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Israel and Middle East News Update

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News Excerpts

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Ynet News

Court Challenges Legislation Holding Brittle Unity Gov't

The High Court of Justice has ordered the state to justify within 21 days legislation that stands at the core of the current unity government that regulates its power-sharing deal and the institution of the alternate prime minister. The petition argues that the alternate prime minister institution as stipulated in the Basic Law: The government substantially changes the system which stipulates that Israel has only one prime minister. According to petitioners, the agreement creates two different gov'ts, each headed by a different prime minister which paralyzes the executive branch in Israel and harms its parliamentary democracy. The High Court had rejected the petitions against the coalition agreement earlier this year, claiming the court does not intervene in unfinished legislative proceedings. [See also "High Court Interim Order Could Set Stage for Overturning Unity Gov't" \(Jerusalem Post\)](#)

Times of Israel

Jerusalem Municipality Okays New Homes in East Jerusalem

The Jerusalem municipality has approved the construction of 108 housing units in the ultra-Orthodox Ramat Shlomo neighborhood which has in the past rocked ties with Washington, with a source reportedly saying further building projects may be advanced before [President-elect Biden](#) is sworn in. The housing approved is to be built in an area that became the focus of a diplomatic spat between Israel and the Obama administration over a massive construction project. A municipal source told the KAN that the local planning and construction committee will soon advance further housing "hopefully before the swearing-in ceremony" for Biden, which will be held January 20. The source denied that the timing of the recent approval was political and noted that construction work in the neighborhood had been going on for a long time. [See also "Settlers Disappointed Over Trump's Defeat, Worry Over Biden" \(Al-Monitor\)](#)

I24 News

Pompeo to Make Unprecedented Visit to Settlement in WB

Outgoing Secretary of State Pompeo is planning to visit a Jewish settlement in the [West Bank](#) and tour the Golan Heights during his scheduled trip to Israel next week, according to Walla. Citing both American and Israeli sources, the outlet reported that Pompeo is likely to visit the settlement of Psagot, located just outside of Ramallah, and mark the first time in US history Washington's top diplomatic official sojourns to disputed West Bank. Officials at the US Embassy, Secret Service and Shin Bet have already begun to prepare for the lame-duck diplomat's visit. Pompeo will meet with Prime Minister Netanyahu in Jerusalem, where the two are expected to discuss the Abraham Accords, and "address Iran's malign activities." [See also "Requiem for Trump Doctrine: Is This Pompeo's Last Mideast Tour?" \(Jerusalem Post\)](#)

McMaster: Israel May Act Against Iran Before Biden Admin

Former National Security Advisor Gen. H.R. McMaster for the Trump administration said in an interview with Fox News that Joe Biden should not rejoin the 2015 Iran nuclear deal upon taking office. McMaster said that then-Secretary of State Kerry was wrong and did not consider the “hostile ideology” of the Iranian regime, in addition to its involvement in regional proxy wars and aggression against the US. McMaster spoke of Israel and its strategy in relation to Iran, suggesting that Israel may act against Iran in some form, including a military strike, following the end of Trump's tenure as president. He noted that this would be in-line with the Begin doctrine. He claimed that we may see a return to the period of the mid-2000s regarding Iranian breakout nuclear capability. [See also “Iran Expects US to Return to Nuclear Deal Without Conditions” \(AI-Monitor\)](#)

Ha'aretz

Saeb Erekat, Top Palestinian Peace Negotiator, Laid to Rest

[Dr. Saeb Erekat](#), a leading Palestinian peace negotiator and the secretary general of the Palestine Liberation Organization's Executive Committee, was laid to rest after succumbing to the coronavirus at the age of 65. Erekat's body lay in state in the Palestinian Authority's Ramallah headquarters, or the Mukata, and was visited by members of the Palestinian leadership, led by Palestinian President Mahmoud Abbas. The funeral procession for Erekat later departed from Ramallah to his home city of Jericho, where a funeral and prayer service were held. Erekat will be interred in the city's cemetery. Erekat died of multiple organ failure at the intensive care unit, according to the [Hadassah-University Medical Center](#). The hospital offered condolences to Erekat's family, loved ones and the Palestinian people. Erekat has participated in every round of negotiations held between the Palestinian and Israeli governments since the tenure of late Prime Minister Yitzhak Rabin. [See also “Palestinians Prefer Binational State with Jordan if No Statehood Possible” \(Jerusalem Post\)](#)

AI-Monitor

Israeli, Greek, Cypriot DM's Meet, Reinforce Security Ties

Defense Minister Gantz traveled to Nicosia and held strategic discussions on security matters with counterparts from Greece and Cyprus. Meetings focused on developing and deepening security collaborations, alongside examining regional challenges, officials said. Gantz also discussed Israeli arms sales. The meeting came two weeks after a similar trilateral meeting in Athens of the country's foreign ministers. The frequency of these trilateral and bilateral meetings in person particularly amid the COVID-19 pandemic highlights the trend whereby Greece, Cyprus and Israel are reinforcing ties involving security, energy, economic and the battle against the coronavirus-battle. It is a real strategic alliance, and one which has received Washington's blessing. Gantz will no doubt share his insights from the tripartite meeting with Secretary of State Pompeo when the latter arrives in Israel next week. The trilateral defense meeting comes as tensions between Ankara and Athens continue to escalate, especially in the Mediterranean. [See also “Greece, Egypt Expect Biden Will Be 'Decisive' in Mediterranean Dispute, Greek PM Says” \(AI-Monitor\)](#)

