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CENTER FOR MIDDLE EAST PEACE

## Israel and the Middle East News Update

*Wednesday, October 10*

### Headlines:

- **Oren: Detaining US Student is Damaging Israel**
- **INSS Proposal Would Split Israel from Palestinians**
- **Kahlon Threatens to Quit Government if Netanyahu Indicted**
- **With Haley's Departure, Israel Loses Ally at the UN**
- **Fatah Blasts Qatar Over Gaza Fuel Delivery**
- **IDF More Concerned with West Bank than Gaza**
- **IDF Okays Extending Two Agricultural Laws to West Bank**
- **Mayoral Hopeful Elkin Pledges to Keep Jerusalem Jewish**

### Commentary:

- **Atlantic: "The Woman Who Could Be Israel's Next Leader"**
  - By Yonit Levi, Chief Anchor, Israel News Company
- **Forward: "Nikki Haley Was A Nightmare For Palestinians"**
  - By Muhammad Shehada, Palestinian Activist

# News Excerpts

October 10, 2018

## Jerusalem Post

### **Oren: Detaining US Student is Damaging Israel**

On Wednesday, former Ambassador to the United States and Deputy Minister Michael Oren criticized the handling of the detention of Lara Alqasem, an American student being held by Israeli authorities at Ben-Gurion Airport for alleged BDS ties. “The policy that is being implemented now is clearly causing us political damage,” Oren said. Oren’s statement came in response to an editorial published in the New York Times by Bari Weiss and Bret Stephens criticizing Israel’s policy of banning BDS activists from entering the country.

## Times of Israel

### **INSS Proposal Would Split Israel from Palestinians**

The Israeli Institute for National Security Studies on Monday presented a comprehensive plan of action to separate Israel from the Palestinians. The plan could ensure that Israel remains a “Jewish, democratic, secure and ethical state” — if it acts fast enough — one of the plan’s main authors, Maj. Gen. (res.) Amos Yadlin, said. Under the proposal, Israel would create a contiguous Palestinian “entity” under the control of the Palestinian Authority, comprising 65 percent of the West Bank. Building would continue throughout the large Israeli settlement blocs but construction in farther-flung settlements would be halted in order to leave open the option of a two-state solution.

## Times of Israel

### **Kahlon Threatens to Quit Government if Netanyahu Indicted**

Finance Minister Moshe Kahlon on Tuesday said Netanyahu cannot continue to lead Israel if he is charged in a series of corruption probes, as talk of early elections gathered pace. His remarks came hours after Netanyahu insisted the police investigations were not hindering his work. Netanyahu has been grilled by police a dozen times in recent months over suspicions against him in three separate graft cases, raising speculation that he may call snap elections to gain a new mandate before any possible indictment.

## Times of Israel

### **With Haley’s Departure, Israel Loses Ally at the UN**

With Nikki Haley’s surprise resignation Tuesday as US ambassador to the United Nations, Israel will be losing its most outspoken champion at the world body, a figure dubbed “Hurricane Haley” by Prime Minister Benjamin Netanyahu for her muscular defense of the Jewish state in front of an often hostile crowd. President Donald Trump said he would name a successor in a few weeks — but it’s safe to say they will be somebody who also sees eye to eye with Trump on America’s place in the world and on the defense of Israel.

## **Fatah Blasts Qatar Over Gaza Fuel Delivery**

Palestinian President Mahmoud Abbas's ruling Fatah faction on Tuesday accused Qatar of working with Israel to perpetuate the split between the West Bank and Gaza Strip. Qatar has donated \$60 million for help provide fuel for the Gaza Power Plant for the next six months. For the first time, however, the payment process transferred through the United Nations and skipped the PA. Fatah and Abbas have reportedly expressed outrage over the move, which they say will help Hamas tighten its grip on the Gaza Strip and sabotage Egyptian efforts to end the rivalry between the two Palestinian parties. Abbas has imposed severe economic sanctions on Gaza in hopes of forcing Hamas to relinquish its hold.

