



# Israel's Blockade of Gaza, the *Mavi Marmara* Incident, and Its Aftermath

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## Summary

Israel unilaterally withdrew from the Gaza Strip in 2005, but retained control of its borders. Hamas won the 2006 Palestinian legislative elections and later forcibly seized control of the territory in 2007. Israel imposed a tighter blockade on the flow of goods and materials into Gaza after its military offensive against Hamas from December 2008 to January 2009. That offensive destroyed much of Gaza's infrastructure, but Israel has obstructed the delivery of rebuilding materials that it said could also be used to manufacture weapons and for other military purposes. Israel, the U.N., and international non-governmental organizations differ about the severity of the blockade's effects on the humanitarian situation of Palestinian residents of Gaza. Nonetheless, it is clear that the territory's economy and people are suffering.

In recent years, humanitarian aid groups have sent supply ships and activists to Gaza. However, Israel directs them to land at its port of Ashdod for inspection before delivery to Gaza. In May 2010, the pro-Palestinian Free Gaza Movement and the pro-Hamas Turkish Humanitarian Relief Fund organized a six-ship flotilla to deliver humanitarian aid to Gaza and to break Israel's blockade of the territory. The ships refused an Israeli offer to deliver the goods to Ashdod. On May 31, Israeli naval special forces intercepted the convoy in international waters. They took control of five of the ships without resistance. However, some activists on a large Turkish passenger vessel challenged the commandos. The confrontation resulted in eight Turks and one Turkish-American killed, more than 30 passengers injured, and 10 commandos injured.

Israel considered its actions to be legitimate self-defense. Turkey, whose nationals comprised the largest contingent in the flotilla and among the casualties, considered them to be unjustifiable and in contravention of international law. There was near-universal international condemnation of Israel's actions. The U.N. Security Council in a U.S.-Turkish compromise condemned "the acts" that resulted in lost lives and called for a impartial inquiry. Several inquiries are underway in Israel, but Turkey will not be satisfied unless there is an international one under U.N. auspices.

The Obama Administration tried to walk a fine line between two allies, Israel and Turkey, and not allow the incident to derail efforts to ameliorate relations with Israel in order to protect Israeli-Palestinian talks now underway. It urged Israel to include international participants in its probe of the incident, and announced an aid package for the Palestinians that does not require new appropriations. However, the Administration's reaction displeased Turkey, and may contribute to that country's ongoing pursuit of a more independent foreign policy course. Turkish-Israeli relations, which have been deteriorating for some time, have reached a low point. Israel appears willing to lessen restrictions on the passage of goods and people into Gaza, while continuing to prevent shipments of weapons and dual-use items to Hamas.

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## Background on the Blockade

Israel withdrew from the Gaza Strip in 2005, but retained control of the territory's borders. Hamas emerged as the predominant force in the territory. In January 2006, Hamas won the Palestinian Authority (PA) legislative elections and established itself as a major actor in domestic politics. Some countries and organizations, including Turkey, consider Hamas a democratically elected, legitimate representative of the Palestinian people. Israel considers Hamas to be a terrorist group, and the U.S. State Department designates it as a Foreign Terrorist Organization (FTO). Hamas has criticized peace talks with Israel in line with its commitment to resistance, has perpetrated terrorist attacks against Israel, and has launched rockets from Gaza into Israel.

Hamas's participation in politics heightened its rivalry with Fatah, which had led all previous Palestinian governments.<sup>1</sup> It also prompted the United States to end all direct foreign aid to the Palestinians. Under pressure from Saudi Arabia, Hamas and Fatah formed a unity government in February 2007, which proved to be short-lived. In what it considered a pre-emptive act to prevent Fatah from striking it first, Hamas took control of the Gaza Strip by force in June 2007. This "coup" prompted PA President Mahmud Abbas to dissolve the Hamas-led government and replace it with the current one under Prime Minister Salam Fayyad, who administers only the West Bank. Hamas remains in control of Gaza. Israel and the United States reestablished relations with the new PA government, and Israel imposed a tight land, sea, and air blockade on the Gaza Strip, in what it describes as an act of self-defense to prevent arms from reaching Hamas. With the blockade, Israel also hoped to turn Gazans against Hamas by contrasting Hamas rule with the better life of Palestinians in the West Bank. Instead, the blockade isolated the territory and helped to strengthen Hamas's control.

From December 2008 to January 2009, Israeli forces carried out a major military offensive, called Operation Cast Lead, against Hamas in order to stop rocket fire into southern Israel and to weaken or overthrow Hamas. The campaign resulted in more than 1,000 Palestinian deaths and the destruction of much of the Gaza Strip's infrastructure and many buildings. Afterwards, Israel tightened the blockade and conditioned its end on the release of Israeli Defense Forces (IDF) Sergeant Gilad Shalit, who had been captured in 2006.

The blockade has severely affected the humanitarian situation in the Gaza Strip, although Israel and its critics differ about the effects. The Israeli government maintains that there is no humanitarian crisis in Gaza, and the IDF issues a detailed *Weekly Summary of Humanitarian Aid Transferred into Gaza* to support that position. The Ministry of Defense Coordinator of Government Activities in the Territories (COGAT) issues a similar *Gaza Strip Merchandise and Humanitarian Aid Report*. They provide information on the number of trucks and persons allowed to enter Gaza and list the cargos of food, medicine, and other supplies. The United Nations Office for the Coordination of Humanitarian Aid (OCHA) issues contrasting regular reports on the situation in Gaza. It summarily states that the blockade has "worsened conditions of life of Palestinians, deepened poverty and food insecurity, prevented reconstruction, and increased aid dependence by destroying livelihoods and economic activity." It refers to the blockade as "collective punishment."<sup>2</sup> U.S. non-governmental humanitarian aid organizations,

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<sup>1</sup> For background on Palestinian politics, see CRS Report RL34074, *The Palestinians: Background and U.S. Relations*, by Jim Zanotti.

<sup>2</sup> "Statement of John Holmes, USG for Humanitarian Affairs and Relief Coordinator on the 'Free Gaza' Flotilla Crisis," (continued...)

such as CARE and Mercy Corps, report difficulties experienced in rebuilding Gaza more than a year after Cast Lead, as well as obstacles that their workers face in trying to provide assistance because they cannot simultaneously accommodate U.S., Israeli, and Hamas rules—and Hamas is in control. Gazans have been unable to repair public infrastructure—hospitals, schools, electric systems, or sewage treatment plants—because Israel will not permit the delivery of materials such as steel, concrete, and tiles that could be used both for rebuilding and for the manufacture of weapons or other military purposes.<sup>3</sup>

In recent years, humanitarian aid groups have sent supply ships and activists to Gaza. However, Israel directs them to land at its port of Ashdod for inspection before delivery to Gaza. In addition to the deliveries allowed by Israel, Egypt intermittently opens the border crossing at Rafah with Gaza that it sealed in 2007.<sup>4</sup> Moreover, the smuggling of goods (and weapons) via a network of tunnels under the border also relieves the blockade somewhat, but smuggled goods create economic distortions by fueling a large informal economy. Israeli planes often bomb the tunnels, but these attacks have not put a stop to the activity.

