



S. DANIEL ABRAHAM  
CENTER FOR MIDDLE EAST PEACE

## Israel and the Middle East News Update

*Thursday, August 30*

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# News Excerpts

August 30, 2018

## Times of Israel

### **Abbas Opposes Refugee Solution that Would 'Destroy Israel'**

Palestinian President Mahmoud Abbas said that he does not support a solution for Palestinian refugees that would "destroy Israel," according to two Israelis who met with him on Tuesday. A Palestinian official confirmed the substance of Abbas's remarks, but said the PA chief did not use the word "destroy." "He said that he does not want to 'drown' Israel with refugees, but that we still need to find a solution to the issue of refugees," said the official.

## Ha'aretz

### **Report: Abbas' Health Seriously Deteriorating**

Palestinian sources claimed Wednesday evening that Abbas' health has seriously deteriorated, Israel's Channel 10 News reported. According to the report, senior officials who visited Abbas recently in honor of the Eid al-Adha holiday were surprised to learn that he did not remember them at all. The Palestinian president only manages to work in his office for a couple of hours a day, the report said. The 83-year-old Abbas has suffered from different health problems and remains a heavy smoker. This past May he was hospitalized several times after he suffered from an ear infection.

## Ha'aretz

### **Court Ruling May Enable Mass Legalization of Settlements**

The main question raised by the Jerusalem District Court's verdict, that the Mitzpeh Kramim outpost in the West Bank can be legalized despite being built on private Palestinian land, pertains to its future implications. Although this is a singular case, jurists specializing in property law in Israel and the West Bank believe that courts can interpret the ruling to enable legalizing hundreds of housing units in the settlements. According to the Civil Administration, there are at least 1,048 structures built on West Bank land mistakenly thought to be state lands. They too could be legalized retroactively.

## Jerusalem Post

### **Friedman Sets Low Expectations for Peace Process**

US Ambassador David Friedman does not feel a sense of urgency to launch the Trump administration's Israeli-Palestinian peace initiative anytime soon, and questions the extent to which Gaza can be resuscitated after 12 years under Hamas rule, the envoy recently said in an off-the-record call with an American Jewish organization. Friedman said that no "timetable" exists for the release of their peace plan and clarified that Trump does not seek a reciprocal move by Israel after the US moved its embassy from Tel Aviv to Jerusalem in May. He denied that the plan would be rolled out around the time of the UN General Assembly in New York next month.

Times of Israel

## **US Slams Abbas for Trying to Torpedo Gaza Deal**

The US on Wednesday slammed the PA for seeking to undermine ceasefire talks between Israel and Hamas in Gaza, saying the PA needs to make “hard choices.” The statement Wednesday from US Middle East envoy Jason Greenblatt comes after Abbas reportedly said an Egyptian-brokered Gaza ceasefire would only happen “over his dead body.” Greenblatt said, “The Palestinian Authority cannot criticize from the sidelines. The Palestinian Authority should be part of the solution... If not, others will fill that void.”

Times of Israel

## **Hamas: We'll Fire Hundreds of Rockets at if Talks Fail**

Hamas leader Yahya Sinwar on Wednesday said there was no concrete ceasefire agreement yet with Israel, but warned that if hostilities resume the terror group could launch hundreds of rockets deep into the Jewish state. The Hebrew Walla news site quoted him as saying that “Hamas could set off rocket warning sirens in the Tel Aviv region for six months straight.” Indirect negotiations between Hamas and Israel have reportedly included discussion on easing the Gaza blockade, but by no means a complete lifting of it. Israel says the blockade is in place in order to prevent weapons and other military equipment from entering the Strip. Sinwar said that talks on a prisoner exchange were progressing on a separate track and were not connected to the ceasefire agreement.