## **IDF More Concerned with West Bank than Gaza**

The resurgence of violent Hamas demonstrations along Israel's border with the Gaza Strip is increasing the likelihood of an escalation of the situation in the south while Sunday's terror attack in the West Bank, may spark a wave of copycat terrorist attacks. On Tuesday, 7,000 Gazans demonstrated near the Israeli border fence and clashed with Israel Defense Forces soldiers. The decision to ratchet up the level of violence was made by Hamas leader Yahya Sinwar, who is trying to exert pressure on the Palestinian Authority and Israel to break through the stalemate in talks about a plan to rehabilitate the Strip. Still, the resumption of high-intensity clashes there has not changed the IDF view that the situation in the Strip does not justify launching a broad military confrontation.

## **IDF Okays Extending Two Agricultural Laws to West Bank**

Israel's Defense Minister Eli Ben-Dahan (Habayit Hayehudi) confirmed Monday that the army has approved implementation of two Israeli laws regarding agricultural products in West Bank settlements. Although Israeli law does not cover those areas per se, the head of the IDF Central Command has the authority to decide to apply certain statutes there. Habayit Hayehudi and Likud have been exerting heavy pressure on the Civil Administration over the past few months, as well as on the Knesset, to strengthen Israel's rule of law in the settlements. Members of the opposition call such actions "creeping annexation" of those communities.

## **Mayoral Hopeful Elkin Pledges to Keep Jerusalem Jewish**

Earlier this year, Jerusalem Affairs Minister Ze'ev Elkin didn't even live in Jerusalem. "Maybe if there was a mayor of 'Greater Jerusalem,'" Elkin quipped. Eight months later, as one of the leading candidates to succeed outgoing Jerusalem Mayor Nir Barkat, Elkin has moved from the West Bank to the Jerusalem neighborhood of Pisgat Ze'ev, and says he now realizes he can, in fact, give more in the national arena as mayor of the country's capital. "Tackling and finding solutions to the challenges in Jerusalem is of the utmost national importance," he said.

## The Woman Who Could Be Israel's Next Leader

By Yonit Levi, Chief Anchor, Israel News Company

- Israel's Prime Minister Benjamin Netanyahu is fond of showing his visitors an ancient seal unearthed in Jerusalem, thought to date back more than 2,700 years. Its inscription is similar to the prime minister's family name—proof of the historic bond between the Jewish people and their land, and perhaps (one might surmise) also of the eternal bond between Netanyahu and his office. After nearly a decade of unbroken rule, the prime minister has created an aura of irreplaceability—for now. His brand, much like that ancient seal, shows no sign of abrasion, and with an election year fast approaching, it seems likely that he will continue as prime minister.
- However, since the proliferation of corruption cases against him, a once unthinkable question has arisen among both his supporters and his opponents: Who will eventually replace him? Increasingly, in conversations in political circles, a surprising answer is emerging: Ayelet Shaked, the minister of justice. A recent survey published in the Israeli daily Maariv found that if Shaked were heading Likud, the party would win the same number of Knesset seats—33 out of 120—as it would under Netanyahu's leadership. This is no less than a sensation. The road from here to there is long and tortuous: For starters, numerous hungry contenders from within Likud are jockeying for the crown. Shaked, meanwhile, is not even a member of Likud but of its bitterest rival on the right, the Jewish Home party. Still, if Netanyahu has a mirror on the wall telling him that he's the most popular guy in the kingdom, this may be the moment his political Snow White makes her appearance.
- How did an unknown computer engineer transform herself into a potential prime minister in just five short years? How did a woman who once worked for Netanyahu become one of his most formidable rivals? And how did a secular woman from left-leaning Tel Aviv become the most successful spokesperson for the religious-nationalist party and the settlement movement it strongly supports? Even in Israel—a land of milk, honey, and a fresh news item every 60 seconds—Shaked, just 42 years old, is a head-spinning success story. She's far from being in the consensus; some admire her deeply, while others see her as nothing less than a danger to democracy. But even her fiercest detractors admit that she is the most effective player currently operating in Israel's roiling political arena.
- "I see myself as someone who's come along to be a counterbalance," Shaked tells me at a recent meeting at the Ministry of Justice in Jerusalem. "For many years, the courts had a liberal slant, and my tendency is more conservative." This doesn't even begin to scratch the surface of Shaked's agenda. She's not religious—which is unprecedented for someone so central to a national-religious party like Jewish Home—and she doesn't live in the settlements. She was raised in Tel Aviv, the liberal stronghold of Israel, but her ideology is deeply rooted in the hard right that opposes any evacuation of West Bank settlements; that views the Oslo Accords and a Palestinian state as an unmitigated catastrophe for Israel; that believes the courts, the media,