## Raid on the *MV Marmara*

On May 22, 2010, the *MV Mavi Marmara*, a former Istanbul passenger ferry owned by the Turkish Humanitarian Relief Foundation (more fully the Foundation for Human Rights and Freedoms and Humanitarian Relief (IHH)), left Istanbul and, after stopping in the Mediterranean port of Antalya to pick up more than 500 passengers, met up at sea with five other ships south of Cyprus. IHH also sent two cargo vessels. Several ships from the Free Gaza Movement had departed from the Greek port of Piraeus. A six-ship flotilla then set sail for the Gaza Strip with the intent to deliver 10,000 tons of humanitarian aid and to break the Israeli blockade. In all, about 700 activists from 38 countries participated in the expedition, including approximately 11 Americans, some European parliamentarians, and Swedish writer Henning Mankell. On May 30, the ships refused Israel's offer to unload at the port of Ashdod so that their cargos could be inspected before delivery accompanied by representatives of the non-governmental organizations.

On May 31, when the ships were in international waters between 80 and 100 miles from the Israeli coast, Israeli navy zodiac boats intercepted them and naval commandos took over five ships, reportedly without incident. However, the *Marmara* resisted and commandos rappelled from helicopters onto that ship and were confronted by some passengers/activists. The IDF released videos showing that individuals attacking the commandos were armed with iron rods, knives, broken glass bottles, and sling shots, and equipped with gas masks, night vision goggles, and life vests. The IDF says that the passengers also seized a commando's side arm. IHH President Bulent Yildirim admitted that activists had used iron rods, but claimed that they threw seized Israeli weapons into the sea.<sup>5</sup> It is not clear if the commandos, who had paintball guns and

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June 2, 2010, <http://www.ochaopt.org>. The Israeli non-governmental organization B'tselem (Israeli Information Center for Human Rights in the Occupied Territories) issued a report with similar findings. See [http://www.bvtselem.org/English/Gaza\\_Strip/20100531/The\\_Siege\\_on\\_Gaza.asp](http://www.bvtselem.org/English/Gaza_Strip/20100531/The_Siege_on_Gaza.asp).

<sup>3</sup> Janine Zacharia, "Getting What They Need to Live, but not Thrive," *Washington Post*, June 3, 2010.

<sup>4</sup> Egypt sealed the border out of concern for the possibly destabilizing effects of Hamas's relations with the Egyptian Muslim Brotherhood, which the government of President Mubarak considers a threat.

<sup>5</sup> "Humanitarian Foundation says People Still Missing from Aid Convoy," *Anatolia*, June 3, 2010, Open Source Center (continued...)

firearms, struck first or in response to an attack from the passengers, and each side has given a different account. Nine passengers were killed, including eight Turks and a Turkish-American; 24 were injured, including one American, and 10 commandos were injured. The dead were members of or volunteers for IHH, which hailed them as “martyrs.”

All of the ships were taken to Ashdod, where the passengers were detained and the cargo was unloaded, inspected, and trucked to the Kerem Shalom border crossing between Israel and Gaza. Hamas initially refused to allow the aid to be transferred into Gaza and the Israeli Defense Ministry stored it at a military base while it consulted international organizations. On June 15, it was announced that the U.N. would distribute the aid. By June 3, Israel had deported all the detainees, including alleged perpetrators of the attacks on its military personnel, except for a few severely wounded who were repatriated a few days later.

Israeli officials claim to have found Molotov cocktails, detonators, wood and metal clubs, slingshots and rocks, large hammers, and sharp metal objects on the Marmara, but no rockets.<sup>6</sup>

## **IHH and the Free Gaza Movement**

The flotilla was the idea of the Free Gaza Movement, which teamed up with the IHH. The Free Gaza Movement is a Cyprus-based coalition or alliance formed to oppose Israel’s blockade of the Gaza Strip and is said to have roots in the International Solidarity Movement, a non-violent movement dedicated to ending the Israeli occupation of Palestinian territory.<sup>7</sup> Its members had sailed to Gaza several times before, and Israel had let them dock there five times. After Operation Cast Lead, however, Israel began intercepting Free Gaza Movement ships before they reached Gaza. This year, Free Gaza decided to cooperate with other groups, including the IHH, in a “freedom” flotilla.<sup>8</sup> Free Gaza Movement founder Greta Berlin said that former Malaysian Prime Minister Mahathir Mohammed had raised €300,000 (approximately \$367,000) to enable the Movement’s participation in the convoy.<sup>9</sup> She said that it will continue to send ships to Gaza, and Israel peacefully intercepted another one, the *MV Rachel Corrie*, on June 5.

IHH is a humanitarian aid organization founded in 1995 that is said to have ties to the International Red Cross; holds special consultative status with the U.N. Economic, Social, and Cultural Organization (UNESCO); and operates in more than 100 countries.<sup>10</sup> It has provided humanitarian aid to Bosnia and Chechnya as well as to victims of Hurricane Katrina and the

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Document GMP20100603744008.

<sup>6</sup> “Israel’s Vilna’i Implies Ships ‘Sabotaged,’ Army Video Shows Seized Weapons,” OSC Summary, Open Source Center Document GMP201006-1739005.

<sup>7</sup> Sabrina Tavernise, Michael Slackman, “Turkish Funds Helped Group Test Blockade of Gaza,” *New York Times*, June 1, 2010. The International Solidarity Movement (ISM) states that it is “a Palestinian-led movement committed to resisting the Israeli occupation of Palestinian land using non-violent, direct-action methods and principles.” See <http://www.palsolidarity.org>.

<sup>8</sup> Sabrina Tavernise, Michael Slackman, “Turks’ Gifts Gave Flotilla Activists New Life,” *New York Times*, June 3, 2010.

<sup>9</sup> Marc Champion, Margaret Coker, “Confrontation at Sea: Turkish Charity Sounds a Defiant Note,” *Wall Street Journal*, June 4, 2010.

