronot*)

According to Israeli government figures reported by *Ha'aretz*, 4,577 Palestinians lost the right to live in East Jerusalem in 2008. During the previous 40 years of occupation, Israel had revoked East Jerusalem residency rights for 8,558 Palestinians, making the 2008 figure 21 times higher than the annual average since 1967.

Fourteen West Bank settlements petition the Israeli High Court, claiming that the construction moratorium order deviates from proper authority, that settlers were not given time to prepare for the freeze or a right to a hearing on it, and that the decision discriminates against Jews in the West Bank. This petition joins an earlier one, filed by the Legal Forum for the Land of Israel, challenging the legality of the order. (*Yediot Abaronot*)

December 3 More than 200 settlers gather at the entrance to the Kedumim settlement to block the entry of civil administration officials issuing orders to stop construction. (Army Radio)

Settlers and police clash in Talmon over the enforcement of the construction moratorium order. (*Ha'aretz*)

At an emergency meeting in the settlement of Ofra, Itzik Shadmi, an IDF lieutenant colonel and Binyamin settlers' committee chairman, calls on settler leaders to ask IDF troops stationed or quartered in settlements to reposition to tents outside settlement boundaries. The troops in question are responsible for guarding the settlements. (*Yediot Abaronot*)

December 4 The Jordanian Foreign Ministry demands that Israel immediately cease renovations on the outer walls of the Church of the Holy Sepulcher in Jerusalem out of concern that its actions, taken unilaterally, will disturb the status quo in the Old City. (Israel Radio, Ynet)

YESHA council chairman Danny Dayan states, "We will violate the decision to freeze [construction,] and we are prepared to pay the price to break down Netanyahu's White Paper policies. We refuse to accept a policy that forbids Jews from living in the heart of the Land of Israel." (*Yediot Abaronot*)

Settlers from Yitzhar attack residents of the Palestinian village of Asira. No injuries are reported. (Ma'an News)

December 6 The Jewish Voice, an Internet news outlet based in the Yitzhar settlement, reports, "To date, since the freeze decree, the civil administration inspectors have not dared enter Yitzhar. This is because every entry into the settlement requires many troops, and ends in great damage to IDF and police property, even more damage to Arab property as well as to their bodies, and to the entire sector being set aflame for several days."

The Samaria Residents Council issues an instruction sheet to settlers asking them to protest the construction moratorium by selecting one central construction project to carry out, interfering with the work of civil administration officials in any way possible, refusing reserve military duty, pressuring politicians, and bringing lawsuits demanding compensation. (Arutz 7)

Settlers, likely from the Yitzhar settlement, set fire to Palestinian property and uproot more than 50 olive trees belonging to residents of Ayn Abbas, near Nablus, causing some \$40,000 in damage. (Ma'an News)

Settlers uproot more than 50 newly planted trees in the village of Um Salamona, south of Bethlehem. (Ma'an News)

December 7 Clashes erupt in the settlements of Ma'ale Levona and Revava as soldiers attempt to deliver construction freeze orders. (*Ha'aretz*)

In response to claims by the Regavim movement that the Israeli High Court discriminates in its responses to petitions for the demolition of illegally constructed buildings

SETTLEMENT TIME LINE

in the West Bank, the State Attorney's Office announces that in the past twelve years approximately 2,450 illegally constructed Palestinian buildings were demolished compared to 1,230 illegally constructed buildings belonging to Israelis during the same period. (Israel Radio)

December 8 The Palestinian Authority announces a boycott of settler-made goods in the West Bank with the goal of eliminating all such products from Palestinian shelves by 2011. One million dollars worth of goods were reported confiscated already. (Associated Press)

December 9 Palestinian police and customs officers in Salfit confiscate two tons of nylon bought from Israeli settlements. The Palestinian Ministry of Economy reiterates that products manufactured in the settlements threaten Palestinian traders and the economy. (Ma'an News)

Peace Now reports that 3,492 new housing units are set to be built in West Bank settlements during the period of the construction moratorium. (*Yediot Aharonot*)