and academia all lean strongly toward the left. Shaked promises to change all that. It is precisely her contradictions that give her power and a unique standing within her own party, as well as in the wider political arena. Shiloh Adler, a prominent settler leader, tells me: “She doesn’t come from the religious-nationalist sector, and she’s not labeled as a member of one camp or another [within that sector]. This gives her a space that’s interest-free and significant. The rabbis, who are divided according to which camp they belong to, all accept her opinion.”

- Roni Bar-On, a former senior government minister, offers a less favorable analysis in an interview. “She’s a wolf in sheep’s clothing,” he says. “She’s not what you’d expect from the religious-nationalist movement, and this works in her favor. The people who are disturbed by what her party represents are soothed by what they see in her, and her base applauds her shrewd sophistication, as in, ‘We slipped in a front someone who captures their minds and does it better than we do.’” Shaked herself explains it thus: “I was right wing in my outlook from a very early age, and during my service in the army, which is a melting pot, I was introduced to religious Zionism. I connected with that circle of people on an ideological basis.”
- After completing her military service, she studied electronic engineering and computer science, worked for five years for the tech giant Texas Instruments, and married Ofir, a former Israel Air Force (IAF) combat pilot who is now an IAF flight instructor. They have two children. In 2006, however, she turned her ideology into a profession and forged a connection with Netanyahu, becoming his office manager. “At the time, Netanyahu was the spurned leader of the opposition, he had only 12 Knesset seats, and people didn’t think he would ever get anywhere,” she recounts, smiling at the outcome of her bet. Shaked also made a second bet, which ultimately proved even more significant in her trajectory: She recruited Naftali Bennett, another high-tech alumnus, to serve as Netanyahu’s chief of staff. Thus, the settlers’ new political power couple—the very duo that so embitters the prime minister today—got together under the auspices of Benjamin Netanyahu.
- The pair survived less than two years in Netanyahu’s bureau before they were unceremoniously ousted because of their poor relations with his wife, Sara Netanyahu. This is common knowledge in Israel’s political circles, but even today, Shaked and Bennett do not speak on the record about what happened. Due to Sara Netanyahu’s immense power and the intensity of her enmity toward them, Bennett and Shaked were forced to seek a new political home outside Likud. The Jewish Home party (in Hebrew, Habayit Hayehudi)—the updated incarnation of the venerable National Religious Party—underwent a reboot that deployed the fresh faces of the former techies in the vanguard, with the rabbis and extremists concealed behind them. In the most recent elections, in March 2015, Jewish Home got only 7 percent of the total votes. But its leaders (with Bennett as the party’s leader and Shaked holding its No. 3 spot) played their weak hand extremely well—during the tense negotiations to form a government, they threatened to bolt the coalition. Netanyahu folded and handed them two highly coveted ministries: Education for Bennett, Justice for Shaked. In the kind of dramatic twist that only Israeli politics can provide, Sara Netanyahu, who didn’t want Shaked as her husband’s employee, ended up with her nemesis as a senior minister and as a member of the exclusive security cabinet.

