



S. DANIEL ABRAHAM  
CENTER FOR MIDDLE EAST PEACE

## Israel and the Middle East News Update

*Monday, May 13*

### Headlines:

- **Mandelblit: Netanyahu's Lawyers Refusing to Accept Delivery of Case Files**
- **PM Pushes Law to Neutralize Court Oversight and Uphold his Immunity**
- **Report: US Won't Oppose Extension of Israeli Law to All Settlements**
- **Palestinians Reject US Middle East Plan Before Rollout**
- **Ex-IDF Chief Warns US Envoy of 'Volatile W. Bank' Ahead of Plan**
- **UAE Reports 'Acts of Sabotage' Against Four boats Off its Coast**
- **Iran May Attack Israel if U.S. Standoff Escalates: Israeli Minister**
- **Poland Cancels Israeli Delegation Claiming Holocaust Property**

### Commentary:

- **The American Interest: "Jared Kushner's Peace Plan Would Be a Disaster"**  
By Robert Satloff, executive director of the Washington Institute for Near East Policy
- **Ha'aretz: "Netanyahu Tries to Buy Time, but Can't Avoid the Court"**  
By Gidi Weitz, columnist at Ha'aretz

# News Excerpts

May 13, 2019

## Times of Israel

### **Mandelblit :PM's Lawyers Refusing to Accept Delivery of Case Files**

Prime Minister Benjamin Netanyahu's lawyers refused on Sunday to accept evidence material sent to them by Attorney General Avichai Mendelblit, whose office called the rejection "odd." The materials on the three cases Netanyahu is a suspect in have been available to his attorneys for a month, who so far refrained from collecting them because they have yet to be paid. "There is a great discrepancy between claims of the sheer breadth of the materials or the amount of time necessary to study them, and the fact it comes from those who for a long time chose not to receive them," Mendelblit said in his letter, adding that he would now "weigh his options." See also, ["Netanyahu's Lawyers Refuse to Accept Evidence Material From Attorney General" \(Ha'aretz\)](#)

## Ha'aretz

### **PM Pushes Law to Neutralize Court Oversight and Uphold Immunity**

Prime Minister Benjamin Netanyahu plans to advance a far-reaching bill that would allow the Knesset and government ministers to ignore rulings of the High Court of Justice in administrative matters, not just in cases where it strikes down legislation. The proposed law would permit the annulment of a High Court decision to rescind Netanyahu's immunity, if such a decision is made. Such legislation would essentially neutralize the Supreme Court in its capacity as the High Court of Justice – something Netanyahu has never publicly supported – by turning its decisions into suggestions instead of legally binding rulings. Netanyahu plans to include in the coalition agreements and government guidelines a "legal appendix" that will include his plan to reform the judicial system.

## Times of Israel

### **Report: US Won't Oppose Extension of Israeli Law to All Settlements**

The Trump administration's Israeli-Palestinian peace proposal will provide for all Israeli settlements to remain under Israeli rule in any permanent peace accord, and the administration will not oppose the extension of Israeli law to all West Bank settlements, an Israeli TV report claimed Sunday. Some 400,000 Israeli Jews live in West Bank settlements, and the Trump plan will recognize that all those Israeli-settled areas "will remain in Israeli hands under a permanent accord," the Channel 12 report said. To that end, the report said, "the Americans will not oppose Israeli steps relating to the settlements." See also, ["Settlers hail 'historic opportunity' after report Trump won't oppose annexation" \(TOI\)](#)

## Jerusalem Post

### **Palestinians Reject US Middle East Plan Before Rollout**

In an interview with Fox News on Saturday, the Trump Administration's top peace envoy, Jason Greenblatt, criticized Palestinian leaders for rejecting the White House's Mideast peace plan before even knowing what's in it. "It's very frustrating for ordinary Palestinians," Greenblatt told Fox News. Greenblatt said he meets with Palestinians on a regular basis. "They tell me that they understand they may not like aspects of the plan but are upset that their leaders are saying they won't even take a look at it. I feel terrible for the Palestinian people," he said. Palestinian FM Riyad al-Maliki said Friday that DC was seeking to renew contact with the Palestinian Authority as it gets ready to roll out its vision for Middle East peace. See also, ["Trump Middle East Envoy Jason Greenblatt: Peace plan is weeks away" \(Fox News\)](#)

