

Congressional Legislation Aimed at Isolating Hamas is Likely to Backfire

By Stephen Zunes | June 14, 2006

Since the Palestinian Legislative Council elections earlier this year, in which the Islamist group Hamas captured a majority of seats, the Bush administration has suspended U.S. economic assistance to the Palestine Authority (PA) and has led an international effort to impose sanctions against the Palestinians. This has meant enormous hardship for ordinary Palestinians, with reports that hospitals in Gaza have difficulty providing immunizations for children or dialysis machines for kidney patients. The World Health Organization warns of a “rapid decline of the public health system ... toward a possible collapse.”

Even Jimmy Carter, who as president opposed Palestinian statehood and sent billions of dollars worth of arms and aid to support the Israeli occupation, remarked, “It is unconscionable for Israel, the United States, and others under their influence to continue punishing the innocent and already-persecuted people of Palestine.” Rather than challenge Bush’s dubious policy, however, Congress has taken steps to make it even stricter. On May 22, the House of Representatives passed H.R. 4681, the “Palestinian Anti-Terrorism Act of 2006,” by an overwhelming 361-37 majority.

Hamas’ armed wing—the Al-Qassim Brigade—has not only waged armed struggle against Israeli occupation forces but has also been responsible for a series of terrorist attacks against Israeli civilians. U.S. policy has been to denote the entire party as a “terrorist organization.”

There is a widespread consensus in the United States that U.S. policy should not reinforce Hamas politically and that direct assistance to Hamas-controlled segments of the PA should be suspended as long as Hamas remains in office and fails to alter its extremist positions denying Israel’s right to exist

and encouraging the use of violence against civilian targets. However, the recently passed House bill goes well beyond isolating Hamas and appears designed to suppress even moderate Palestinian nationalists. It also places extraordinary limits on the ability of nongovernmental organizations (NGOs) to provide assistance to a population already suffering from nearly 50 years of foreign military occupation.

Representative Jim McDermott observed, “It doesn’t make sense to put restrictions on funding the NGOs that provide the Palestinian people with hospitals and schools.” The Washington Democrat, a physician by training, said he was “gravely concerned about the fate of millions of innocent Palestinians who rely on international aid for food, health care, and for developing their economy and businesses.” In McDermott’s estimation, “This bill will only make the already dire situation even worse ... Allowing innocent Palestinians to go hungry while denying them medical treatment cannot possibly correct injustice or lead to peace.”

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security, a longstanding provision of virtually all other U.S. sanctions legislation. It would prevent, for example, a president from providing emergency assistance in the event that subsequent Palestinian elections bring more moderate forces to office or in the wake of a natural disaster.

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House Resolution 4681 also appears to be designed to make it impossible for the Palestinians to meet all the demands required to lift sanctions. It thus provides little incentive for Palestinians to challenge the policies of Hamas. Indeed, the bill sets conditions that no Palestinian government could realistically achieve as long as Israel maintains its policies of occupation, repression, land expropriation, and colonization. H.R. 4681 requires squelching “anti-Israel incitement” (such as calls to resist foreign military occupation), prescribes “confiscating unauthorized weapons” (presumably necessitating house-to-house searches to enforce gun control regulations far stricter than those in the United States), and mandates “fully cooperating with Israeli security services” (which have killed hundreds of Palestinian civilians in recent years).

And it appears that the sanctions contained in the House bill are meant to be permanent. There is a provision that sanctions would remain in place until the PA “publicly acknowledged Israel’s right to exist *as a Jewish state*.” Though the Palestine Liberation Organization (PLO), President Mammoud Abbas, and other Palestinian leaders have long recognized Israel’s right to exist in peace and security as an independent nation-state, opposition to the second-class status of Palestinian Israeli citizens has precluded most Palestinians from explicitly recognizing Israel as a “Jewish” state *per se*, a condition that even the Israeli government has never demanded of the PA.