<sup>10</sup> Marc Champion, “Confrontation at Sea: Turkish Aid Organization Draws Controversy,” *Wall Street Journal*, June 2, 2010.

earthquake in Haiti, among other activities. IHH's involvement with the aid flotilla is in line with its previous aid to Gaza, where it has an office. In addition to the *Mavi Marmara*, IHH contributed two cargo ships to the May convoy.

Days before the raid, an Israeli think tank released a report linking IHH to radical Islamist networks, including Hamas and the Muslim Brotherhood, and to "global jihad elements" in the 1990s. It cited a French intelligence report claim that IHH President Bulent Yildirim had recruited Muslims for jihad in Bosnia, Chechnya, and Afghanistan in the 1990s, but also stated that IHH engages in "legitimate humanitarian activities."<sup>11</sup> Since the incident, the think tank has released additional reports, including one alleging that IHH employed violence on the *Mavi Marmara* with premeditation.<sup>12</sup>

IHH openly supports Hamas, which led Israel to outlaw it in 2008. It is not a U.S. State Department-designated terrorist group, although it is part of a Saudi-based, Hamas-created umbrella group of Muslim charities called Union of Good that the U.S. Treasury has designated as a terrorist organization.<sup>13</sup>

IHH has influential connections in Turkey. In his remarks at the *Marmara's* departure from Istanbul, Yildirim thanked the ruling Justice and Development Party (AKP) and two small Islamist parties for their support. IHH is believed to be close to the conservative Islamist Felicity Party (SP). While there was no direct Turkish government involvement in the aid mission, government administrators facilitated IHH's purchase of the ferry from the Istanbul municipality, which AKP controls, and its departure from Turkish ports. Yildirim also mentioned recent instances of IHH aid workers' "martyrdom" in Afghanistan and imprisonment in Israel, and IHH leaders have referred to those killed on the *Marmara* as "martyrs."<sup>14</sup> IHH is said to have had about 40 to 50 members aboard the *Marmara*.

## Views from Israel

While there are a multiplicity of views in Israel concerning the blockade of Gaza and the raid on the *Marmara*, most Israelis equate security with survival and peace. Israel's leaders appear to believe that the blockade of the Gaza Strip, the security barrier that Israel has constructed in the West Bank, the successes of the Palestinian security forces and economy in the West Bank, and what it views as enhanced deterrence in the aftermath of military campaigns against Hezbollah in Lebanon in 2006 and Hamas in the Gaza Strip from December 2008 to January 2009 have brought about a kind of quiet, if not peace. As of the date of the incident, no Israeli had been

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<sup>11</sup> "Israel Intel Center Profiles 'Islamic, Anti-Western' Turkish IHH Organization," report by Ramat Hasharon Intelligence and Terrorism Information Center (an NGO), May 26, 2010, Open Source Center Document GMP20100530739004. The French investigating judge who authored the report told the Associated Press that IHH had "clear, longstanding ties to terrorism and jihad" and that part of the NGO served to hide jihad-type activities in the late 1990s, Alfred De Montesquiou, "Investigator Says Flotilla's Donor Linked to Terror," *Boston Globe*, June 3, 2010.

<sup>12</sup> "Additional Information about the Violent Intentions of the IHH Operatives During the Voyage of the Mavi Marmara and the Weapons Found in their Possession," Intelligence and Terrorism Information Center, June 10, 2010, Open Source Center Document GMP20100615739012, June 15, 2010.

<sup>13</sup> See U.S. Treasury Designates the Union of Good, HP1267, November 12, 2008, <http://www.ustreas.gov/press/releases/hp1267.htm>.

<sup>14</sup> "Turkey: 'Mavi Marmara Ship' Leaves Istanbul Harbor Towards Gaza to Deliver Aid," May 24, 2010, Open Source Center Document GMP20100534737006.

killed in a terrorist attack or a cross-border rocket attack in Israel in more than a year. Therefore, the government is unwilling to abandon a tactic (i.e., the blockade) that has worked—and is still working from its perspective. Prime Minister Benjamin Netanyahu insists that the blockade is necessary to prevent weapons from reaching Gaza. He maintains, “(I)t’s our obligation—as well as our right in accordance to international law and to common sense—to prevent these weapons from entering by air, sea, and land.”<sup>15</sup> He cites two earlier examples of Israel’s seizure of ships that were discovered to be carrying arms.

The Prime Minister claimed that the flotilla intercepted in May intended to break the naval blockade, not to bring goods, and said Israel allows goods and cargo to enter Gaza. He added, “Had the blockade been breached, this flotilla would have been followed by dozens, by hundreds of ships. The amount of weapons that can be transported aboard a ship is totally different from what we saw get through the tunnels (beneath the Gaza-Egypt border). Hundreds of missiles and rockets, and an innumerable number of weapons can be smuggled aboard a ship.”<sup>16</sup>

Netanyahu argued that the consequences of Israel’s failure to maintain the blockade would be “an Iranian port in Gaza, only a few dozen kilometers from Tel Aviv and Jerusalem.” Israeli officials refer to those killed on the *Marmara* as “terrorists” and, as noted above, Israel banned the IHH in 2008.

## Views from Turkey

As noted, several Turkish political parties, including the ruling AKP, supported the IHH effort to aid the Palestinians. However, the Turkish government claims it was not directly involved. Foreign Minister Ahmet Davutoglu said afterwards that the government had tried to convince the non-governmental organizations in charge of the flotilla to take the aid to Israeli ports, but it was not successful.<sup>17</sup> The government also urged Israel to let the ships land in Gaza.

The Turkish government, all political parties, and people were outraged by the Israeli attack. After the raid, mass demonstrations occurred in Ankara and Istanbul, and officials made repeated, dramatic, if not hyperbolic, statements about Israel’s actions. The Turkish Foreign Ministry first protested Israel’s use of force “in the strongest terms,” charging that “Israel has once again clearly demonstrated that it does not value human lives and peaceful initiatives through targeting innocent civilians.”<sup>18</sup>

Turkey called for an emergency meeting of the U.N. Security Council—on which it holds a non-permanent seat—that Foreign Minister Davutoglu attended on May 31. Turkey also called for NATO permanent representatives in Brussels and the Organization of the Islamic Conference (OIC), which it chairs, to meet on the issue. At the Security Council session, Davutoglu called Israel’s actions “banditry and piracy ... murder conducted by a state ... and barbarism.” He stated that the use of force was “inappropriate” and “disproportionate” and that international law

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<sup>15</sup> Statement by Prime Minister Binyamin Netanyahu at the Prime Minister’s Office in Jerusalem, Channel 10 Television, June 2, 2010, Open Source Center Document GMP20100602738007.