## **Ex-IDF Chief Warns US Envoy of 'Volatile W. Bank' Ahead of Plan**

Former IDF chief of staff Gadi Eisenkot warned US President Donald Trump's Middle East envoy about the situation in the West Bank being "volatile and sensitive" ahead of the release of Washington's peace plan, Channel 13 reported on Sunday. Eisenkot reportedly met with Jason Greenblatt in the White House last week along with experts on the Israeli-Palestinian peace process. "The situation in the West Bank is sensitive and volatile," Eisenkot reportedly told Greenblatt. "The West Bank is likely to ignite before, during, or after the presentation of the American peace plan. You must factor this into your considerations. From the moment this genie is let out of the bottle, it will take five years to put it back," Eisenkot said. See also, ["Eisenkot Warns Peace Plan Could Ignite Palestinians" \(Hamodia\)](#)

### Ha'aretz

## **UAE Reports 'Acts of Sabotage' Against Four boats Off its Coast**

Four commercial vessels were targeted by "sabotage operations" near the territorial waters of the United Arab Emirates, the UAE foreign ministry said in a statement on Sunday, adding that there were no victims. "Subjecting commercial vessels to sabotage operations and threatening the lives of their crew is considered a dangerous development," the ministry said in a statement that was tweeted by the official news agency WAM. The ministry gave no details about the nature of the sabotage and said it had launched an investigation in coordination with international authorities. It said the incident did not result in any spills. The government of Fujairah, a member of the UAE federation, denied earlier media reports about blasts at the port of Fujairah, according to a statement tweeted by its media office.

### Reuters

## **Iran May Attack Israel if U.S. Standoff Escalates: Israeli Minister**

An Israeli cabinet minister warned on Sunday of possible direct or proxy Iranian attacks on Israel should the stand-off between Tehran and Washington escalate. The United States has increased economic and military pressure on Iran, with President Donald Trump on Thursday urging its leaders to talk to him about giving up their nuclear program and saying he could not rule out an armed confrontation. Parting with the silence, Israeli Energy Minister Yuval Steinitz said that, in the Gulf, "things are heating up". "If there's some sort of conflagration between Iran and the United States, between Iran and its neighbors, I'm not ruling out that they will activate Hezbollah and Islamic Jihad from Gaza, or even that they will try to fire missiles from Iran at the State of Israel," Steinitz, a member of Netanyahu's security cabinet, told Israel's Ynet TV. See also, ["Minister: Iran could strike Israel if U.S. standoff escalates" \(Ynet News\)](#)

### AFP

## **Poland Cancels Israeli Delegation Claiming Holocaust Property**

Poland on Monday said it had canceled a visit by Israeli officials, alleging that they intended to raise the issue of the restitution of Jewish properties seized during the Holocaust, a matter Warsaw insists is closed. "Poland decided to cancel the visit of Israeli officials after the Israeli side made last minute changes in the composition of the delegation suggesting that the talks would primarily focus on the issues related to property restitution," the foreign ministry in Warsaw said in a statement posted to its website. It said a delegation headed by Avi Cohen-Scali, the director general of the Israeli Ministry for Social Equality, had been due in Warsaw on 13 May. Several thousand nationalists rallied in Warsaw on Saturday against a US law on the restitution of Jewish properties seized during the Holocaust.