Approximately 15,000 activists gather near the prime minister's residence in Jerusalem to protest the moratorium on settlement construction. Gershon Mesika, the head of the Samaria Regional Council, calls the order "anti-Zionist," and settler leader Danny Dayan asserts that "not one Jewish home can be built now. We are not an obstacle to peace. We can make peace more possible." (*Ha'aretz*)

Yediot Aharonot reports Prime Minister Benjamin Netanyahu calling for revisions to the national priority map to upgrade the status of a long list of West Bank settlements, most of which are outside of the major blocs. These settlements will be allocated \$29 million (or \$264 per resident) in supplementary budgetary funding. The Prime Minister's Office also announces that Elon Moreh, Emmanuel, Itamar, the Jewish quarter in Hebron, Kiryat Arba, Nokdim, and Psagot have been added to the list of settlements entitled to special supplementary funds in education, employment, infrastructure, and housing.

Army Radio reports on a Peace Now study revealing a better socioeconomic environment in the settlements than the average in Israel. The rate of unemployment in West

Bank settlements is 6.5% compared to more than 7% in Israel. In Efrat, set to receive additional economic support from the state under the new policy, the average income is \$2,055 compared to \$1,266 in the Israeli city of Ashdod, which will not receive the same type of state benefits.

December 10 Minister-without-portfolio Benny Begin says that construction in the West Bank will continue during the coming 10 months, increasing the settler population by 10,000. Begin also states that from a national consensus perspective, there is no difference between settlements in major blocs and those that are isolated. (*Ha'aretz*)

Settlers from Tapuah vandalize a mosque in the Palestinian village of Yasuf, burning furniture and copies of the Quran and spraying hateful slogans. The attack is a part of the ongoing "price-tag" policy carried out by pro-settler groups to attack Palestinians and their property in response to the construction moratorium. (*Ha'aretz*, Ma'an News)

Israeli police order United Nations Relief and Works Agency (UNRWA) commissioner-general Karen AbuZayd to leave the home of the evicted family of Rifka al-Kurd in Sheikh Jarrah. AbuZayd states that Jerusalem is a "city of dispossession. . . . On this day, and in this place, I wish to remind the international community of the unfinished business in Sheikh Jarrah and elsewhere in the West Bank." (See under December 1 for more on the Kurd family.) (Ma'an News)

December 11 The British government issues an official recommendation that business owners properly mark Israeli products produced in West Bank settlements so that consumers boycotting such products may easily identify them. The British embassy in Israel stresses that it is a recommendation, not a binding order, and that the British government is opposed to a boycott of Israeli goods. (*Ha'aretz*)

Israeli protestors and police clash in Jerusalem, resulting in light injuries and the arrest of 21 activists demonstrating against the eviction of Palestinian families from their homes in East Jerusalem. (*Ha'aretz*)

Yediot Yerushalaim reports on recent findings by the Jerusalem municipality that of the 307 buildings under construction in East Jerusalem, half are being built without a per-

mit. Fifty-five buildings were demolished in East Jerusalem in 2009, and 59 demolition orders were slated to be issued in the coming months.

A Palestinian stabs a 22 year old woman in the Karnei Shomron settlement resulting in light injuries. (Israel Radio)

Stone throwing Palestinians in Yasuf injure one border policeman during demonstrations protesting the mosque arson. (*Israel HaYom*)

December 12 Rabbi Menachem Fruman and others from the Tekoa settlement visit Yasuf to express solidarity with residents there and to donate copies of the Quran to replace the ones that were burned. (*Yediot Aharonot*)

The Kastina military court convicts reservist Lt. Adam Malloul of aggravated assault and conduct unbecoming of an officer. Malloul, the deputy commanding officer of a company in the Kfir Brigade, is charged in the beating of a Palestinian during an arrest in the West Bank last year. (*Ma'ariv*)

December 15 An Israeli border guard and 11 settlers are injured during clashes between civil administration inspectors and 60 teenagers in the settlement of Tzofim. (*Yediot Aharonot*)

Ha'aretz reports that Judge Ilta Ziskind of the Jerusalem Magistrates Court has refrained from convicting a settler from Hebron who had cursed a policeman of Ethiopian origin in saying, "Nazis, Falashmura, go back to Ethiopia." The judge explained that her action was intended to save the settler's career as a teacher.