- It's worthwhile to pause at another station in Shaked's biography, which helped her build her political base before she entered party politics. In 2010, she established, together with Bennett, a movement called My Israel, an online initiative that engaged in shaming against anyone it deemed insufficiently patriotic. Tens of thousands followed My Israel's posts, and they were ready and willing to bombard with phone calls, emails, and Facebook posts anyone Shaked marked as a target: journalists, actors, businesses, and at least one judge. In one case, they demanded the firing of an actor who supported an artists' boycott of settlements, forcing him to retract his support. "We did this in cases where we thought people had crossed the line. It was our way of fighting and raising awareness about these matters," she said.
- My Israel was a milepost in the deepening divisiveness of Israeli society's discourse, and Shaked hasn't changed her rhetoric even in her position as a government minister. She has set herself the goal of changing not only the national discourse but also the very marrow of the Israeli right. "The governments that were in power before Naftali Bennett and I went into politics, before the Jewish Home party gained strength, were right-wing governments that carried on with the policies of the left. They didn't try to change the DNA of the various systems [the justice system, the media, academia]. I definitely set myself the goal of changing these systems from within, and I think I've succeeded in doing so. It could be that this is what scares people, because these elites maintained their position for many years and then, all of a sudden, here comes change," she says.
- As America convulses over the confirmation of one conservative to the Supreme Court, the Israeli justice minister has changed, within just one year, the makeup of the country's highest court: Six out of its 15 justices retired on her watch (under Israeli law, justices are obliged to step down at the age of 70), presenting Shaked with the chance to appoint their successors. Initially, this was a matter of luck, and subsequently, it became a sophisticated series of moves that included some well-aimed arm-twisting. Shaked heads the Judicial Selection Committee, which appoints judges to all Israeli courts; its nine members include politicians, judges, and lawyers. She threatened to curtail the power of the judges on the committee and to delay the appointment of the designated supreme-court chief justice—an aggressive move that worked: The wearers of judicial robes gave in and accepted appointments she advocated, even if they'd originally opposed them. "I think the entire right wing, and certainly religious Zionism and the whole conservative camp, can no longer whine about being underrepresented [in the courts]," Shaked notes with satisfaction.
- Mordechai Kremnitzer, a senior research fellow at the Israel Democracy Institute, sharply criticizes these appointments. "She appointed justices she calls 'conservative,' but in essence, they're all people who think like she does," he tells me. Kremnitzer stresses that the supreme court is the only effective oversight mechanism when it comes to legislation and the workings of the government, since the executive branch commands a Knesset majority under the Israeli parliamentary system. "One way to destroy democracy is to destroy the final bastion of checks and balances, and the most elegant way to do this is to pack the courts with judges who will say

yes to everything the government wants. This won't be 100 percent successful, because even the most conservative judges come into a system that has an ethos and precedents. But if all that remains of the checks and balances is the sparks of justice issuing from reactionary judges, then we're in trouble," he says.

- From the justice minister's standpoint, at stake is not only the question of who will sit on the supreme court but also how its judges are meant to rule. In August 2017, Shaked spoke at the annual conference of the Israeli Bar Association. She does not possess the rhetorical skills of Benjamin Netanyahu—she sounded more like an eager class valedictorian when she took the podium—but her words rocked the entire room. "Zionism should not continue, and I say here, it will not continue to bow down to the system of individual rights interpreted in a universal way," she said, going on to delineate what she felt needed correction: "The courts' rulings do not view preservation of the Jewish majority as a value that needs to be taken into consideration." In other words, in the delicate balance between a Jewish state and a democratic one, she thought the courts had gone too far in the direction of democracy—and that that must be changed.
- This is important background to the fate of the controversial nation-state law, which Shaked actively promoted. The law defines Israel as the nation-state of the Jewish people, one that must encourage Jewish settlement without ever mentioning the concept of equality as set forth in Israel's declaration of independence. The law drew widespread public condemnation; even President Reuven Rivlin, whose authority is only ceremonial, intervened to block it, with no success. He labeled it "an expression of uncontrolled fear and not of sovereignty." As he told me at the beginning of September, "Every citizen of the state of Israel, Jew and non-Jew, is an equal citizen. The individual must not only receive equality, but also feel that he or she is equal." For her part, Shaked asserts that "there is no contradiction between the fact that Israel has full personal equality of citizenship but extends national rights only to the Jewish people. Perhaps if the words Jewish and democratic had been included in the final version, it would have been easier to swallow." After the law was passed, a radio interviewer asked Shaked if the supreme court could revoke it. She replied with a sharp warning: "It will be an earthquake."
- This was interpreted as a direct threat from the justice minister to the supreme court. "Of course, I didn't mean it as a threat," she tells me. "I was describing a given situation: The supreme court will not do that. If it had done something like that, it certainly would have led to a war between the authorities." Dorit Beinisch, a former supreme-court chief justice tells me: "Minister Shaked's declaration goes beyond the normal tension between the branches of government. It is a threat against the court before it has issued its verdict, an act that constitutes a blow to judicial independence. There is a lack of understanding here of what a democracy is. These are demagogic expressions that belong to other forms of regime ... The system is based on the separation of powers. The courts are entrusted with appropriate checks and balances and judicial review of the other two branches of government—the legislative and the executive—while the balance between the division of the branches' roles is maintained. It is this balance that the justice minister seeks to subvert. The nation-state law is today pending before

