



S. DANIEL ABRAHAM
CENTER FOR MIDDLE EAST PEACE

Israel and the Middle East News Update

Thursday, September 6

Headlines:

- UN Protests Court Approval of Village Demolition
- Paraguay Moves Israel Embassy Back Out of Jerusalem
- Confidante: Benny Gantz Has Decided to Enter Politics
- Poll Finds Likud Surging Amid Election Talk
- It's a Bull Market in West Bank Settlements
- President Rivlin: Nation-State Law 'Bad for Israel'
- Israeli Arab Leaders: Police Part of Crime Problem
- Israeli Wall Rising Near Lebanon Border Stokes Tensions

Commentary:

- **AI Monitor: "Why Netanyahu Keeps Oslo Alive"**
 - By Ben Caspit, Senior Columnist
- **Ha'aretz: "Judicial Backing for Israel's State-Sanctioned Abuse"**
 - By Mordechai Kremnitzer, Columnist

News Excerpts

September 6, 2018

Times of Israel

UN Protests Court Approval of Village Demolition

UN Mideast Envoy Nickolay Mladenov warned Wednesday that the razing of a Bedouin village in the West Bank is a violation of international law and would blunt efforts to reach a peace deal between Israel and the Palestinians. His comments came after the High Court of Justice cleared the way for the demolition of Khan al-Ahmar, rejecting a final appeal in a case that has drawn international criticism. The Palestinian Authority said the demolition plans amounted to “ethnic cleansing.”

Associated Press

Paraguay Moves Israel Embassy Back Out of Jerusalem

Paraguay announced Wednesday it would immediately move its embassy in Israel out of Jerusalem and back to Tel Aviv, less than four months after opening the new mission. The move presents an embarrassing diplomatic setback for Israel, which had hoped to build on the momentum started by the U.S., Guatemala and Paraguay, which all moved their embassies to Jerusalem in May. New Paraguayan President Mario Abdo Benitez had opposed the switch even before taking office on Aug. 15. In response, Israel said it was shuttering its embassy there, warning that ties between the countries would be “strained” by the decision.

Times of Israel

Confidante: Benny Gantz Has Decided to Enter Politics

A confidant of former IDF chief of staff Benny Gantz said Thursday that the popular ex-general had made up his mind to enter Israeli politics and would announce his political party of choice as soon as elections are called. Speculation has swirled about Gantz’s political ambitions as he reaches the end of the mandatory three-year “cooling-off” period for senior IDF officers to enter politics, after he left the military in 2015. The confidante said rumors claiming Prime Minister Benjamin Netanyahu had offered Gantz a seat on the Likud slate and the foreign ministry were false. Gantz is generally believed to be looking to enter politics on the center-left.

Times of Israel

Poll Finds Likud Surging Amid Election Talk

Likud would win 36 seats in the Knesset if elections were held today, six more than the ruling party currently holds, according to a poll published Wednesday by Keshet TV. The result inches the Likud towards a target laid down last week by Netanyahu for the party to win 40 out of 120. Most polls have shown the party maintaining power, and even gaining, despite corruption investigations against Netanyahu. elections are currently slated for fall 2019, though many analysts believe Netanyahu will call a snap poll sometime before then.

It's a Bull Market in West Bank Settlements

Many West Bank settlers are ideological, but others were drawn by the quality of life — larger homes, more green space and intimate communities. The Israeli government has also facilitated that comfort, building access roads that avoid Palestinian areas and increasing the number of bus lines that go directly to the settlements. The changes mean that many settlers can live their lives largely avoiding contact with the Palestinians around them. Even relatively distant settlements like Ofra have the feel of a suburb. But now the settlements are becoming more like Israel in yet another way: The country's festering housing crisis, which has seen home prices balloon for a decade, is moving across the Green Line. The safer settlements feel, the more their home prices rise to meet the national average.

Times of Israel

President Rivlin: Nation-State Law 'Bad for Israel'

President Reuven Rivlin on Wednesday decried the recently passed Jewish nation-state law as “bad for the State of Israel and bad for the Jews” and described the controversial legislation as part of a global pivot toward the silencing of dissent. Though the presidency is mostly a ceremonial role, Rivlin has not refrained from issuing withering criticism of the nation-state law passed by the Knesset in July, which critics have argued poses a threat to the rights of Israel's minority communities.