Reuters

## **Palestinian Schools Open Despite Cuts to UNRWA**

Schools run by the UN agency for Palestinian refugees opened in the West Bank and the Gaza Strip on Wednesday after it secured funding to offset cuts by the US. The beginning of the school year had been in doubt after the United Nations Relief and Works (UNRWA) said it lacked funds to pay the 22,000 teachers in its schools in the Gaza Strip, the West Bank, East Jerusalem, Jordan, Syria and Lebanon. The US earlier this year cut its aid to UNRWA to \$60 million from a promised \$350 million for the year, saying the agency needed to make unspecified reforms and calling on the Palestinians to renew peace talks with Israel.

Atlantic

## **Israel is Losing the Syrian Civil War**

While Israel has refrained from trying to shape the outcome of the Syrian war, it has aggressively pursued a narrow set of goals designed to protect its interests. On the one hand, President Bashar Assad is Iran’s most important ally in the Arab world. On the other hand, Assad—his government’s fiercely anti-Israel rhetoric notwithstanding—represents a known quantity to Israel, unlike the chaotic tangle of Sunni militias and jihadist organizations that would replace him. In the years ahead, Iran and its allies are poised to challenge Israel on multiple fronts.

## Why Are Some Israelis Worried About UNRWA Cuts?

By Neri Zilber, Fellow, Washington Institute for Near East Policy

- In early 2014, workers for the United Nations Relief and Works Agency (UNRWA), the seven-decade-old body that provides basic services for Palestinian refugees, went on strike in the West Bank and Gaza Strip. The cause was an internal battle between management and teaching staff over budget cuts and layoffs. For two months, across the refugee camps of the Palestinian territories, UNRWA schools shut down, garbage piled up in the streets, and health care clinics remained closed. Officials on all sides expressed concern about the strike, but none more stridently than Israeli military officers. “This is a security interest for all of us,” one senior officer from the military unit that runs the West Bank told me at the time. “We don’t want kids to be bored, and to start throwing rocks.” Now, the Trump administration seems determined to end all U.S. funding to UNRWA and cut other aid to the Palestinians. Some of Trump’s closest advisors, including his son-in-law, Jared Kushner, believe the refugee agency undermines Israeli interests and stokes the refugees’ hopes for repatriation in Israel. As with Trump’s decision last year to move the U.S. Embassy in Israel to Jerusalem, the withholding of aid money is seen as one more way that the U.S. government, the historic peace process mediator, is aligning itself with hard-line elements within Israel.
- But while Israeli Prime Minister Benjamin Netanyahu basks in the unmitigated support he gets from Trump, top Israeli security officials are worried. Some of them told the Israeli Cabinet that the move could backfire badly on Israel, “setting fire to the ground,” according to a report on Israeli television this past weekend. Others are cautioning that the void created by any decline in UNRWA services would be filled by the Islamist Hamas group. The reasons for the concern are not difficult to discern. As an international diplomat in Jerusalem once told me, UNRWA is effectively a “quasi-government” in the West Bank and Gaza Strip, providing education, health, and other essential services to some 2 million people. In the West Bank alone, nearly 800,000 Palestinians are registered as refugees, many residing in the 19 refugee camps scattered across the territory (camps is a misnomer; these days they are urban concrete slums usually connected to major Palestinian cities). Almost 50,000 pupils study at the 96 schools UNRWA operates, with the agency responsible for an additional 43 health care centers, 15 community rehabilitation centers, two vocational training centers, and 19 women’s program centers.
- The situation in Gaza is even more acute. One million Palestinians, half the population of the blockaded coastal enclave, depend on UNRWA for food aid; a quarter million refugees study at the agency’s 267 schools; some 21 health centers dispense care to a war-ravaged population. In a territory with a 40 percent unemployment rate, the highest in the world, UNRWA employs almost 13,000 staff—many of them registered refugees themselves. The U.S. government, historically UNRWA’s biggest donor, provides more than a quarter of the agency’s budget. Its plan to eliminate \$350 million in funding will leave UNRWA with a massive shortfall and has already forced layoffs. The school year is set to start on time, but officials at the agency can’t

guarantee that it will extend past the end of September. Gaza in particular is of utmost concern, with the territory already on the brink of a humanitarian catastrophe and Israel and Hamas teetering on the edge of war. Israeli security officials have consistently described Gaza as a “ticking bomb”—one that Israel and Hamas (which rules the Strip) are now trying to defuse via indirect talks.