<sup>16</sup> Ibid.

<sup>17</sup> Peter Spiegel, “Confrontation at Sea: Turkey Seeks U.S. Solidarity,” *Wall Street Journal* (Europe), June 2, 2010.

<sup>18</sup> Turkish Ministry of Foreign Affairs, “Press Release Regarding the Use of Force by the Israeli Defense Forces Against the Humanitarian Aid Fleet to Gaza,” Open Source Center Document GMP20100531017013, May 31, 2010.

dictates that “even in wartime, civilians are not to be attacked or harmed.” He argued that the doctrine of self-defense could not justify the actions of Israeli forces.<sup>19</sup> Finally, he called on the Council to condemn Israel’s “act of aggression,” demand an urgent inquiry, and call for the punishment of all responsible authorities and persons.

Prime Minister Recep Tayyip Erdogan described Israel’s actions as a “bloody massacre” deserving “every kind of curse.” He said, “This insolent, irresponsible, reckless, and unfair attack by the Israeli government which trampled on every kind of human value must be punished by all means.”<sup>20</sup> These quotes are characteristic of his many unsparing, trenchant remarks. The most offensive may have been his blaming Israel for increasingly common global comparisons of the “Zionist star” (i.e., Star of David) with the swastika.<sup>21</sup>

For some time, Turkish officials’ anti-Israeli rhetoric have gained them considerable regional influence. Erdogan is very popular with Arab publics and his fervor and rage also benefit him with voters. While the heat of the first days after the raid may dissipate, the anger will remain and be useful for the Prime Minister in the run-up to national elections next year, or earlier as he cannot afford to lose votes to either more Islamist parties or the reviving secular opposition.

## **International Reactions**

There has been near-universal condemnation of Israel’s actions. Nicaragua broke off relations with Israel, while Ecuador and South Africa recalled their ambassadors and many other governments called in Israeli ambassadors to protest. The European Union reiterated its demand for an immediate opening of Gaza’s border crossings. China urged Israel to end the blockade and condemned the Israeli raid on the ship. Russia called on Israel to lift the blockade and for an impartial investigation.

U.N. Secretary General Ban Ki-moon condemned the violence and called for a full investigation. The U.N. Human Rights Council voted to launch an independent, international inquiry into the events, although the United States voted against it. On June 1, a compromise Statement by the President of the Security Council at the U.N. regretted “the loss of life and injuries resulting from the use of force during the Israeli military operation in international waters against the convoy sailing to Gaza.... The Council ... condemns those acts which resulted in the loss of at least ten civilians and many wounded.” It called for a “prompt, impartial, credible, and transparent investigation conforming to international standards.” In addition, the Council reiterated its “grave concern at the humanitarian situation in Gaza” and stressed “the need for sustained regular flow of goods and people to Gaza as well as unimpeded provision and distribution of humanitarian assistance throughout Gaza.” It again called for a two-state solution to the Israeli-Palestinian conflict and expressed support for the ongoing proximity talks (that are being mediated by U.S. Special Envoy for Middle East Peace George Mitchell).<sup>22</sup>

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<sup>19</sup> “Turkish Minister Speaks at the UN Security Council,” (text) Anatolia, May 31, 2010, Open Source Center Document GMP20100601017001.

<sup>20</sup> Remarks to Justice and Development Party (AKP) parliamentary group, June 1, 2010, Anatolia, Open Source Center Document GMP20100601744001.

<sup>21</sup> Adem Kadam, “Prime Minister in Konya,” Anatolia, June 4, 2010, Open Source Center Document GMP20100608734014.

<sup>22</sup> United Nations Security Council, S/PRST/2010/9, June 1, 2010.

British Prime Minister David Cameron called Israel's actions "unacceptable." He said that Britain remained committed to Israel's security and urged Netanyahu to respond constructively to "legitimate" international criticism and to lift the blockade.<sup>23</sup> German Chancellor Angela Merkel expressed her "deep concern" to both Netanyahu and Erdogan, and her spokesman said, "Every German government has always recognized and supported the right of Israel to defend itself, but this right must of course be within the bounds of proportionality."<sup>24</sup> French President Nicolas Sarkozy condemned "the disproportionate use of force" and said, "All possible light must be shed on the circumstances surrounding this tragedy, which highlights the urgent need for the peace process to be relaunched."<sup>25</sup>

On June 14, the Council of the European Union adopted conclusions regretting the loss of life during Israel's military operation in international waters against the flotilla sailing to Gaza and condemned the use of violence. It called for an immediate, full, and impartial inquiry with credible international participation. It called for "the immediate, sustained, and unconditional opening of crossings for the flow of humanitarian aid, commercial goods, and person to and from Gaza...." and "for a solution that addresses Israel's legitimate security concerns...."<sup>26</sup>

## Investigations/Inquiries

In response to international calls for an investigation of the incident, Israel has launched several probes. On June 7, Israel Defense Forces (IDF) Chief of Staff Lt. Gen. Gabi Ashkenazi appointed former head of the National Security Council Maj. Gen. Giora Eiland (Ret.) to head an external military probe that will report by July 4. Three other retired senior officers are on the panel that is tasked with drawing operational conclusions. It reportedly will delve into the choice of unit to carry out the operation, possible alternative tactics that might have been used to stop the flotilla, military decision-making leading up to the operation, and intelligence matters.<sup>27</sup> Eiland has already defended the commandos' right to self-defense and said, "(T)here was a mistake, but not on the soldiers' part. The mistake lay in underestimating who the Turkish ship's passengers were."<sup>28</sup>

On June 13, Prime Minister Netanyahu announced the establishment of a special, independent public commission to inquire into the events of May 31. It will be chaired by retired Supreme Court Justice Jacob Turkel, who still sits on a military appeals court panel, and, as members, Shabtai Rosen, a professor of international law and former diplomat, and Maj. Gen. Amos Horen (Ret.), a former president of Technion (Israel Institute of Technology). The panel includes two foreign observers: Lord David Trimble, the former first minister of Northern Ireland, and Brig. Gen. Ken Watkin, former judge advocate general of the Canadian Forces.

The commission has a limited mandate. It will investigate whether Israel's blockade of the Gaza Strip and the enforcement of it conform to international law. It also will consider the actions and

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<sup>23</sup> "British PM Tells Netanyahu Israeli Raid on Ship was 'Unacceptable'," Agence France Presse, June 1, 2010.