MFO: Peacekeepers Killed in Sinai Helicopter Crash

A helicopter with the US-led Multinational Force and Observers (MFO) in the Egyptian Sinai crashed near the resort town of Sharm el-Sheikh, killing members of the peacekeeper force, the MFO said. Those killed were Americans, a French national and a Czech national, all of them military service members, the MFO said in a statement. An official briefed on the incident, who could not be identified by name or nationality, told Reuters it was an accident caused by mechanical failure. The Israeli military said it evacuated the injured peacekeeper to a hospital in Israel. The MFO was installed to monitor the demilitarization of the Sinai under the 1979 Egyptian Israeli peace accord. It has decreased in size in recent years as the neighboring countries tightened security cooperation against Islamist-led Sinai insurgents. However, both Israel and Egypt have, in the past, opposed proposals by Washington to reduce US participation in the MFO. Cairo sees the MFO as part of a relationship with Israel that, while unpopular with many Egyptians, has brought it billions of dollars in US defense aid, sweetening the foreign-enforced demilitarization of its sovereign Sinai territory. [See also "8 Peacekeepers Dead, Including 6 Americans, in Sinai Helicopter Crash" \(Times of Israel\)](#)

Poll: Right Bloc Soars to Record-High 70 Knesset Seats

[Israel's Right bloc](#) would soar to 70 seats in the Knesset if elections were held today, a new poll published by Ma'ariv showed. Prime Minister Netanyahu's Likud party climbed back to 30 mandates after lingering in the upper 20s mark, while former Defense Minister Naftali Bennett's Yamina party maintained its surging momentum with 23 mandates. Opposition Leader Yair Lapid's Yesh Atid faction remained the third largest party, according to the poll, with 17 seats. The Joint List followed next, with 11 seats -- 4 short of their current 15 in the Knesset. Defense Minister and Alternate Prime Minister Benny Gantz's Blue & White party continued to downtrend, polling at 9 mandates only, versus 15 now in the Knesset. Ultra-Orthodox party Shas also received 9 seats, followed by Avigdor Liberman's Yisrael Beiteinu and United Torah Judaism with 8 each, and left-wing Meretz party with 5. The results position Israel's right bloc at a historic high of 70 seats, as the left-center bloc tumbles to 42. [See also "Israelis Moved to the Right After US Election – Poll" \(Jerusalem Post\)](#)

The Supreme Court Justices' Dilemma

By Tova Tzimuki

- **The High Court of Justice's decision to expand the panel of justices hearing the petitions to cancel the amendment to Basic Law: Government—which enshrines the position of an alternate prime minister—is dramatic. The decision is a yellow warning light, but is still not enough to determine that the court intends to intervene in the arrangement and even cancel it. All in all, it is expected that when the High Court of Justice holds a hearing to discuss overturning a basic law, or one of its sections, this should be by an extended panel, otherwise, critics will say that a “random” panel ruled to disqualify a basic law and not the Supreme Court in its capacity as the interpreter of basic laws.**
- **The High Court of Justice's interim decision, which was phrased aggressively, demanding clarifications from the respondents—including the prime minister, the Knesset, the Likud and Blue and White factions—underscores the weight that the Supreme Court attributes to their arguments. These are issues that demand clarification and relate to the root of the relationship between the Supreme Court, the Knesset and the government, first and foremost, the system of the regime.**
- **Because of the importance of the petition, the judges ruled that the government and Knesset must explain the constitutionality of the section of the basic law—formulated for the coalition agreement between Blue and White and the Likud—that reduces the Knesset's power to hold votes on no-confidence motions in the government. The same goes for the constitutionality of the section of the law that states that a change in a basic law can only be done with the support of at least 70 MKs. These are issues that pertain to the system of the regime and the political order in the State of Israel.**
- **The High Court of Justice justices have previously warned the Knesset and government about changing basic laws that are meant to serve as the cornerstone of the judicial and governmental system, for their political convenience. The Supreme Court is caught in a threatening vise. The right wing is threatening lest it intervene, including the threat that it will pass laws that curtail its independence, which are ready to be whipped out at any moment. On the other hand, the center and the left wing believe that it does not intervene enough and thereby gives a seal of approval to the tyranny of the parliamentary majority in the Knesset.**
- **Anyone who observed the public and broadcasted hearing that took place last week in the High Court of Justice, gained the impression that it was loath to intervene. President Ester Hayut expressed reservations to the possibility that the court would overturn a basic law. She said in a resonating tone: “The court has never overturned a basic law or an amendment to a basic law for being unconstitutional.” Last night, after the court's interim ruling, the right wing automatically rushed in with its usual mantras. Yariv Levin described the ruling as “scandalous” and said that it was “fundamentally invalid.” He added the usual threat about changing the system for selecting judges. Ultimately, the High Court of Justice will address the “unconstitutional constitutional amendment.”**