- Washington also seems bent on stripping millions of Palestinians across the region of their status as refugees—a highly evocative issue tied to the Palestinian “right of return” demand. Critics contend that this refugee status (imparted as well on descendants of those Palestinians who fled during Israel’s creation in the 1948 war) artificially perpetuates the conflict, impelling refugees to believe they may someday return to their homes inside Israel. “This relates to the core of the Palestinian narrative,” Lt. Col. Alon Eviatar, a retired Israeli intelligence officer with long experience in Palestinian affairs, told me. “It could have even more dramatic implications than the budget cuts.”
- The Trump administration, though, hasn’t just stopped with UNRWA. Late last week, the State Department announced that it was cutting \$200 million in aid to Palestinians in the West Bank, primarily development and infrastructure projects run through USAID. Beyond the larger damage to the Palestinian economy of stopping these initiatives—roads, sewage, electrical transmission, water and the like—there is a more personal and immediate problem. All told, tens of thousands of West Bank Palestinians benefit, whether directly or via extended family circles, from employment in these projects. “In terms of work, there aren’t alternatives for all these people,” Eviatar said. “If you cut one hand then you have to make sure the other hand feeds [them],” he said, alluding to the wider danger of a political vacuum. Tellingly, the United States refrained from slashing direct aid (\$60 million) to the Palestinian Authority security forces, a sign that Washington does value their work, especially the tight cooperation with their Israeli counterparts. Yet even if continuing this funding were politically tenable for the Palestinians—an open question given the tattered state of their relations with the Trump administration—this is arguably a limited understanding of security.

## Outpost Legalization Exposes Government's Tricks

By Mordechai Kremnitzer, Columnist

- The Jerusalem District Court's ruling that legalized the West Bank outpost of Mitzpeh Kramim is a reminder of the history of deceitful tactics Israel has used to take over land for settlement in the territories under its military's control. More importantly, it's an example of how the courts are used to turn land never explicitly confiscated by the Israel Defense Forces into land that can be given to settlers for residential purposes, despite Palestinian ownership claims. The government has learned, based on legal advice that it received, that the way to take over land for Jewish settlement is by simulating a military need as a justification. The process in this particular instance began back in 1967 by declaring an area – apparently a larger plot than what was necessary for military training – as a closed military zone. Then the area is transferred to a military unit – in this case, the land was given in 1976 to the Nahal Brigade (whose soldiers combine active duty with work on outlying settlements or outposts). Finally, it is given to Jewish communities for civilian settlements, as it transpired in 1979. In order to implement this last stage, the IDF produces a seizure order for “military needs,” a well-known Israeli sham tactic.
- So far, the routine runs its course – this is how the trickster state-settlement project goes. The Mitzpeh Kramim case, however, is unique. It was established as part of a government decision to regulate the illegal outposts by transferring them from their original location. Mitzpeh Kramim was established in a territory not included in the military's seizure order and, according to the claim, built partially on private Palestinian land. Moreover, the territory in question was not used residentially, and the attempt to change its zoning status failed. Needless to say, no building permits were granted for the area, rendering the structures there illegal. Given that there was not even the remotest legal basis for the construction of the outpost, a state that was not a settler state would have made sure it evacuated the settlers from land they had no legal rights to be on.
- Mitzpeh Kramim was built in 1999, near the settlement of Kochav Hashahar northeast of Jerusalem, on six plots of land: Five are privately owned and one is state land. The government allocated the land in the 1980s to the World Zionist Organization. According to Israel's Civil Administration, the government did not know at the time that the land was privately owned because of confusion in the mapping of the area, and now admits that the land should not have been allocated to the settlement. In 2011, Palestinians petitioned the High Court of Justice to revoke the master plan for Mitzpeh Kramim and prevent any further building. This case has been frozen for now, partly because of the proceedings under way concerning the new law on expropriation of privately-owned land in the West Bank in return for above-market compensation. Known as the regularization law, the new law legalizes previously illegally seized land used for Jewish settlement. Since the settlement enterprise is a top-priority state project – a flagrant violation of international law that prohibits an occupying force to settle its citizens in occupied territory – the state is insisting on “straightening out” that which is crooked.