The legislation also bans any aid until the president determines that the Palestinian leadership has made demonstrable progress toward “ensuring democracy, the rule of law, and an independent judiciary, and adopting other reforms such as ensuring transparent and accountable governance.” These are conditions that Congress has categorically rejected regarding other recipients of U.S. aid in the region, such as Egypt, Jordan, and Iraq. In short, the bill codifies the principle that Palestinians are to be held to much higher standards than are other potential recipients of U.S. foreign aid, even though the PA’s governing sovereignty is hobbled by a restrictive foreign military occupation. Is the lack of responsible governance by the Palestine Authority really of concern for the supporters of this legislation, or is misrule being used as an excuse to further subjugate the Palestinian people?

The liberal Zionist group Americans for Peace Now, which helped lead the fight against this legislation, sent out a press release noting that “H.R. 4681 is an exercise in overreaching that will undercut American national security needs, Israeli interests, and hope for the Palestinian people ... undermining those Palestinian officials and activists who

recognize Israel, reject terror, and support a two-state solution to the Israeli-Palestinian conflict.” Other groups opposing the measure include Jewish Voice of Peace, the Israel Policy Forum, Brit Tzedek, Churches for Middle East Peace, and the U.S. Conference of Catholic Bishops.

Even the Bush administration opposed H.R. 4681 as too rigid and draconian. Presidential spokesman Tony Snow complained that the bill “unnecessarily constrains” the flow of essential humanitarian aid such as food, fresh water, and medicine. The State Department sent a report to Congress arguing, “The bill is unnecessary as the Executive branch already has ample authority to impose all its restrictions and it constrains the Executive’s flexibility to use sanctions, if appropriate, as tools to address rapidly changing circumstances.” Senate Republican leaders reportedly saw the House measure as “insanely irresponsible” and have vowed to challenge several provisions in conference committee. Despite all this, the legislation received the enthusiastic support of the House Republican leadership backed by such right-wing groups as Christians United for Israel, the Center for Moral Clarity, and the American Israeli Public Affairs Committee (AIPAC).

In a move that shocked many observers, House Democratic leader Nancy Pelosi and assistant leader Steny Hoyer signed on as co-sponsors of the legislation and convinced more than three-quarters of their fellow Democrats to vote in favor of the measure, placing the Democratic Party to the right of the Bush administration on this key foreign policy issue. Pelosi and other Democratic leaders apparently felt that if sanctions against the Palestinians remained a prerogative of the executive branch alone, Bush might fail to punish the Palestinians sufficiently.

House liberals were clearly angered at the betrayal by Pelosi and other Democratic leaders. Rep. Earl Blumenauer charged that the bill “does little to prioritize on the basis of our strategic interests and provides no prospect for Palestinian reform coming through the process of negotiations.” The Oregon Democrat went on to note, “In so doing, it weakens the hands of those who advocate for peace negotiations and supports those extremists who believe in violence.”

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Similarly, Rep. Betty McCollom complained that the measure went well “beyond the State Department’s current policies toward Hamas and the Palestinian Authority and potentially undermines the U.S. position vis-à-vis the coordinated international pressure on Hamas.” (As a result of her opposition to the bill, a representative from AIPAC informed the Wisconsin Democrat that her “support for terrorists will not be tolerated.” McCollom banned AIPAC representatives from her office pending a written apology for the slander,

though Pelosi and Hoyer continue to praise the right-wing Zionist group's mission and leadership.)

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Though Pelosi, Ileana Ros-Lehtinen, and other co-sponsors claim that H.R. 4681 targets Hamas and other terrorists, the legislation also bans the PLO—a broad secular coalition that has formally recognized Israel, renounced terrorism, and includes most of the opposition to Hamas in the Palestinian legislature—from maintaining an office in the United States (outside of its UN Mission) and places strict limits on travel by PLO officials. Although current Bush administration policy denies visas to members of Hamas, the House bill mandates that the ban be extended to anyone “affiliated with” the Palestine Authority, including civil servants and opposition legislators who are not part of Hamas and who support peace with Israel. This would make it virtually impossible, for example, for such pro-peace Palestinian legislators as

Hanan Ashrawi, Nabil Sha'ath, and Saeb Erakatto or moderate PLO leaders like Yasser Abd Rabbo to come to the United States to speak at forums or engage in unofficial diplomacy with their Israeli counterparts, an increasingly common practice since the Israeli government suspended substantive talks with the Palestinians in 2001.