Jerusalem Post

Israeli Arab Leaders: Police Part of Crime Problem

Israeli Arab leaders have accused the Israel Police of being complicit in the problem of violent crime in Arab society, in a letter sent to Public Security Minister Gilad Erdan and Police Insp.-Gen. Roni Alsheich on Wednesday. The letter was signed by the Joint List party, the High Follow-Up Committee for Arab Citizens of Israel and the committee of heads of Arab local authorities and was written on the heels of a violent weekend in which at least four Arab Israelis were allegedly murdered in separate incidents in Tira, Jisr e-Zarka and Reina. “Violent crime in Arab society is widely spread and the police appear to be unwilling to deal with it,” they said in a press release. “Or worse, [police] play an active role not in fighting crime but by managing a delicate balance of terror between various criminal organizations, as long as their activities do not spill over into Jewish society.”

Associated Press

Israeli Wall Rising Near Lebanon Border Stokes Tensions

Israel is building a massive wall along its northern border, saying the barrier is needed to protect civilians from Hezbollah attacks, but the project has raised tensions with Lebanon, which fears the fence will encroach on its territory. The Israeli military insists the entire barrier is being constructed in Israeli territory, and the U.N. peacekeeping force in the area agrees. Thus far, seven of the planned 80 miles have been constructed.

Why Netanyahu Keeps Oslo Alive

By Ben Caspit, Senior Columnist

- Majed Faraj, head of the Palestinian General Intelligence Service and viewed as a possible successor to President Mahmoud Abbas in a number of Middle East capitals, is now in the midst of intensive negotiations in Washington with his American hosts. On the table is an effort to reboot Trump administration relations with the Palestinian leadership in Ramallah. It was publicized in Israel on Sept. 3 that President Donald Trump asked Abbas to meet with him in New York when Trump will attend the UN General Assembly gathering later this month, but Abbas rejected the offer. The disconnect between Washington and Ramallah blocks all American efforts to jump-start the negotiations and finally unfurl the “deal of the century” that is being crafted by emissaries Jared Kushner and Jason Greenblatt for recalcitrant partners Abbas and Israeli Prime Minister Benjamin Netanyahu.
- Parallel efforts were also made in Ramallah. High-level representatives of Egyptian intelligence met with Abbas Sept. 1 for four continuous hours in an effort to reach some type of compromise that would enable renewal of the negotiations. The elderly, unwell Palestinian leader was focused, alert and in good form, but no compromise was reached. The Egyptian efforts on Saturday continued in the course of the week in Washington. Working vis-a-vis the Palestinian delegation, headed by Faraj, the Americans are trying to consolidate some kind of deal that will enable renewal of the negotiations. According to senior political sources well-versed on the issue, the Palestinians are demanding a total cancelation of the cut in American assistance, in addition to some kind of American act or statement that would offset the transfer of the American Embassy to Jerusalem. They also demand a quiet understanding that east Jerusalem would become the capital of the future Palestinian state, and that the 1967 cease-fire lines would constitute the basis for future negotiation. On top of that, Abbas personally demands the replacement of emissaries Kushner and Greenblatt for “objective emissaries capable of serving as fair brokers.”
- It is extremely doubtful that these conditions will be fulfilled. Meanwhile, it is clear that the unfurling of the “deal of the century” has been postponed, and we can only hope and pray that it is not being postponed to the next century. All this is taking place on the 25th anniversary of the 1993 Oslo Accord, an agreement that put an end to the condition of war that prevailed between Israel and the PLO and led to mutual recognition of the sides for each other. But for the last decade, the (interim) agreement has been dormant and fossilized. No Palestinian state has yet been established, a permanent-status arrangement (which should have followed the interim agreement) is as out-of-reach as ever, and the disconnection between Jerusalem and Ramallah is absolute despite the fact that the two cities are only a 20-minute drive apart. Yet despite all this, Oslo is not dead and it is too early to eulogize it. On the contrary: It is still alive and kicking at this very moment.