## **Jared Kushner's Peace Plan Would Be a Disaster**

By Robert Satloff, executive director of the Washington Institute for Near East Policy

- Last week, I interviewed White House adviser Jared Kushner on the Middle East peace process at The Washington Institute's annual conference, an event broadcast live on C-SPAN. Given that I had recently written an article calling his forthcoming peace plan a "lose-lose-lose proposition" that President Trump should shelve in order to avoid facing embarrassing failure, Kushner was a good sport for agreeing to the interview. For 45 minutes, we jostled—I thrust, he parried—and throughout the discussion, he was poised, personable, and disciplined. While he clarified key aspects of his thinking about Middle East diplomacy, he kept major revelations to a minimum. Still, we learned a lot. Specifically:
- The U.S. plan will provide detailed proposals to answer all core issues on the Israeli-Palestinian agenda, including suggestions for the final borders of Israel, the disposition of the disputed city of Jerusalem, the future of Palestinian refugees, the security arrangements that will protect the peace agreement, and the ultimate political relationship between Israelis and Palestinians. This will not be a plan about how to create a new negotiating process; rather, he boldly declared that its goal is to offer "solutions."
- The U.S. plan will highlight the equation of security for Israelis and enhanced quality of life for Palestinians, with less emphasis on the "political aspirations" of the Palestinians. When he was given the opportunity of endorsing the idea of demilitarized statehood—"state-minus"—that Israeli Prime Minister Benjamin Netanyahu himself once proposed, Kushner said he was eschewing the term "state" altogether: "If you say 'two-states' it means one thing to the Israelis, it means one thing to the Palestinians, and we said, let's just not say it," he explained—although why he would propose answers to all peace process issues but punt on providing a U.S. definition of "statehood" was left unclear. Indeed, it was like pulling teeth to extract from Kushner much empathy for Palestinian political aspirations, however defined. (At one point, he did use the word "countries" when referring to Israel and the Palestinian entity-to-be, but it seemed more of a slip of the tongue than a politically laden reference.)
- The U.S. plan will focus heavily on making the Palestinian area a magnet for investment as a way to improve Palestinian lives. But sequencing here is critical: Kushner noted that achieving that goal will require delineation of borders followed by fundamental political reform of the Palestinian Authority, a thorough anti-corruption effort, and the establishment of effective rule of law, including property rights. In other words, in addition to money—"other people's money," he noted, implying only a modest American contribution—it will take a lot of time before Palestinians see living standards improve.
- If those three points constituted the lyrics of the Kushner plan, the melody was in line with his father-in-law's trademark brashness and bluster, though with more charm and affability than the family patriarch normally musters. Speaking to a room full of Middle East experts, Kushner was boldly dismissive of the concept of expertise. Asked about his definition of success and the potential implications of failure, he brushed it off as a "Washington question"—though he then went on to concede that failure was the most likely option, calling it the "smart money bet"—while offering various definitions of diplomatic success: "Success can look like a lot of different

things. It can look like an agreement, it can look like a discussion, it could lead to closer cooperation, maybe resolve a couple of issues,” he said. He even seemed impatient with the idea that history—historical memory, historical legacy, historical grievance—might play a role in a conflict most observers believe is laden with history.