the supreme court, and it is prohibited for a politician to take her own stand before the court has ruled on the pending case.”

- Even if Shaked’s earthquake message failed to penetrate, she and Bennett have, waiting in the wings, a draft bill to curtail the supreme court’s ability to revoke laws the Knesset has passed. “Shaked says the Knesset is rational. That’s open to argument,” Kremnitzer says. “I think in recent years, the Knesset has been doing things that are not fully rational. We are in a process of legislation that harms free speech and equality, a kind of political persecution and a kind of regime that delegitimizes positions that are legitimate but oppositional in nature.”
- Shaked, as is her wont, is unruffled by the criticism. “The proliferation of obituaries lamenting the death of democracy has become absurd,” she has said in the past, and now she expands on this theme, saying: “The Knesset has balances that will not allow it to pass legislation that would destroy democracy from within. If the Knesset were to pass a law rescinding the voting rights of women or red-haired people, or a bill that extended its term by five more years, this would signal the collapse of our democracy. In such a case, I don’t think that even the court could save us from ourselves.” The argument, of course, concerns the face of the state of Israel, and it appears that Shaked will play a central role in shaping it. She has been very successful on the judicial front, but, until now, less so in the realm of affairs of state.
- Bennett and Shaked are trying to advance a plan for the annexation of Area C, the part of the West Bank (about 60 percent) that is under Israeli control. The plan would require extending citizenship to the Palestinians who live there. “We can definitely take in 100,000 Palestinian citizens,” Shaked says. “These processes take time to ripen. At the moment, the annexation plan looks like science fiction, but I think that slowly, gradually, people will see what’s going on in the Middle East and realize that it really could happen.” Shaked, too, sees clearly that the annexation plan could put Israel on a confrontational path, even with the current supportive American administration—and even more so if the administration changes. “Sadly, it’s impossible to ignore the processes taking place in the Democratic Party. You know, the party itself is becoming less and less what’s considered Zionist,” she says. When I ask her whether this is the result of processes occurring in Israel, she responds: “We’re also seeing a strengthening of the Palestinian narrative among liberal circles, not only in the United States, and we must deal with this, too. Clearly, the Democrats will return to power at some point—things always change there—and it’s obvious that we have to maintain good relations with them and explain what’s going on in Israel.”
- And what about her personal future? Israeli politics is a stage packed with an abundance of parties, connections, and separations, and now it’s entering an election year. The strong rightward drift continually strengthens Shaked’s party, and Shaked herself. In this turbulent arena, one hears her name mentioned more and more frequently as a potential heir to the throne. She is cautious—it is customary for the right wing in Israel to back its leader at all costs—but she does not rule it out. “Look, I don’t disqualify this idea. As a woman, moreover, I think this is a very important message,” she says. “But in the post-Netanyahu era, Naftali



Bennett is best suited to be prime minister. This is not to say that after a long career in politics, as a member of Knesset and justice minister, it's something I wouldn't want in the distant future."

- And what if, even so, a political constellation arises that would enable her to bypass Bennett? "There's no such thing as a political constellation; no one is given the premiership as a gift," she says. "To be prime minister, you need to fight many entities, you need to be very determined. It's not going to fall in your lap. And right now, in Israeli politics, Prime Minister Netanyahu is the person most determined to be prime minister." Of that, there are no doubters on either side of the political map.