- Over the last decade, “Oslo” became a kind of curse word in the Israeli public. The vast majority of Israelis believe that Oslo has failed. The Israeli political right has attacked this agreement furiously since the day it was born, and the “loathsome” accord is perceived as a rusty, hopeless castoff in the junkyard of history. In face of all this, we must ask: If the agreement is so terrible, why hasn’t Israel revoked or abolished it? Why does the present right-wing government (established in 2015), the most right-wing government in the annals of the state of Israel, continue to fulfill the Oslo agreement verbatim? Many senior Israeli personages have declared, “The two-state solution is dead” — former Minister Gideon Sa’ar was the most recent of these — yet the government has not voted to cancel the agreement. Why? It would be a lot easier to accomplish than the whole government-initiated process that led up to acceptance of the controversial Nationality Law, yet it’s not happening.
- The answer is clear: The Oslo Accord’s success in stabilizing the reality on the ground is in fact the biggest failure of all. When Netanyahu was first elected to the premiership in 1996, he did not cancel the agreement; he signed it. He transferred Hebron — the “City of our Forefathers” — to the Palestinians (the 1997 Hebron Protocol); he went to the Wye Plantation and signed on the dotted line to transfer another 13% of the West Bank as part of the “second stage” of the agreement (the 1998 Wye River Memorandum). Before he carried out his promise, Netanyahu lost the 1999 elections to Ehud Barak. When Netanyahu returned to power 10 years later, he found a much more difficult reality on the ground: The settlers had doubled and tripled themselves, despite the agreements. At this stage, Netanyahu implemented his original, secret plan: not to cancel Oslo, but to freeze it in its early stages.
- And that is exactly what happened: Oslo ground to a halt after the first stage was implemented but before the second. This can be compared to bringing a child into the world but halting his development at age 5. No Palestinian state arose; the sides lost confidence in each other; and the second, bloodstained Intifada (2000-2005) destroyed whatever remained of hope and of the Israeli peace camp. Thus, the reality on the ground constitutes a perfect status quo as far as Netanyahu is concerned: On the one hand, most of the Palestinians live in Area A, under direct Palestinian control. On the other hand, no Palestinian state has risen; sovereign Israel is all around the Palestinian territories; and the Israel Defense Forces are stationed on the Jordan River, Israel’s eastern border. And so the situation remains as it is: stuck. The Oslo Accord was implemented successfully regarding a preliminary separation between the Palestinians and the Israelis. But before it matured into a permanent-status arrangement, namely a peace agreement for a two-state solution, it ground to a halt and went into a coma. With regards to Netanyahu, this coma could last forever. With regards to Abbas, he also seems to favor the status quo.
- The Oslo concept was good, but its execution was bad. Two and a half decades of distrust, confrontations and terror attacks created a reality in which the leaderships of both sides are unable to talk to one another; they even do not believe that it is possible to square the circle and reach a permanent-status agreement. On the other hand, many seniors in the Israeli security system — which diligently maintains security cooperation with the Palestinian security apparatus — feel that the principles behind a future permanent agreement with the Palestinians

are clear to everyone and are within reach. A very senior member of the security system recently told Al-Monitor on condition of anonymity, “Give me Abbas for a few hours and I’ll get him to sign a permanent-status agreement. The parameters are well-known; they’ve been chewed over and over-discussed for generations. What is needed is real willingness and courage.” “Willingness and courage” are nowhere to be found. The last person who was equipped with these characteristics was shot three times in his back on that night in the square in November 1995. Former Prime Minister Yitzhak Rabin died, and Oslo was buried alive but somehow — despite it all— continues to live on to this very day.