- Rather, he made the case for himself as a cross between truth-teller and practical problem-solver by citing his unexpected achievements—trade deals with Mexico and Canada, a legislative breakthrough on criminal justice reform—and he extolled the business pedigree of the trio of real estate and bankruptcy attorneys responsible for the “peace process” portfolio in the Trump Administration: himself, his top aide Jason Greenblatt, and U.S. Ambassador to Israel David Friedman. And, in a bit of news, Kushner admitted that the President himself had not yet read the draft peace plan, which he said is still going through revisions. “When you work for a President, you try hard not to disappoint, but you can disappoint.” He continued, “When you work for your father-in-law, you can’t disappoint.”
- Add it all up and Kushner presented a novel, though not wholly unprecedented, approach to Middle East peacemaking. The Kushner Plan—if it is endorsed and proposed by Trump—would be the first since the abortive Reagan Plan of 1982 in which the United States issued its own ideas for the permanent resolution of the Israeli-Palestinian conflict, unconnected to ongoing peace talks. In so doing, it would run against the longstanding U.S. policy of favoring direct negotiations between the parties as the best way to reach a mutually satisfactory agreement. Moreover, the exclusion of statehood from the U.S. formula would itself be a major step away from the bipartisan consensus that emerged following President George W. Bush’s endorsement of the goal of Palestinian statehood in 2002.
- Ironically, in terms of form, Kushner’s emphasis on defining a final outcome and then working with the parties on the best way to implement it mirrors the traditional Arab approach to peacemaking. This is best reflected in the Arab Peace Initiative, an idea put forward by Saudi Arabia in 2002 that called for full Israeli withdrawal from all territory occupied in 1967 in exchange for full recognition by all Arab states. The API was criticized by Israel—and rightly so—because it offered no room for negotiation, just discussion on implementation. On substance, however, Kushner’s proposal seems designed to avoid political minefields that could complicate Netanyahu’s life, such as the legitimacy of Israeli settlements deep in the heart of the West Bank, to sidestep longstanding Palestinian demands such as statehood, and to incorporate Israeli-centric ideas on security arrangements. The result is a case of diplomatic cognitive dissonance—a proposal that the current Israeli government should reject on form but is likely to welcome on substance.
- But any attempt to view the Kushner plan through the prism of past diplomacy misses its real innovation. In my view, it is far more instructive to view Kushner and his colleagues as developers applying to the Middle East lessons from the New York real estate market than as diplomats trying to solve a thorny, longstanding international dispute. Reading between the lines, it seems as though they view the peace process as the functional equivalent of turning a rent-controlled apartment building in midtown Manhattan into luxury condominiums. For the Kushner team, a key element of the strategy is to lower Palestinian expectations about what they will receive in the American plan, especially after rejecting so many previous proposals from Israel. While there are sound reasons for Trump to have repaired ties with Israel after the strains of the Obama years, one cannot fault Palestinians for seeing the Administration’s

approach to them—from cutting aid to shuttering the representational office in Washington—as punitive; it seems to have been lifted from the playbook of a bankruptcy lawyer reacting to an adversary’s recalcitrance by offering 30 cents on the dollar today and only 20 cents on the dollar tomorrow.

- Anyone who knows the Middle East knows that the analogy between the peace process and a New York real estate transaction quickly breaks down. If past is prologue, most Palestinians—and certainly their leaders—would prefer to wait out the developers rather than accept a lowball offer; after all, they rejected far more attractive offers before, which is what Abba Eban’s quip about “never missing an opportunity to miss an opportunity” was all about. Ultimately, Palestinians know they have an extremely valuable asset to offer Israel—psychological and political acceptance—and are confident that the Israelis will eventually come around to offering a lot more for a final resolution to their century-old conflict than the Kushner Plan apparently envisions.
- Moreover, unlike a real estate transaction in which one party gets the property and the other party gets the cash, a Middle East peace deal starts and ends with the two parties as neighbors, stuck with each other sharing a duplex for eternity. And whereas New York presents boundless possibilities, a place where there is always another plot to develop, another building to buy, another apartment complex to go condo, there is only one piece of land at stake in the Israeli-Palestinian arena, and Palestinians have nowhere else to go. This doesn’t mean Israel has to accede to 100 percent of Palestinian demands, but it does mean the conflict will never truly end unless each side believes the other has made good-faith effort to reconcile its needs to the desires of the other side—a situation which certainly does not obtain in the current circumstances.
- A key fact that seems missing from the Kushner formula is that Israelis and Palestinians are not starting from zero. They are currently 25 years into their own contractual relationship, the Oslo process, and, despite periods of conflict and tension, neither side has found the status quo so objectionable that it has decided to blow it up. Indeed, for all its faults, the Palestinian Authority has evolved over this time into something akin to a normal Arab state—less corrupt, dysfunctional, violent, and authoritarian than some; more corrupt, dysfunctional, violent, and authoritarian than others. And since Israel’s suppression of the second intifada 15 years ago and the loss of Gaza to the extremists of Hamas three years later, the post-Arafat Palestinian Authority, led by Mahmoud Abbas, has more-or-less kept the peace with Israel, maintained security cooperation with the Israeli army, and ensured that the West Bank did not fall into the hands of Islamist radicals.
- Any intelligent U.S. peace proposal should begin with how to build upon the existing edifice, taking pains to ensure that nothing is done to risk the fragile status quo. But Kushner’s remarks lacked any appreciation for this gray reality. At one point during our conversation, Kushner used a medical metaphor to boldly assert his plan will “cure the disease” fueling Israeli-Palestinian conflict, but his real challenge will be to ensure his proposal doesn’t violate the Hippocratic Oath—do no harm.
- This indifference to the potential implications of failure is why I not only believe that his plan poses a danger to U.S. interests but that it is reckless for the Administration to even give it a try. While the United States should certainly be prepared to offer its own ideas to help the parties close the final gap in negotiations—as Jimmy Carter did at Camp David in 1979, after Menachem