## **Nikki Haley Was A Nightmare For Palestinians**

By Muhammad Shehada, Palestinian Activist

- Six months after President Trump took office, his newly-appointed ambassador to the UN and former South Carolina governor, Nikki Haley, concluded a tour around Israel and the occupied West Bank with a hopeful tweet, featuring Haley with UNRWA female refugee students. She had discussed their “dreams and hopes. Back then, Haley and Trump’s peace team was appealing to Palestinians, casting themselves as a somewhat serious team trying to find a solution for the Israeli-Palestinian conflict. But any hope we Palestinians might have had in this team was extremely short lived. In her less than two-year term, Haley spoke twice at AIPAC to declare blind support for Israel, which in practice means the Netanyahu-led government. She repeatedly pledged to shield Israel from any criticism, further empowering Netanyahu’s fanatical cabinet and leaving their dangerous ambitions unchecked.
- In December 2017, Haley stood on the UN platform to defend Trump’s highly-controversial decision to move the US Embassy in Israel to Jerusalem, recognizing Jerusalem as the eternal capital of Israel without extracting any price in return and permanently obliterating any chance for peace during Trump’s presidency. For the first time in the history of the United Nations, Haley attempted to intimidate member states and threatened harsh consequences such as cutting aid and defunding key programs if they were to vote against the embassy move — and if they were to vote for it, Haley promised to invite representatives for a reception celebration.
- That wasn’t the only time Haley exposed the hegemonic power structure weakening the United Nations’ ability as a global governance institution to take serious action. But it was then that she destroyed whatever hope was left for Palestinians to take their struggle to global platforms. On the eve of May 15th, a day after more than 63 Palestinians were killed by IDF fire, Haley blasted the United Nations’ criticism of Israel’s actions as “one-sided” and stormed out of the room as soon as it was the Palestinian representative’s turn to address the council. A few days later, the next victim in Gaza was a female paramedic, Razan al-Najar. When the Security Council reconvened on the matter, Haley again came out as Israel’s committed defender, despite the innocent lives lost. She vetoed a resolution calling for protecting defenseless Gazan protesters and instead called for a vote on a resolution of her own that held Gazans and Hamas solely responsible for their death and misery. The results were terribly disappointing for Haley, who only got her own vote, but she nevertheless continued to act as Israel’s proxy, undeterred by failure.
- Shortly after this gathering came another announcement from Haley, who spent more than a year trying to bully and intimidate the Human Rights Council to turn a blind eye to Netanyahu’s policies. Who could have predicted that Haley and the Trump administration would go so far as to withdraw from the United Nations Human Rights Council, just so it could protect Israel from any accountability? It is Israel most of all that will suffer from this reckless move, enabling

Netanyahu's extreme right wing cabinet to ever-more troubling right-wing ambitions, most recently embodied by the discriminatory nation-state law. And yet, Haley seemed more interested in appealing to the Israeli right and the right-wing pro-Israeli community in the US than in Israel's sustainability and the survival of peace with Palestine. Palestinian Authority Chief Negotiator Saeb Erekat slammed Haley repeatedly as "the ambassador of hatred" amid a PA official boycott of the Trump peace team. Erekat stated that the only way the PA would be willing to deal with Haley and the rest of the Trump team would be if Netanyahu appointed them as the Israeli negotiating team instead of allowing them to proclaim to be an "unbiased mediator."

- Ambassador Haley isn't the only US Ambassador to the UN who desperately worked on Israel's behalf to rise to greater authority. Late Senator Daniel Moynihan accumulated a political fortune in the 1970s as US Ambassador to the UN through adherently siding with Israel against the entire world at the expense of Palestinians. His speech in 1975 was described by the pro-Israeli lobby group "UNWatch" group as "the greatest speech ever delivered at the UN." Ambassador Haley's last footprint in office was mobilizing support to liquidate the United Nations Relief and Work Agency (UNRWA), which functions as the Palestinians' mechanical ventilation system, unless the latter is dramatically reformed by disavowing and obliterating the refugee status of 6 million Palestinian refugees. Today, as Ambassador Haley leaves office, she ends a two-year-long nightmare for the Palestinians and for those hopeful to reach a peaceful settlement in the Israeli Palestinians conflict. However, with President Trump still in office, and his avowedly pro-Israeli right-wing administration, one can only expect that the next US ambassador to the UN will be as terrible if not worse for peace. The misery of the Palestinians continues, unabated.