Settlers clash with Israeli security forces in Tzofim in response to the moratorium order resulting in the serious injury of one border policewoman, and light injuries to two policemen and eleven settlers. (*Ha'aretz*)

December 16 Interior Minister Eli Yishai accelerates the planning processes of master plans throughout the West Bank so that it will be possible to immediately start renewed construction when the freeze ends in September 2010. The moratorium includes a halt on the procedures for issuing tenders and construction but not for the planning procedures, which is effectively the longest and most difficult stage in any construction. (*Ma'ariv*)

will be progress,” Abbas said.

Abbas also said he would be prepared to resume full face to face peace negotiations if Israel froze all settlement construction for three months and accepted the June 1967 borders as the basis for land swaps. “These are not preconditions. They are requirements in the road map. If they are not prepared to do that, it means they don’t want a political solution.”

Netanyahu does not share longstanding Palestinian and the more recent U.S. support for opening negotiations with a focus on determining the border between Israel and Palestine, in part as a way to resolve the settlement and Jerusalem issues. “It is a trap,” asserted a senior minister in the Israeli cabinet to *Ha’aretz*. “We will only give and will not receive anything.”

Netanyahu, like his predecessor Ehud Olmert, seeks Washington’s endorsement of a security framework in which Israeli-defined security requirements would implicitly if not explicitly define the final status issues of settlements, territory, and security, and form the basis of subsequent talks with the PLO. This effort not only reflects Israel’s desire to dominate the diplomatic agenda. It is also good domestic politics, because it establishes security-oriented redlines popular beyond Netanyahu’s core constituency on the right.

In recent months, the Israeli leader has been highlighting the expansive security requirements that Israel will demand if talks with the Palestinians proceed, including control of the Jordan Valley—“an Israeli presence on the eastern side of the Palestinian state”—and its access routes. “We must continue nurturing and strengthening our military force,” declared Netanyahu on February 3, 2010. “The weak do not survive in the geographically difficult space we live in, nor is peace made with the weak. The state of Israel is strong and can guarantee both our existence and peace with our neighbors. However, I want to be clear: our security needs can and will increase over the next decade, and even over the next two decades.”

As Secretary of State Rice’s special envoy, now National Security Council advisor General Jim Jones wrote a draft report that attempted to reconcile an end to occupation and Israeli withdrawal from the West Bank with Israeli security needs. It raised the option of deploying NATO forces in territories evacuated by Israel. The paper was never publicized, but it aroused Israeli opposition and was quietly shelved by Rice. The paper nevertheless remains the point of departure for an updated American assessment of competing Israeli and Palestinian requirements.

Israeli security demands were presented to Washington during the term of Ehud Olmert as the “Eight Point Paper,”

and were passed on to the Obama administration last year. The points include “effective” Israeli supervision of Palestine’s border crossings, unhindered access to Palestinian airspace, Israeli control of the electromagnetic spectrum, demilitarization except for policing capabilities, and permanent Israeli intelligence gathering facilities east of Ramallah and north of Nablus.

These requirements attest to the yawning gap that separates the Palestinian and Israeli views of Palestinian sovereignty in areas that Israel will evacuate.

“A [peace] agreement will rise and fall on day-to-day life, on security arrangements,” explained an Israeli veteran of previous negotiations. “The real problem is that their concept of [Palestinian] independence is absolutely different from ours,” *Ha’aretz* correspondent Aluf Benn noted. “The Palestinian state that Netanyahu, Barak, and also Ehud Olmert and Tzipi Livni envision will be much less sovereign and independent than even Lebanon. What Israel sees as legitimate security demands, the Palestinians consider as a continuation of occupation and Israeli rule.”

“As long as in this territory west of the Jordan river there is only one political entity called Israel it is going to be either non-Jewish, or non-democratic,” Barak said. “If this bloc of millions of Palestinians cannot vote, that will be an apartheid state.”