- In a move that disguises itself as a resident's claim for declaratory judgement but is apparently a step taken by the state, the court was asked to authorize the settlement. And the court did so, in two steps. In the first move, the court determined that the official responsible for the abandoned government property transferred it to the World Zionist Organization as well as the land on which the neighborhood was built, despite the fact that this property was not the official's land to transfer because it was not seized militarily. This legal process is based on the possibility that the official saw a map, which was not presented to the court, in which this land was marked as part of that which was allocated to the World Zionist Organization; therefore, even if the official had erred (and he clearly did) his actions are binding. To adhere to the innovative conclusion, according to which a government authority can transfer property that it owns only in its imagination, the court relied on the testimony of a man of 93 who was the official responsible for the abandoned property.
- This witness struggled so much to provide answers that the court recommended that the defendants stop quizzing him. It's hard to forgo the impression that had this witness testified the opposite of what he did, the court would have rejected his testimony as unreliable. The court also showed a double standard in its handling of the following question: How much can be learned about the stage in which the felony took place from events that transpired after it happened? In that sense, whatever strengthened the authenticity of the version embraced by the court becomes hard evidence, whereas information that contradicts the court's version lacked any value. The court also handled the claims of each side in the same manner—it allowed the prosecutors to explain their claims extensively, while it opted to block the defendants from explaining their position. The second move the court took to disguise the step taken by the state (to claim and transfer the land) was to apply a "market overt" concept to the WZO.
- According to this property-ownership concept, transactions conducted in good faith under certain conditions are considered valid — even if their legally faulty, such as in the case of stolen goods. Thus, the WZO was treated by the court as an entity which received land rights in good faith. The court treats the WZO as a private buyer, thereby absolves them of any semblance of responsibility. Subsequently, the court's reliance on the testimony of the official in charge of the property, which was weak in substance, became all-conclusive, assuming that the WZO should be treated like any buyer on the market. Confounding logic, two mistakes—one made by the entity that transferred the land (the government) and another made by the entity that received it—create a valid right to the property, ex nihilo. Let's imagine for a moment that the people claiming ownership to the land were not Palestinian but Jewish. Would such legal inventions have been created then?
- Nonetheless, there is still a ray of light in this dark tale; the manner in which the Civil Administration behaved initially was respectful and fair; the administration refused at first to join the "shticks and tricks" method to legalize the neighborhood. But during the hearing at district court, the Civil Administration changed its stance, in light of the testimony provided by the

official in charge of the property. One can only hope that the Civil Administration changed its stance as a result of deep inner conviction and not due to any pressure. The court criticized the conduct of the administration, though it ought to have been extolled for the extent of independent thinking it did show. Even those who arrived late to the party know that Israel's masquerade ball when it comes to the settlements is over. It's clear that a settlement is not created by individuals but is rather an act of the state.

- The old claim that the land is being used temporarily is nothing but a false pretense made for the sake of appearing to be abiding by international law. The ancient claim that Israel is careful not to hurt Palestinians' property rights has been revealed to be baseless. Israel's land-grab law – which allows the state to expropriate Palestinian land on which settlements or outposts were built “in good faith” – basically spells out that the claim is false. The verdict on Mitzpeh Kramim is another step in this direction. The idea of Israel creating a land bank of government-owned Palestinian properties in order to promote the interests of Jewish settlement over the interests of Palestinians as individuals and as a collective is highly questionable from a legal standpoint. The legal system faces a challenge of the first order: How can it avoid collaboration with the violation of international law? How can it preserve its integrity and its commitment to equality? How can it avoid an abuse of the law?