Begin, Anwar Sadat, and their teams had already spent 17 months in intensive bargaining—the chasm between Israelis and Palestinians today is so wide that no conceivable bridging formula exists. Viewed this way, the specific details of what Kushner and Co. are preparing to put on the table don't really matter because, in the current political environment, there is no possible overlap between the most Israel will offer and the least the Palestinians will accept (and vice versa). Giving it the ol' college try—which is essentially what Trump has empowered Kushner to do—is not admirable; it is irresponsible.

- If failure is the “smart money bet,” there is still another reason why friends of Israel—including friends of the current Israeli government—should think twice before urging President Trump to formally pursue his son-in-law's peace plan: the risk that failure will delegitimize Kushner's best ideas. Indeed, Kushner may think that his plan will survive as the new reference point for future negotiations even if it fails to achieve a peace breakthrough, but it is at least as likely that those ideas—even if they are solid, worthy, valuable ideas—get tossed in the diplomatic dung-heap by Trump's successors. Given America's deeply tribal political partisanship, it is not difficult to imagine a future administration—especially a Democratic one—refusing to reconsider proposals on such issues as security arrangements, refugee resettlement, Palestinian political reform, and regional economic development if they bore the Trumpian stamp. And because the Kushner team approaches these issues with a deep affinity for Israel, this is likely to harm ideas that seem especially friendly to the Jewish state. This is why I hope that Netanyahu comes to his senses and does what he can to scuttle the “deal of the century” before it becomes formal U.S. policy.
- Of all the characters in this emerging tragicomedy, the most puzzling is not Kushner, who seems genuine in wanting to craft a plan that would satisfy his father-in-law's desire to be a Middle East peacemaker. Nor is it Abbas, who seems to be playing to script, preferring to tread the tired path of seeking meaningless UN resolutions and applause in European capitals. (If only Abbas had Sadat's imagination and backbone, he would realize that the best way to torpedo a U.S. plan that threatens his interests is by boldly proposing direct talks with Israel.) Rather, the most confounding character is Netanyahu.
- Soon to become Israel's longest serving Prime Minister, Netanyahu's longevity owes to a combination of ruthless political skill and innate aversion to risk. No democratic leader today matches his natural talent for figuring out how to win elections, even if victory involves skating perilously close to the political, legal, and moral edge. And no leader on the world stage today has registered his success in combining bold, creative diplomacy with restrained, judicious use of military power to improve his country's strategic position.
- Under normal circumstances, the last thing Netanyahu would want is for the President of the United States to propose a detailed plan for the permanent resolution of the Israeli-Palestinian conflict. He is a champion of incrementalism, step-by-step diplomacy that tests both the other side's true intentions and the political flexibility of his own core supporters—and he has been right to shy away from big, “Made in America” ideas about what's best for Israel.
- Why, then, does Netanyahu appear sanguine about the coming peace plan? Why does he seem willing to legitimize a dangerous strain of know-it-all American solutionism and welcome, even encourage, Trump to propose precisely what he has long opposed?
- There are many possible explanations. After Trump's decisions to move the U.S. Embassy to Jerusalem, to scuttle the detested Iran nuclear deal, and to recognize Israeli sovereignty on the

Golan Heights, perhaps Netanyahu views the Trump presidency as a once-in-a-lifetime opportunity to enshrine the Administration's pro-Israel inclination as official U.S. government policy. Perhaps Netanyahu is confident that Abbas will flub the leadership test and that Palestinian miscues will open the door for Israel to annex key parcels of West Bank territory without triggering either outrage in Washington or much opposition in the wider Arab world. Perhaps Netanyahu is so deeply burdened by his own legal woes that he views the "deal of the century" as a political life preserver.