Israeli Minister of Defense Ehud Barak, Herzliya conference, February 2010

Netanyahu seems to regard the adoption of the phrase “taking into account subsequent developments” in the U.S. terms of reference for the proximity talks (see page 2), as a reaffirmation of U.S. support for the concept of settlement blocs originally conveyed by President George W. Bush to Ariel Sharon on April 14, 2004. Despite countervailing U.S. references to “the 1967 lines” and “agreed swaps,” Netanyahu believes he is winning U.S. support for his sweeping security and territorial demands.

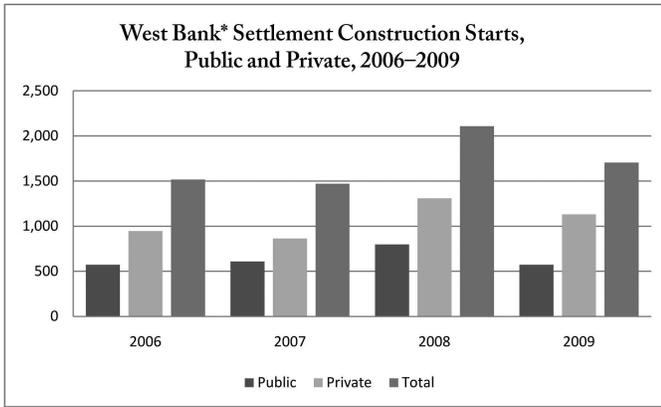
Netanyahu made veiled reference to this achievement during a tree-planting ceremony in the settlement of Kfar Etzion on January 24, 2010, soon after ending a round of discussions with Mitchell.

“The message is clear. . . . We are here and will remain here. The settlement blocs are part of Israel forever. This is acceptable to the great majority of Israel’s citizens and is gradually being instilled in international consciousness.

“Actions are important in determining psychological reality, as in the actions you take every day in building, planting and raising children.” Netanyahu planted the tree with the children of the settlements and said to them: “Your children and grandchildren will grow up in the shade of this tree.”

He made a similar promise to the children of Ma’ale Adumim, where he later planted a tree as well. “I wish for you that here, under the shade of the tree that I am planting, your great-grandchildren will enjoy the cool,” said the prime minister. “We are here, and we will remain here and build here,” he declared.

By the end of Netanyahu’s March visit to Washington it



Construction Starts

	<i>Public</i>	<i>Private</i>	<i>Total</i>	<i>Change (%)</i>	<i>% of total Israel</i>
2006	573	945	1,518	NA	4.9
2007	608	863	1,471	-3.1	4.8
2008	798	1,309	2,107	43.2	6.6
2009	573	1,130	1,703	-19.2	5.3

Construction Completions

	<i>Public</i>	<i>Private</i>	<i>Total</i>	<i>Change %</i>	<i>% of total Israel</i>
2006	1,180	987	2,167	NA	7.0
2007	795	952	1,747	-19.4	6.0
2008	390	1,211	1,601	-8.4	5.3
2009	983	1,094	2,077	29.7	6.5

*Excludes East Jerusalem.

Source: "Table 4: Dwellings, By Stage of Construction, District and Construction Initiator."



OBAMA, *continued from page 1*

appeared that a serious rift had opened with the U.S., precipitated by Netanyahu's misjudgement of Obama's forbearance over settlement expansion. In White House conversations, Obama reportedly insisted upon specific Israeli actions that Netanyahu refused to meet, and Netanyahu left Washington under a cloud of disapproval.

If the U.S. is satisfied with Israeli responses to demands put forward in the wake of Biden's disastrous visit, and Abbas agrees to proximity talks, Mitchell hopes to introduce bridging proposals on all final status issues. The gaps between the two sides are so profound, however, that this patient process may founder without a more assertive U.S. definition of the "endgame." ◆

YESHA Council of Jewish Communities in Judea, Samaria & Gaza

March 15, 2010

Dear Madame Secretary

In response to your and President Obama's recent statements concerning Israeli's right to plan and build in the Jerusalem neighborhood known as Ramat Shlomo, we, the leaders of the Council of Jewish Communities in Judea and Samaria—"The Yesha Council"—wish to share with you the sentiment and consensus among the Israeli public.