<sup>24</sup> "Merkel tells Israeli, Turkish Leaders of 'Deep Concern,'" Agence France Presse, May 31, 2010.

<sup>25</sup> "France's Sarkozy Wants Probe into Gaza Flotilla Incident," Agence France Presse, May 31, 2010.

<sup>26</sup> <http://www.consilium.europa.eu/Newsroom>.

<sup>27</sup> Ya'aqov Katz, "IDF Probe Considers Turkey Intel Needs," Jerusalem Post, June 14, 2010.

<sup>28</sup> Interview by Francesco Battistini, "The Only Mistake Lay in Underestimating the Pacifists," Milan *Corriere della Sera*, June 9, 2010, Open Source Center Document EUP20100609058010.

identities of those who organized and participated in the flotilla. Military personnel will not be required to testify. Instead, the IDF will provide it with summaries of the Eiland investigation..<sup>29</sup>

Israel had coordinated its approach to the investigation with the Obama Administration, which had urged the inclusion of an “international component” to enhance the inquiry’s credibility. Hence, the White House reaction to the Israeli announcement was positive:

We believe that Israel, like any other nation, should be allowed to undertake an investigation into events that involve its national security. Israel has a military justice system that meets international standards and is capable of conducting a serious and credible investigation, and the structure and terms of reference of Israel’s proposed independent public commission can meet the standard of a prompt, impartial, credible, and transparent investigation. But we will not prejudge the process or its outcome, and will await the conduct and findings of the investigation before drawing further conclusions.<sup>30</sup>

However, Turkish Foreign Minister Ahmet Davutoglu was not satisfied. He declared,

The crime was committed in international waters, not in Israel’s territorial waters. A commission which will conduct an inquiry into an attack staged in international waters should be international. We demand that an international commission should be formed under the supervision of the U.N. with participation of Turkey and Israel.... We believe that Israel, as a country which attacked on a civil convoy in international waters, will not conduct an impartial inquiry.<sup>31</sup>

He also said that “international participation in a commission established by Israel does not give it an international quality.”<sup>32</sup> Finally, Davutoglu stated that if an international commission were not set up, then Turkey would unilaterally review its ties with Israel and implement sanctions against it.

Israel’s State Comptroller Micha Lindenstrauss will carry out yet another investigation into the legality of the government’s decision-making as well as intelligence and public relations issues. The probe will not duplicate that of the IDF or the Turkel group.

Meanwhile, U.N. Secretary General Ban Ki-moon took note of the Israeli announcement, but added that his own proposal for an international inquiry remains on the table and he hoped for a positive Israeli response. Israel has rejected an international investigation, but Turkey accepted Ban’s proposal and called on Israel to do likewise. U.S. State Department spokesman P.J. Crowley said that he was not aware that the Secretary General had made a decision on steps that the U.N. might take, but that the Administration would listen to what the Secretary General has in mind and make a judgment then.<sup>33</sup>

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<sup>29</sup> “Israel Announces Probe Commission with 2 Foreign Observers of ‘Highest Standing,’” (Israeli) Government Press Office, June 13, 2010.

<sup>30</sup> “Statement by the Press Secretary on Israel’s Investigation into Flotilla Incident,” June 13, 2010, <http://www.whitehouse.gov/the-press-office/statement-press-secretary-israels-investigation-flotilla-incident>.

<sup>31</sup> “Turkey FM Says Ankara Entitled to Review Ties with Israel,” *Anatolia*, June 14, 2010, BBC Monitoring Newswire.

<sup>32</sup> “Turkey Said Distrustful of Israeli Probe,” *Today’s Zaman*, June 15, 2010.

<sup>33</sup> Josh Rogin, “Behind the Scenes, a Flurry of Obama Administration Activity on Flotilla Investigation,” <http://thecable.foreignpolicy.com>, June 14, 2010.

## U.S. Position

### Policy

The United States is caught between two long-time allies—Israel and Turkey—and the Obama Administration seems interested in finding a path between them that will not antagonize either party. It is a challenging task. State Department spokesman P.J. Crowley reported that, before the raid, the Administration had urged caution and restraint on Israel given the anticipated presence of civilians, including American civilians.<sup>34</sup>

Afterwards, the Administration's first reaction was circumspect, if not muted. The White House issued a statement saying, "The President expressed deep regret at the loss of life in today's incident and concern for the wounded.... The President also expressed the importance of learning all the facts and circumstances surrounding this morning's tragic events as soon as possible."<sup>35</sup>

The Administration negotiated with Turkey concerning the Security Council President's statement that condemned "acts" resulting in the loss of life, but not Israel per se. The statement also did not call for an international investigation because of recent experience with what Israel and the Administration considered to be the one-sided U.N. Goldstone Commission investigation of Operation Cast Lead. The State Department's Crowley indicated that the United States believes "Israel is in the best position to conduct an investigation."<sup>36</sup> U.S. Deputy Permanent Representative at the U.N. Alejandro D. Wolff also criticized the attempt to break the blockade, saying, "Direct delivery by sea is neither appropriate nor responsible, and certainly not effective, under the circumstances." Yet, he further said that the situation in Gaza was "unsustainable."<sup>37</sup> Secretary of State Hillary Rodham Clinton made the same observation.

The White House said that President Obama "affirmed the importance of finding better ways to provide humanitarian assistance to the people of Gaza without undermining Israel's security."<sup>38</sup> Vice President Biden maintained that because Israel is at war with Hamas, it "has a right to know whether or not arms are being smuggled in."<sup>39</sup> He also stated that the Administration had been "cajoling" Israel to allow building materials into Gaza.

The Administration likely does not want its reaction to the flotilla incident to further disrupt what has become an uneasy bilateral relationship with Israel. It needs a better relationship with the Netanyahu government in order to make progress in the Israeli-Palestinian peace talks, which U.S. officials believe to be in America's national security interests. Strains had developed due to President Obama's and Netanyahu's differing views regarding West Bank settlement activity and, especially, Jerusalem. The Administration does not want Israel to take any actions that could prejudice a final settlement with the Palestinians, who seek a state in the West Bank and Gaza

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<sup>34</sup> Scott Wilson, Glenn Kessler, "U.S. Warned Israel Before Raid," *Washington Post*, June 3, 2010.

<sup>35</sup> Sheera Frenkel, "Israeli Battle with Pro-Palestinian Activists Endangers Peace Talks," *McClatchy*, May 31, 2010.

<sup>36</sup> U.S. Department of State, June 2, 2010.

<sup>37</sup> Isabel Kershner, Neil MacFarquhar, "Israel Begins Deporting Activists Held after Sea Raid," *New York Times*, June 3, 2010.