- Whatever the rationale, I hope that "Bibi the strategic thinker" wins out over "Bibi the political tactician," and that he uses whatever tools at his disposal to abort the Kushner plan in the few weeks left before Trump releases it as his own. This may demand a direct appeal to the President. Alternatively, it may require enlisting the support of someone the President respects—prominent Republican donor Sheldon Adelson or Trump-whisperer Lindsey Graham come to mind—to make an appeal on his behalf. For Israel and its friends, the key point remains: The only way to protect the long-term viability of the best aspects of the Kushner plan is to kill the plan.

**SUMMARY:** In my view, it is far more instructive to view Kushner and his colleagues as developers applying to the Middle East lessons from the New York real estate market than as diplomats trying to solve a thorny, longstanding international dispute. Reading between the lines, it seems as though they view the peace process as the functional equivalent of turning a rent-controlled apartment building in midtown Manhattan into luxury condominiums. For the Kushner team, a key element of the strategy is to lower Palestinian expectations about what they will receive in the American plan, especially after rejecting so many previous proposals from Israel. While there are sound reasons for Trump to have repaired ties with Israel after the strains of the Obama years, one cannot fault Palestinians for seeing the Administration's approach to them—from cutting aid to shuttering the representational office in Washington—as punitive; it seems to have been lifted from the playbook of a bankruptcy lawyer reacting to an adversary's recalcitrance by offering 30 cents on the dollar today and only 20 cents on the dollar tomorrow.



## **Netanyahu Tries to Buy Time, but Can't Avoid the Court**

By Gidi Weitz, columnist at Ha'aretz

- **A top defendant who would not have played a dirty game, who would have refrained from using his political power to avoid getting indicted, who would have paid his attorneys out of his own pocket, who would not have requested to postpone the presentation of evidence against him and who would have ensured that it be gathered in a timely manner after the election – such a defendant may have been entitled to have his hearing postponed.**
- **The four months that Attorney General Avichai Mendelblit allocated to Prime Minister Benjamin Netanyahu's lawyers are a tight time frame. The cases involving the premier are made up of hundreds of testimonies, thousands of items of evidence and tens of thousands of pages of minutes.**
- **To create a different narrative from the one cultivated by the prosecution, Netanyahu's attorneys would require a more generous time frame that would enable them to intensively pore over the materials in the cases.**
- **The issue is that the attorney general understands that Netanyahu is fooling him. He gets that in the coming months, the prime minister intends to recruit members of his coalition to carry out a move that would brutally destroy the value of equality before the law: Netanyahu plans to get immunity from indictment and will try to neutralize a veto by the High Court against this corrupt decision.**
- **Since he won the election in April, Netanyahu has been acting as if there is no chance he will be facing trial: He hasn't sorted out the payment for his attorneys, he ordered them to refrain from collecting the materials pertaining to the investigations against him and has repeated again and again the claim that the people's choice in the election trumps Mendelblit's decision.**
- **In these unusual circumstances, the request by Netanyahu's lawyers to postpone the date of the hearing by several months must be rejected. He is not interested in using this time to give his lawyers the best conditions to provide him with an efficient line of defense. Instead, he plans to use this period to advance legislative moves that would save him from facing indictment and strip the High Court of its strength and stature.**
- **Such a defendant does not deserve the treatment that any other democracy-respecting individual would have been entitled to. In fact, Netanyahu and Mendelblit are racing against the clock, and the real question is what happens first: Will Netanyahu be protected from facing the law or will he be indicted?**
- **The attorney general, who can detect the escape plot Netanyahu is hatching and his transparent attempts at buying time, ought to act in the same manner dictated by the defendant: Suspiciously, firmly and with zero tolerance.**