We Israelis believe in the integrity of a strong, unified and undivided capital for our nation—Jerusalem, the Holy City. We Jews are the descendants of King David and a hundred generations of Jews who built and glorified Jerusalem as our capital, beginning over three thousand years ago. From time immemorial the Jews have worshipped Jerusalem and the Temple—and prayed for Jerusalem since the dawn of our civilization.

Neither Romans nor Greeks, Crusaders nor Arabs, Ottomans nor British ever succeeded in shaking our bonds to Jerusalem. All tried, and ultimately failed. It is we Jews who triumphed and re-created Jewish sovereignty in 1948 and proclaimed Jerusalem our capital.

So we ask you and President Obama to see in perspective our three-thousand year-old bond with Jerusalem. Thus, when you demand that we not build housing in our capital, or that we divide our capital and surrender parts of it others, you must realize that this is unacceptable to Jews everywhere and to us Israelis.

We will not negotiate on the issue of Jerusalem. We will never divide Jerusalem.

The Jewish People worldwide support Prime Minister Netanyahu's action, and stand firmly behind him on this important issue of Israel's right to defend itself as a sovereign nation.

We deeply appreciate America's friendship, but it must be clearly understood: we are a free and sovereign people, and we have the right to determine our destiny.

Respectfully,

Dani Dayan
Chairman

Naftali Bennett
Executive Director

PALESTINIAN ANALYSIS OF MITCHELL'S FIRST YEAR

The following is excerpted from a lengthy diplomatic review undertaken by lead PLO negotiator Saeb Erekat.

The Political Situation in Light of Developments with the U.S. Administration and Israeli Government and Hamas' Continued Coup d'Etat

Recommendations and Options, December 2009

(ii) On 30 July 2008, a trilateral U.S.-Palestinian-Israeli meeting was held at the U.S. Department of State in Washington D.C. Chaired by Condoleezza Rice. Participants reached an agreement on the following:

A. The basis of negotiations would be the 4 June 1967 map, including East Jerusalem, the Dead Sea, Jordan Valley, the no-man's land and the Gaza Strip.

B. The principle of land swaps through agreement, including a territorial link between the West Bank and Gaza Strip.

C. The area of the no-man's land before 4 June 1967, which is 46 km², would be divided on a 50-50 percent basis between the two states.

D. The goal of the peace process would be to realize the principle of the two-state solution. . . .

(v) The deal between Senator Mitchell and Netanyahu

After President Obama [took] office on 20 January until the end of November 2009, we held a total of 31 meetings with Senator Mitchell. . . .

Each time we met, Mitchell used to say: "Continue to implement your obligations. I have nothing to ask you. My major task focuses on the Israelis. They have to realize that they must cease settlement activity, including natural growth, and resume negotiations from the point they ended at in December 2008. Arab states must also [take] steps to normalize with Israel in order to encourage it to implement the steps required from it."

This situation went on until August, when Mitchell began to talk differently. "We no longer want any steps from the Arab states. As for Israel, we have not so far reached a deal with them. However, it seems that we will not attain all that we want," Mitchell said. . . .

Mitchell arrived to Ramallah on 15 September 2009. He formally proposed that the president take part in a trilateral meeting (with Obama and Netanyahu) to be held in New York on 22 September. Resumption of the final status negotiations will be declared in that meeting.

"Have you managed to oblige the Israeli government to fully cease settlement activity, including in Jerusalem, and to resume the final status negotiations from the point they ended at in December 2008?" President Abbas inquired.

"We have not reached the deal yet. We need to agree on the period of time for the cessation of settlement activity. In respect [to] the cessation of settlement activity, we have received the best we could," Senator Mitchell replied.

Mitchell did not disclose the deal. However, we had received certain information from the Israeli side, stating that

the deal was as follows:

1. Construction of 3,000 settlement units in the West Bank will continue.
2. Jerusalem will be excluded from the deal.
3. Construction of public buildings and infrastructure will continue.

With reference to the resumption of negotiations, Mitchell agreed with Netanyahu on the following:

1. Negotiations will be restored without prior conditions.
2. Negotiation topics will include Jerusalem, borders, refugees, water and security.
3. Negotiations will not start from the point at which they ended in December 2008.
4. Reference will not be made to the Rice understanding of 30 July 2008.
5. Each party can raise whatever it wants.