<sup>38</sup> "Erdogan to Obama: Israel Risks Losing its Best Friend in Middle East," June 3, 2010, <http://www.haaretz.com>.

<sup>39</sup> Statement made on PBS' "Charlie Rose Show," June 2, 2010, quoted in Wilson and Kessler, op.cit.

with east Jerusalem as its capital. The incident at sea led Prime Minister Netanyahu to cancel a June 1 meeting with President Obama at the White House. The meeting may take place on June 28.

At the same time, the Administration needed to consider the strength of its desire for Turkey's support in the Security Council for sanctions on Iran. It is usually believed that unanimity or a large number of votes in the Council lends greater weight on such issues. It is possible, however, that the Administration had decided to proceed without Turkey's support, given the announcement in Tehran on May 17 of an agreement with Iran and Brazil on an exchange in Turkey of some of Iran's low enriched uranium for medical grade uranium—a deal that the Administration found deficient. Turkey voted against sanctions, which its officials maintain was because of the Tehran deal and not related to the events of May 31 and their aftermath.

## **Aid**

On June 9, at a meeting with Palestinian Authority (PA) President Mahmud Abbas, President Obama promised \$400 million in aid for the West Bank and Gaza Strip. None of the aid requires new congressional action as all was appropriated in FY2009 and FY2010 legislation. Most is not for Gaza.<sup>40</sup> That slated in some way for Gaza includes \$40 million to support the United Nations Relief and Works Agency's (UNRWA) Emergency Appeal for Gaza and the West Bank to help improve educational and health services, increase job creation, and repair shelters in Gaza, while also addressing core humanitarian needs in the West Bank; \$14.5 million for school rehabilitation, small-scale agriculture, the repair of a hospital and other community infrastructure in Gaza; \$10 million for the construction of five new UNRWA schools in Gaza; and \$5 million to complete five USAID-funded projects to repair water distribution and wastewater collection systems in Gaza.

## **Implications for the Future**

### **The Blockade**

There is an international consensus that something must be done to lift or ease Israel's blockade of Gaza and to reestablish a fully functioning economy there for its residents. Yet, there has been a dearth of ideas from the governments or individuals who have called on Israel to end the blockade concerning creative ways for Israel to do that and to continue to prevent the arming of Hamas and its development as a more deadly threat to Israel. Hamas is exploiting the flotilla incident as a propaganda victory. It is not in the group's interest to not attempt to rearm or to help lessen Israel's international isolation. It is in the United States' and international community's interest to find a solution to this problem.

There are indications that the Israeli government is trying to find ways to ease procedures at land crossings. Prime Minister Netanyahu insists that the sea blockade is essential. Foreign Minister Avigdor Lieberman suggested that Israel offer to ease the crossings in exchange for monthly

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<sup>40</sup> The largest share or \$240 million is in Overseas Private Investment Corporation (OPIC) mortgage financing for the West Bank. Another \$75 million is FY2010 U.S. Agency for International Development (USAID) aid to support the PA's work to improve infrastructure and \$10 million to enhance private sector competitiveness in the West Bank and Gaza; it is unanswered how the PA will work in Gaza

International Red Cross visits to Sergeant Gilad Shalit. However, Hamas restated its position that any movement on Shalit depends solely on Israel's release of more than 1,000 Palestinian prisoners, as it has long demanded, and is not related to any other issue.<sup>41</sup>

President Obama described the situation in Gaza as “unsustainable” and said that “there should be some ways of focusing narrowly on arms shipments rather than focusing in a blanket way on stopping everything and then, in a piecemeal way, allowing things into Gaza.”<sup>42</sup> One suggestion is for Israel to publish a limited list of goods prohibited for security reasons and let all other goods enter the Gaza Strip. Former British Prime Minister Tony Blair, the Quartet Representative, and the European Union urged Israel to adopt the practice and it did “in principle.” According to one newspaper report, Israel will prepare a list of prohibited items that could be used for manufacturing weapons, allow the entry of building materials for U.N. projects, and consider stationing European Union (EU) and Palestinian Authority (PA) monitors at the border.<sup>43</sup> (More on the last below.)

Shortly after the Marmara incident Egypt announced the opening of the Rafah crossing “indefinitely,” although it continued to restrict some travelers and potentially dual use goods. On June 9, Israel slightly eased restrictions to permit the entry of additional food items, but Hamas rejected that action and demanded the entry of materials that would allow Gaza's factories to produce the goods. On June 13, Israel allowed the entry of trucks carrying equipment for water projects.

Some PA officials are concerned that efforts to lift the blockade will lead to a more autonomous Gaza Strip that is permanently separate from the West Bank. Such concerns may have animated Prime Minister Salam Fayyad's suggestion, also proposed by Tony Blair and others, to reinstate the 2005 Agreement on Movement and Access, which called, *inter alia*, for the Rafah border crossing to operate with EU monitors and Israeli surveillance as well as for a link between Gaza and the West Bank.<sup>44</sup> PA forces also were situated at the border. The EU Border Assistance Mission (EU-BAM) operated until suspended when Hamas took over the Gaza Strip in 2007. Its revival would be a way for the PA to reestablish its forces at the border. However, a Hamas spokesman quickly declared, “any international intervention, especially by the Europeans, must come through the government of Gaza,” which would be problematic for both the PA and the Europeans.<sup>45</sup>

New attempts to break the blockade are expected. The Iranian Red Crescent announced plans to send three ships and one airplane to Gaza, and the European Campaign to End the Siege on Gaza says that it is organizing another aid flotilla.

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<sup>41</sup> “Hamas Rejects Israeli Proposal on Reopening Crossings,” Al-Sharq al-Awsat website, June 4, 2010, BBC Monitoring Middle East.

<sup>42</sup> Helene Cooper and Isabel Kershner, “Obama Pledges New Aid for Gaza and West Bank,” *New York Times*, June 10, 2010.

<sup>43</sup> Barak Ravid, Jonathan Lis, “Blair Hails Deal with Netanyahu to Ease Gaza Blockade,” <http://www.haaretz.com>, June 16, 2010.

<sup>44</sup> For text of Agreement, see <http://www.israel-mfa.gov.il/MFA/Peace+Process/Reference+Documents/Agreed+documents+on+movement+and+access+from+and+to+Gaza+15-Nov-2005.htm>.

<sup>45</sup> “Hamas Rejects Abbas Insistence on Supervising Gaza Aid,” <http://www.haaretz.com>, June 14, 2010.