Even the State Department objected to the bill's provisions blocking “support to non-Hamas controlled elements of the PA”—such as judiciary, local municipalities, executive agencies, the president's office, and the Palestinian Monetary Authority—and targeting individual legislators who are not part of Hamas. The State Department also asked for an exception to the ban on financial assistance to “democracy and governance activities, activities which Israel may wish us to support,” but Ros-Lehtinen, Pelosi, and other co-sponsors rejected the proposed changes.

The House of Representatives apparently has no interest in legislation banning any Israelis from entering the United States, even government and military officials responsible for ordering military strikes against civilian areas in the West Bank and Gaza Strip, which have resulted in far more civilian deaths than all the terrorist attacks committed by Hamas combined. Nor does H.R. 4681 deny visas to Israelis who defend terrorist attacks by extremist Jewish settlers or to leaders of Israeli parties that call for the ethnic cleansing of all Palestinians from Israel and the occupied territories.

The provision preventing the U.S. government from issuing visas to Palestinian leaders, then, was not about preventing apologists for terrorism from gaining a forum in the United States; individuals affiliated with Hamas and other terrorist-related Palestinian groups are already banned from entering the country, and Israelis with violent and

extremist affiliations are still allowed in. The purpose, apparently, is simply to silence the most articulate Palestinians opposing the Israeli occupation of their country.

The House legislation also requires the United States to work to eliminate several UN agencies and projects addressing the Israeli-Palestinian conflict and to withhold a portion of U.S. dues to the world body if the UN does not accede to U.S. demands. Among the groups cited are the UN special committee created to monitor the human rights situation in the Israeli-occupied territories; the UN's special coordinator for the Middle East peace process; the UN office overseeing the work of church groups, human rights organizations, and other NGOs concerned with conflict resolution; and the committee supporting the efforts of the diplomatic quartet (consisting of the United States, Russia, the European Union, and the United Nations) to pursue a performance-based road map to a permanent two-state solution to the conflict.

In the words of Democratic Congresswoman Lois Capps of California, H.R. 4681 “places nearly insurmountable efforts to future U.S. efforts to engage Palestinians and Israel in peacemaking ... and unbelievably, it would limit United States diplomatic contact with moderate, non-Hamas Palestinian officials. Why is this? These are the very leaders who recognize Israel and who support peace, and it makes absolutely no sense for us to undercut them at this critical time.”

The language of the bill also severely restricts support for private nonprofit Palestinian groups working for peace and conflict resolution. Rep. Sam Farr asserts that the legislation “would make it nearly impossible to fund nongovernmental organization reconciliation programs that work to build peace.” The California Democrat noted with irony

that since such groups operating in the West Bank and Gaza Strip are pivotal in undermining the appeal of the extremist ideology perpetrated by Hamas and other radical groups, House leaders were wrong in their decision to omit language—contained in the Senate version of the bill—that “specifically includes an exception that allows for funding for coexistence and reconciliation activities.” Similarly, Rep. David Price contends that such projects “are critical to our interests, to Israel, and to the prospects for peace. They help prevent humanitarian crises and diminish popular discontent.” The North Carolina Democrat also declared, “They train peacemakers; they improve America’s standing in the Middle East. Why would we want to eliminate programs like these? Are they not needed now more than ever?”

In short, rather than being designed to fight terrorism, could the bill's real purpose be to undercut efforts at peace and reconciliation? Israeli-Palestinian peace could threaten the billions of dollars worth of military contracts provided to U.S. weapons manufacturers annually to arm Israel and could make Israel far more reluctant to act as a surrogate for U.S. strategic designs in the greater Middle East.

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Ironically, liberal groups like Peace Action, Democracy for America, and MoveOn.org have endorsed for re-election House members who were co-sponsors of H.R. 4681 and backers of other anti-Palestinian legislation that undermines the efforts of Israeli and U.S. peace activists. The failure of progressive political action committees to challenge congressional Democrats for co-sponsoring such legislation sends a message that they have little to lose by endorsing right-wing efforts to

undermine the prospects of Israeli-Palestinian peace. The overwhelming Democratic approval for the “Palestinian Anti-Terrorism Act” strengthens the contention by Green Party activists and other progressives that the Democratic leadership’s support for the invasion of Iraq and hawkish position on Iran are not isolated positions and that there is very little difference in the foreign policy objectives of the two major parties.

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