In an attempt to cover the U.S. regression, the U.S. administration told Dr. Saeb Erekat and his team in Washington (on 30 September and 20 October 2009) that it would dispatch side letters, including:

1. The U.S. administration's recognition that the Israeli settlement activity is illegitimate.
2. The U.S. administration's recognition that the annexation of East Jerusalem to Israel is illegal.
3. The U.S. administration will pledge to make every possible effort to complete negotiations within a period of 24 months, following which the independent state of Palestine will be established.

President Mahmoud Abbas absolutely refused this offer and informed Senator Mitchell that he will not attend the proposed trilateral meeting in New York. . . .

However, [the Obama administration] insisted [on holding] the trilateral meeting in [the] presence of President Obama to confirm his commitment to the two-state principle. . . .

The outcome of the U.S. position:

1. Reversion from President Obama's positions regarding the cessation of settlement activity and resumption of negotiations from the point at which they ended in December 2008.
2. They wanted to cover the regression by sending assurance letters on the illegality of settlement activity or annexation of Jerusalem. While reassuring, these letters do not have any legal significance.
3. Netanyahu will have excluded the first and third phases of the road map, whilst retaining the second phase. In other words, he would convert the option of a state with temporary borders into a compulsory track.
4. It seems that developments [in] the Iranian file, internal situations in the U.S.A. and the situation in Afghanistan and Iraq had been factors that motivated the U.S.'s regression.
5. The U.S. administration welcomed Netanyahu's decisions on the settlement activity, which he announced on 25 November 2009. ♦

ONE YEAR, TEN MISTAKES: PRESIDENT OBAMA

In the interview Barack Obama gave to *Time* magazine, the American leader revealed the failure of his administration in promoting the peace process between Israel and the Palestinians. He cast the blame on both sides, without giving greater weight to the obstructions by one side or another. As for himself, he settled for the error of creating overly high expectations. He was wrong again. The problem was not raising the level of expectations, it was the amateurish conduct of a new administration filled with good intentions but lacking the ability to implement them.

Other mistakes can undoubtedly be added to Obama's ten mistakes, but this is not enough to absolve Israel, which is headed by a government that is not willing by any means to pay the price of peace, and it does not absolve the Palestinians, who have fallen in love with the limb that they have climbed out on. These are Obama's mistakes:

1. He did not read the extensive literature published following the failure of the Camp David summit, and did not make a correct assessment of the ways to renew negotiations. He continued the trend and dealt with substance, instead of proposing to the sides a new procedural initiative that would have required them to participate (such as the Madrid Conference).
2. He appointed an experienced, amicable and intelligent man by the name of George Mitchell to a post that was too big for him, and could have known this in advance.
3. After making it clear that peace in the Middle East was an American interest, he backed down and returned to the mantra that states that he cannot want peace more than the Israelis and the Palestinians. In doing so, he greatly diminished the importance of the American effort to promote a dramatic process here.
4. He turned the justified demand to freeze the settlements into a condition for renewing the Israeli-Palestinian negotiations, without understanding that any such condition could postpone the negotiations for a prolonged and costly period.
5. He wasted unnecessary months on defining the freeze, and did not understand that 100 days of grace are only given once. Had he used them to call upon the sides to return to the negotiating table on the basis of several principles that were agreed upon in the past, we could

“[Obama’s] problem was not raising the level of expectations, it was the amateurish conduct of a new administration filled with good intentions but lacking the ability to implement them.”

have long ago been in the midst of the process.