## **Israeli-Palestinian Peace Talks**

Many observers believe that the best response to the current crisis and the way to prevent future ones is Israeli-Palestinian peace and the creation of an independent Palestinian state that would deprive Hamas of its resistance rationale and lead to better lives for the Palestinians. U.S. Special Envoy for Middle East Peace George Mitchell says that the proximity talks that have been underway for several weeks between Prime Minister Netanyahu and President Abbas will continue. Abbas also has stated that the talks will not be broken off. However, few are optimistic about the prospects for peace given the uncompromising territorial ambitions of the right-wing nationalists in the Netanyahu government and the divided Palestinian rule between Gaza and the West Bank. Even if an accord can be achieved, many wonder how successfully it can be implemented.

## **Turkish-Israeli Relations**

The current crisis is undoubtedly a turning point in Turkish-Israeli relations. President Abdullah Gul declared, "Turkish-Israeli relations can never be as before from now on."<sup>46</sup> Yet, this change is not dramatic; it has been coming for some time.

The picture of Turkish-Israeli friendship was drawn in the 1990s when their bilateral relations improved in tandem with Israeli-Palestinian peace talks and when both governments viewed Syria, their common neighbor, as an adversary. Cordiality was aided by the Turkish military's appreciation of Israeli arms for use in the fight with Kurdistan Workers Party (PKK) insurgents. Joint military exercises became routine. Surprising to some, relations did not deteriorate when the Justice and Development Party (AKP), which has Islamist roots, came to power in 2002. Prime Minister Erdogan visited Israel and Israeli President Shimon Peres addressed the Turkish parliament. Israel trusted Ankara enough to allow it to mediate indirect peace talks with Syria in 2008.

However, Israel's suspicions of the AKP may have been sparked when the party hosted Hamas Politburo Chief Khalid Mish'al in 2006, after the Palestinian Authority legislative elections. Turkish officials repeatedly refer to Hamas as a democratically elected group that was denied the chance to govern, and call on the international community to engage Hamas. Moreover, Israel is aware of Turkey's close relations with Iran, its defense of that country's right to develop nuclear energy, and its charge that the international community uses a double standard when it fails to castigate Israel for its nuclear weapons. Erdogan and other Turkish officials almost always refer to Israel's nuclear weapons when countering international concern about the possibility that Iran seeks such weapons; he has described that notion as "gossip." Turkish officials do not, as Israeli officials do, refer to Iranian President Mahmud Ahmadinejad's vow to "wipe Israel off the map" or to Iran's support for anti-Israel terrorists. In other words, a gap has been widening between the two erstwhile friends.

Bilateral relations have been deteriorating more markedly since Israel's military campaign against Hamas from December 2008 to January 2009. Prime Minister Erdogan has said that he was insulted that then Israeli Prime Minister Ehud Olmert had failed to inform him of the anticipated

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<sup>46</sup> Sabrina Tavernise, Michael Slackman, "Fatalities on Gaza Flotilla Said to Include U.S. Citizen," *New York Times*, June 3, 2010.

offensive while in Turkey for consultations regarding the Turkish-mediated Israeli-Syrian peace talks just days before launching the offensive. In January 2009, Erdogan took offense at President Peres's defense of Operation Cast Lead at the World Economic Forum and stormed off the stage. Erdogan's action gained him popularity throughout the Arab world. Shortly thereafter, a Turkish television series depicted Israeli soldiers as barbarians. Erdogan has repeatedly criticized Prime Minister Netanyahu's government. In October 2009, Turkey cancelled Israel's participation in a multilateral military exercise—some suggested that this was due to concerns that Israel would use it to prepare for an attack on Iran. In January 2010, Israeli Deputy Prime Minister Dani Ayalon insulted Turkey's ambassador to Israel while complaining about the television series. Turkey demanded and received an apology. Erdogan is unrelenting in his repeated references to what he refers to as Israel's inhumane conduct of the Gaza campaign and of its continuing ill treatment of the Palestinians in Gaza, which he calls an "open air prison." He also has warned Israel not to try to change the character of Jerusalem and questioned the Jews' ties to certain religious sites.

After Israel's raid on the flotilla, Prime Minister Erdogan said "Today is a turning point in history. Nothing will be the same again," speaking of Turkey's relations with Israel.<sup>47</sup> Turkey recalled its ambassador from Israel and cancelled three joint military drills, cooperation in the fields of energy and water, and soccer matches. It also is demanding that Israel apologize and compensate the victims. Foreign Minister Davutoglu says that relations will not improve until the results of an international probe of the Israeli raid are implemented and Israel lifts the siege of Gaza.

Defense Minister Vecdi Gonul said that Turkey did not plan to cancel military contracts for the purchase of Israeli arms, including Heron drones, radars, and avionic systems, and joint production of mine-resistant ambush-protected (MRAP) vehicles.<sup>48</sup> Most of the Herons have been delivered and Israel has been compensated for them. However, after the flotilla incident, Israeli defense industries withdrew engineers and flight officers who were training Turkish forces for the Heron. The companies claim that the deal had not been cancelled. Much of the Turkish-Israeli bilateral trade—worth \$2.5 billion in 2009—has been Turkey's purchase of military equipment from Israel and it was anticipated to increase before the incident. The two countries signed a free trade agreement in 1996. Observers do not believe that any new deals can be expected.

Aside from criticizing Israel's plans for its own inquiry into the incident, Foreign Minister Davutoglu declared that Turkey would work to isolate Israel in every international platform if an international investigation were not established.<sup>49</sup>

## **U.S.-Turkish Relations**

The flotilla crisis may have added to a developing rift in the foreign policies of Turkey and the United States. The Administration does not want to harm relations with Turkey, which is geostrategically important to U.S. interests, particularly in Iraq and Afghanistan. President Obama called Prime Minister Erdogan to convey his condolences for the tragedy at sea. However, some in Turkey want the Administration to choose between Israel and Turkey, and believe that the United States must choose Turkey. As that is unlikely, some Turks may remain unsatisfied.

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<sup>47</sup> Marc Champion, "Turkey Lashes out at Israel and Denounces 'Massacre'," *Wall Street Journal*, June 2, 2010.

<sup>48</sup> Umit Enginsoy, "Turkey's Military programs with Israel Remain in Place," <http://www.hurriyetdailynews.com>, June 3, 2010.

<sup>49</sup> "Turkey to Isolate Israel if International Probe Committee Not Set Up – Minister," *Anatolia*, June 9, 2010, BBC Monitoring European, June 10, 2010.

