



MEMO

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FAQs: The Importance of the Palestinian Anti-Terrorism Act

Since Hamas took control of the Palestinian Authority (PA) in late March, it has shown no intention of transforming itself from a terrorist organization into a legitimate political party and potential partner for peace. The Hamas-led government continues to support terrorism against Israel, explicitly praising the recent suicide bombing in Tel Aviv and failing to take any steps to prevent further attacks. The Palestinian Anti-Terrorism Act is an important piece of legislation that sends a strong message that the United States will not deal with or support a terrorist government, while minimizing the impact on ordinary Palestinians people by allowing humanitarian aid. Below are frequently asked questions about the legislation.

Q: Isn't Congress rejecting the outcome of the Palestinian elections by passing this legislation?

A: The Congress respects the will of the Palestinian people to choose their own leaders. However, the United States is not bound by law or otherwise to recognize, negotiate with or provide aid to a government led by a designated terrorist group that has killed more than 500 Israelis and more than two dozen Americans. The Palestinian people chose to elect Hamas, and now Hamas must adhere to the most basic international standards if it is to be considered legitimate and a potential negotiating partner.

It is perfectly reasonable for Congress to demand that a Hamas-led PA meet the basic requirements of a civilized government by ending terrorism against innocent civilians and renouncing its desire to destroy its neighbor. For both moral and practical reasons, this is the correct position for Congress—there should be no compromise with terrorists and those who murder innocents should not expect beneficial relations with the United States. The legislation drives home the message that the United States may accept the election process that brought Hamas to power but we will do nothing to help it succeed in achieving its goals. The bill tells the Hamas-led PA that it must first stop its unacceptable behavior and intransigence before expecting any support from the United States.

Q: Will the Palestinian Anti-Terrorism Act create a humanitarian crisis for the Palestinian people?

A: Both versions of the Palestinian Anti-Terrorism Act being considered by the House and Senate allow humanitarian assistance to flow unfettered and maintain the President's flexibility to provide indirect non-humanitarian project assistance if he deems it is in the national security interests of the United States.

The United States, Israel and European countries have all enacted policies to ensure the humanitarian needs of the Palestinian people are met. The United States—the single largest bilateral donor of humanitarian assistance to the Palestinians—has increased to \$245 million its support for the basic humanitarian needs of the Palestinian people, including food, health and education programs.

Israel is doing its part to avoid a humanitarian crisis by continuing to provide basic services to the Palestinians. The government of Israel is using the value added tax it collects on behalf of the Palestinians to pay Israeli utility companies to continue providing electricity and water. Israel also is paying for necessary medical care.

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The suspension by the United States and EU of other aid clearly will have a negative impact on the PA economy, especially in Gaza. However, this will not create a humanitarian crisis. The PA has long faced an economic crisis due to its own mismanagement of funds, rabid corruption and its failure to end terror and establish a business environment friendly to investment. Recent actions by the international community only highlight the inability of the PA to establish a working economy even with the largest per-capita economic aid program since the Marshall Plan.

In addition to the PA's corruption and mismanagement, terrorists affiliated with Hamas and other groups have purposely attacked key economic centers, such as the main commercial border crossing between Gaza and Israel, in an effort to force Israel to close the crossing for security reasons and then blame it for causing a "humanitarian crisis." These terrorists have created hardships for their own people for the sole purpose of trying to foment international pressure on Israel.

Q: Why do we have to punish the Palestinian people? Didn't they vote to rid the government of corruption and do not support continuing terrorism?

A: The goal of the legislation is not to punish the Palestinian people, but to make clear that the United States will not support a Palestinian government seeking the destruction of Israel. Just as the Palestinian people elected Hamas, they have the power to choose different representatives who will pursue goals through negotiations, rather than violent means.

Until the Hamas government changes its policies toward Israel, the United States and other countries have made clear that they will not provide non-humanitarian project assistance that could potentially be siphoned off by the Hamas government for terror or allow the Hamas government to free up other funds to carry out or promote violence. Some unwisely propose that the international community directly fund certain functions normally provided by the PA government. This would simply allow Hamas to have more funds available for other activities such as terrorism and increase its legitimacy. Additionally, continuing to fund such projects as new roads and schools under the auspices of the Hamas government would allow the U.S.-designated terrorist groups to take credit for the improvements being paid for by U.S. taxpayer dollars.

Q: Doesn't the legislation tie our hands if Hamas transforms into a legitimate negotiating partner? Shouldn't there be more flexibility in the legislation?

A: The legislation sets a clear path for the resumption of U.S. relations with the PA, including aid and diplomatic contacts. The legislation says that if the president can certify that the Hamas-led PA renounces violence, dismantles the terrorist infrastructure, recognizes Israel's right to exist as a Jewish state and accepts all previous Israeli-Palestinian agreements relations can be renewed.

The legislation does provide flexibility to the administration. Both the House and Senate versions of the bill allow for two exceptions to the ban on direct U.S. aid to the PA. The bills allow for assistance to be provided to promote democracy and human rights efforts. The bills also say assistance can be provided to the office of the PA president for non-security expenses facilitating a peaceful resolution of the Israeli-Palestinian conflict or for the personal security detail of the PA president.

Q: What will be accomplished by cutting off aid and isolating the Hamas-led PA? Won't this drive the parties further from a negotiated solution?

A: There is no possibility of negotiations so long as one side refuses to accept the other's right to exist and rhetorically, financially and operationally supports efforts designed specifically to maim and kill civilians on the other side. As long as a terrorist regime committed to Israel's destruction rules the PA, serious negotiations aimed at ending the conflict in a peaceful manner have no chance of success. This is the result of the very nature of the new Palestinian government itself. The responsibility to change lies here with Hamas, not with the United States or Israel.

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The United States cannot have a “normal” relationship with the PA—including aid and contacts—so long as minimal conditions are not met. In fact, the Palestinian Anti-Terrorism Act clearly details the reasonable path the Hamas-led PA must take. Until then, cutting off aid and isolating the Hamas-led PA is both a moral and practical response. The new PA government must understand that it can expect nothing from the United States without taking serious steps to reform. Unfortunately, in the absence of these changes, a peaceful settlement to the conflict cannot be achieved. If the Palestinians want to return to a true negotiating process with Israel, they must press the current government to change or elect new leaders who accept Israel’s right to exist as a Jewish state, oppose terrorism and will work with Israel to solve the conflict through peaceful means.

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