6. He did not insist on the condition he posed, and did not understand that even if he were to compromise on the nature of the freeze, the Palestinian side would not be able to climb down from its high horse along with him. The compromise of a ten-month partial freeze is a sad joke that was not coordinated with the Palestinian side, and could not meet its minimal needs in any case. This exposed the administration's lack of professionalism.
7. He did not hurry to dissociate himself from the statement of Secretary of State Hillary Clinton that the freeze was an unparalleled precedent in Israel's governments (there was no one to remind him of Menachem Begin in this context). In this, he contributed to the Palestinian feeling that the U.S. was trying to sell damaged goods in a shiny wrapping.
8. He insisted on summoning the sides to a summit in New York last September. Everyone came, but they had nothing to say to each other. Obama, the best speaker of the 21st century, also had nothing to say. Such a pathetic summit, without an outline for the future, only exacerbated the feeling that it was impossible to return to the negotiating track, and deepened the disappointment in the region.
9. He demanded that Abu Mazen withdraw the Palestinian demand to discuss the Goldstone report, and failed to understand that agreeing to his demand (whether it was justified or not) would render the Palestinian leader unable to lead his people.
10. He spoke about the excessive expectations in a journalistic interview, not deliberately and not as part of a comprehensive policy. As a person speaking idly, he shared with the interviewer his insights regarding his error in failing to assess in advance the difficulties on both sides. But he forgot that he is the U.S. president, and that every action of his, even killing a fly, is scrutinized by billions of eyes and every word of his is weighed and has an effect. This way, at the end of a wasted year and without any bad intentions, his statements inflicted another blow on the chances of promoting something in our region.

Yossi Beilin, *Israel Hayom*, January 25, 2010

BREAK THE GAZA BLOCKADE

I call for the United States to break the Gaza blockade, provide immediate humanitarian aid, and urge special envoy Mitchell to visit Gaza. In the past year I have been to Gaza three times and was the first US government official to visit Gaza after the Israeli Cast Lead operation. I recently visited Gaza for two days to assess aid shipments and humanitarian conditions.

These are the facts:

There is an Israeli blockade around Gaza, on land and along the coast. This blockade was established so that contraband weapons and equipment used for rockets to shell Israel will not enter Gaza. While there are food stuffs entering Gaza, the shipments are tightly controlled and items such as tomato paste and pasta are sometimes restricted by the Israelis. Palestinians cannot rebuild their homes, their schools, or their hospitals because they cannot import the cement needed to complete the projects. They cannot build sewage systems and prevent 55 million metric meters of sewage flow into the Mediterranean because the Israelis limit the amount of construction materials into Gaza.

A tunnel system has developed in south Gaza which circumvents the Israeli blockade. This system is creating a new power base in the society which is based on criminal activity and not the rule of law. Hamas is reaping the benefits and is

becoming more powerful. President Obama's June 2009 Cairo address, Secretary of State Clinton's numerous statements, and the international community's promises have all pledged to help the Palestinians. What I have concluded on my recent visit is that those pledges have not materialized and the Palestinian people have little hope for the future. One year after the bombing stopped, and five years after the wall was erected around Gaza, the people have little hope in the future. This lack of hope will eventually foment into radicalization. Radicalization will breed terrorists which will threaten the security of not only Israel but also the United States. We need to reverse this spiral of despair.

Here is what I propose:

Special envoy Mitchell should visit Gaza to determine firsthand humanitarian needs. The blockade should be circumvented by the United States; much like we did when we circumvented the Berlin blockade. We would accomplish this using roll-on/off ships supplying the needed material for Palestinians to rebuild their society. We must find a just and lasting peace not only with words, but actions. This will provide the people of Gaza hope and fulfill the commitment made by President Obama.

Representative Brian Baird (D-WA),
February 19, 2010

At this stage, there are still not enough details to understand the scope of the drama in Washington. What is clear is that the Americans are determined. They mean what they say. They will not let Netanyahu continue to wink in all directions. It is not just Jerusalem, Bibi, it is all of the territories.

It is not only Netanyahu who has reached his moment of truth, the T-junction that we have been avoiding for over 40 years, Israel as a whole is now there. The US is abandoning us, and effectively turn-

ing into Europe. From now on, we are completely alone. The entire world, from one end to another, talks about a Palestinian state inside territory similar to 1967. Obama wants to know whether Netanyahu is there. In explicit words, in writing, not with hints, not with a "maybe," not with a "yes, but." A simple question that requires a simple answer.

Ben Caspit, "Ambush in the White House,"
Ma'ariv, March 25, 2010

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