Despite its NATO membership and European Union candidacy, Turkey is an increasingly independent actor on the international stage, reflective of its growing economic and regional power and ambition to be a world power. It is conforming less automatically than in the past to the views of the United States and other Western allies, and developing what Foreign Minister Davutoglu has described as a “multidirectional” foreign policy. Ankara also is less reluctant to criticize its American ally publicly. With regard to the flotilla incident, Davutoglu expressed disappointment with Washington’s “cautious reaction to the events.”<sup>50</sup> He stated, “We expect full solidarity with us. It should not seem like a choice between Turkey and Israel. It should be a choice between right and wrong, between legal and illegal.”<sup>51</sup> He also complained that the United States had delayed and watered down the U.N. Security Council President’s statement.

This crisis came on the heels of a disagreement between Washington and Ankara over Turkey’s agreement with Brazil and Iran concerning Iran’s uranium. Davutoglu insists that Turkey followed guidance in an October 2009 letter from President Obama to Prime Minister Erdogan in formulating the deal, but the U.S. State Department had observed several weeks before the agreement was announced in Tehran that those parameters needed updating. The Foreign Minister also sought to place the agreement with Iran in the context of President Obama’s policies of engagement and multilateralism in order to deprive United States of room to maneuver in its effort to get harsher sanctions imposed on Iran. As noted above, Turkey voted against sanctions.

Recent events suggest U.S. policy makers should expect additional and increasing examples of Turkey’s developing autonomous foreign policy. It may be a challenge for U.S. officials to accommodate their views to Turkey’s “multidirectionalism” or to address it constructively.

## Legislation

**S.Res. 548**, introduced and referred to the Committee on Foreign Relations on June 9, 2010. To express the sense of the Senate that Israel has an undeniable right to self-defense, and to condemn the recent destabilizing actions by extremists aboard the *Mavi Marmara*.

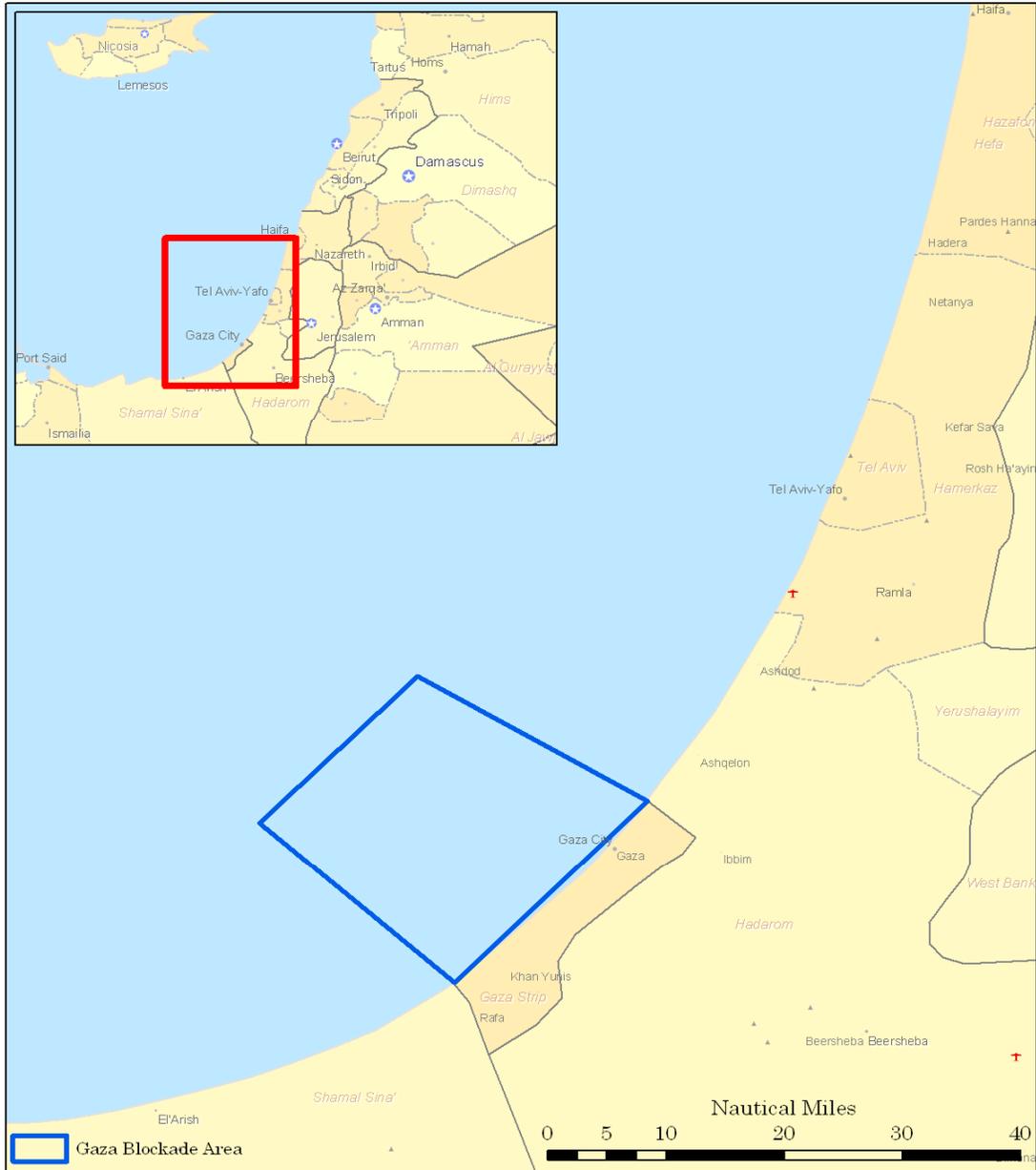
**H.R. 5501**, American Stands with Israel Act, introduced and referred to the Committee on Foreign Affairs on June 10, 2010. To prohibit the United States participation on the U.N. Human Rights Council and prohibit contributions to the U.N. for the purpose of paying for any U.N. investigation into the flotilla incident.

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<sup>50</sup> “Israel’s Attack Against Ship Taking Aid to Gaza,” Anatolia (government news agency), Open Source Center Document GMP20100601744025.

<sup>51</sup> Mark Landler, “U.S. Tries to Keep its Balance between Turkey and Israel,” *New York Times*, June 2, 2010.

Figure I. Blockade of Gaza



## Blockade of Gaza Strip, January 2009

Source: Produced by CRS based on State of Israel, Ministry of Transport, Notice to Mariners, No. 1/2009 Blockade of Gaza Strip, January 2009; ESRI Community Data, 2008.

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