Judicial Backing for Israel's State-Sanctioned Abuse

By Mordechai Kremnitzer, Columnist

- Wednesday's ruling by the High Court of Justice permitting the evacuation of Khan al-Ahmar shouldn't surprise anyone. After the previous ruling, rejecting petitions to stop demolitions in the West Bank village, the die was cast. The new petitions served as a delaying tactic, aimed, perhaps primarily, at trying to reestablish the village in a different location, one that would be reasonable and in tune with the residents' way of life. Therefore, the court was on solid legal ground in rejecting the petitions. If there is something surprising about the ruling, it was actually the cautious, perhaps even suspicious attitude that the majority of the justices (Supreme Court Deputy President Hanan Melcer and Justice Anat Baron) expressed toward the state's arguments about the pretexts for the evictions: the need to build a major road and even concern for the welfare of the community's children.
- Anyone familiar with the reality on the ground, and in the territories in general, knows that often the reason for removing Palestinian residents is the desire to replace them with Jewish settlers, whether by expanding an existing Jewish community or establishing a new one. This rumor apparently reached the justices' ears, as they wrote that if it turns out that the land is used for something other than the state's declared purpose, the petitioners could return to court. As far as the settlement enterprise is concerned, there's no great reason to celebrate here, and the joy expressed by the defense minister was premature. Nor can one ignore Melcer's criticism of the state's hasty rejection of an alternative proposal submitted by the petitioners. "The plan in question was rejected only a few hours after it was submitted by the planning bureau administrator, and apparently this was not done by the agency authorized to do so," he said. Since the campaign had already been decided in the previous ruling, it's worth reviewing its problematic nature. The legal thesis is seemingly persuasive in its simplicity — zoning laws must be respected, and anyone who violates them and builds without a permit deserves to have his home demolished. Otherwise, there would be no value or validity to planning and building laws.
- However, this would be true about a planning and building system that serves the interests of the entire population in an egalitarian and nondiscriminatory way. Things are completely different if we are talking about a discriminatory system whose purpose is to serve Jewish settlement, one that is politically motivated by the intent to take control of Area C — areas of the West Bank under full Israeli control, according to the Oslo Accords — by expanding the settlements to facilitate the annexation of the territory to Israel. To this end, the system works to push out the Palestinians as much as possible. Instead of allowing them to plan and build, it chokes them with zoning that doesn't meet their basic needs and the denial of building permits. Its main function is to demolish homes that residents build without permits because they have no choice and to remove them from the land. If this is indeed the case, it should be fixed by doing away with the entire planning and building system and replacing it with a different system

that operates under accepted legal concepts like equality and the public good. And I haven't even said anything about international law regarding Jewish settlement, due to lack of space.

- Giving legal backing to the orders of an oppressive system as described above isn't justice but annexation. Such a judicial system isn't worthy of the name, and the distance between it and justice is like the distance between east and west. I cannot determine whether the above description of the planning and building system in the territories is complete and accurate. But there are disturbing signs that corroborate this description. It is clear that there is a struggle between the two peoples, the Jews and the Palestinians, over control of the land, especially in Area C, and the difference between them that the force is entirely in our hands. The political plan described above is the declared plan of Habayit Hayehudi, and, as is well known, the other coalition parties are happy to ride their coattails. There is no similarity between the extent and intensity of the planning and construction carried out by the state in the areas of Jewish settlement and what takes place in the area of Palestinian settlement. The very comparison is ridiculous.
- Unlike under Jordanian law, which prevailed in the territories prior to the occupation, the Palestinians have been removed from any role in planning and building decisions, a move of questionable legality and one that is tainted with discrimination, lack of good faith and extreme unreasonableness. There is a considerable gap between the planning and building policy in the 1970s — when the system really did work to benefit the Palestinians — and the policy from the '80s onward, in which the approach was reversed in accordance with the change in policy toward the territories. The percentage of cases in which building permits are approved for Palestinians is minuscule, which leads them to avoid applying for them because there is no point. Those familiar with these issues say the approved plans for Palestinian construction are far from filling their needs and are aimed and limiting the area at their disposal to a minimum.
- The court could have learned of the “purity” of the planning authorities' intentions toward the Palestinians from the plan, which the authorities at first attempted to conceal, to move the Khan al-Ahmar residents to the vicinity of a large sewage treatment facility, which would never have been approved for Jewish settlement. But the court refused to be impressed by the smell. Justice cannot be done if you look at reality from the roof without examining the structure on which the roof is built. While it would have been an exceptional move, the court would have done a great service to Israel's values if it had examined the nature of the planning and construction system in whose service it has placed itself, giving it the power to destroy a person's home. The court might then have refrained from ruling that in the realm of planning and building in the territories, the same law must be applied to Jews and Arabs. It's important to be clear that the court, as the court itself clarified, did not order the demolition but merely permitted it. Responsibility for what comes next, in terms of reason, human sensitivity, public morality, Israel's image and status and its relations with the free world, lies entirely with the government.