- **The central question is whether the Supreme Court has the authority to intervene in basic laws. The court will have to decide whether the hybrid of two prime ministers and the overuse of the Knesset's power constitute a regime change to the degree that it undermines Israeli democracy and must be disqualified.**

Back to the Supertanker

By Ben Caspit

- This week we got a demonstration of Binyamin Netanyahu's infinite Machiavellian genius. Just like during the Carmel fire, which transpired after the firefighters had been criminally neglected for a long time, as detailed in a scathing special report by the state comptroller. For those who have forgotten, Netanyahu turned the catastrophic fire into a heroic victory thanks to the selfie with the supertanker that he arranged for himself. The awe-inspiring aircraft, which military secretary Maj. Gen. Yohanan Locker discovered on Google, arrived here after the fires had already been extinguished. There was no need for it. It flew impressive maneuvers over the smoking remains of what had once been the Carmel's nature grove, but the true objective was to enable Netanyahu to have his picture taken with that flying monster, and that is precisely what transpired.
- The scene is described in detail in my book. Meanwhile, Bibi quickly found the classic scapegoat (then-interior minister Eli Yishai), made the widow Nava Boker the darling of Balfour Street (and later an MK) and kept going as if nothing had happened. The supertanker cost a fortune, but who's counting? It was photogenic, and the base ate it up: the magician had brought us a supertanker from heaven and saved Israel from a second Holocaust. No one cared about the marginal facts that Israel did not have a firefighting array, that no one knew there was a supertanker before everything was on fire, that there was no firefighting aircraft, and that all of this negligence had transpired in a country that could come under a hail of 150,000 rockets at any moment. The main lesson that Netanyahu learned from the affair was to make certain that the next time there would be no state comptroller's report. That's already been taken care of, as we know.
- When the coronavirus crisis began, Israel's healthcare system was in the same shape as the firefighting system was in prior to the Carmel fire. Israel's preparations to vaccinate the population against COVID-19 have been a huge, protracted, outrageous fiasco that cries out to the heavens. On Wednesday evening, Netanyahu turned all of that into a victory lap, with the media's help: "The prime minister called the CEO of Pfizer!!!" screamed the headlines. "Following the talks, negotiations to purchase vaccines have begun!" went the good news. Yeah, what a leader, what a vision, how lucky that we get to have a man like him protecting us. All that's missing is for the vaccines to be parachuted over to us from the supertanker, and the picture will be perfect.
- In reality, Israel made every possible mistake in its preparations to obtain vaccines. The truth is that there was no such preparation at all. Merav Arlozorov described the saga in detail in her feature in yesterday's TheMarker. The state merely signed two contracts with two companies, one of which was small (Moderna) and one of which was young (Arcturus), which were working on a vaccine using the same technology (a genetic vaccine) that was promising but that had not proven itself in any significant vaccine to date. All that Israel did was to make certain to obtain enough vaccines for a quarter of its population if and when these companies produced effective ones. No backup plan, no extra options, no effort to safeguard its flanks and other possible technologies.

- All this, as opposed to well-run countries around the world that have already concluded contracts to inoculate their entire population two or three times over (Canada is guaranteed [enough doses] to immunize its population six times over). Why? Because Israel is a country that is not being run properly. The Health Ministry is stuck in the 16th century. The bureaucracy, the stubbornness, the literalness and overcautiousness, everything that drove Naftali Bennett out of his mind when he was defense minister, everything that held up the effort to form a testing array worth its name in the first months recurred in the vaccine saga.
- The Finance Ministry, for its part, added fuel to the fire of the debacles by loudly attacking the agreement that was signed with Moderna. Per this agreement, Israel paid the company hundreds of millions of shekels in advance, without guaranteeing that it would receive any of the goods. Just like that, cash now and then we'll see. The Finance Ministry's attack drove the Health Ministry into an even deeper and more fortified bunker than the one it usually lives in. That's what delayed the negotiations with Pfizer. Suddenly technical questions arose (where will the international arbitration take place in case of side effects, etc.), Pfizer got irritated, and the negotiations got stuck.
- No one turned on a warning light and tried to get the cart out of the mud. No one realized that in times like these, you don't insist on nonsense. In war, as in war? No, in war, as in administrative chaos and criminal operational negligence. When the National Security Council has been harnessed for the Netanyahu's needs; when Netanyahu himself is spending most of his energy on reducing the steps that the demonstrators against him can take and on endlessly reconciling Deri, Litzman and Gafni; when the Finance Ministry has been deserted and everyone who is not willing to swear that Yisrael Katz is the modern-day King Herod has been cast into eternity; when the Health Ministry is everything that we've already said and far worse; when no one has done any preparatory work, prepared a vaccine strategy, set objectives, a budget or held any orderly meetings, you get what we got. To this day, Israel has not determined an orderly vaccine strategy: how many vaccines do we need? With what technologies? From which companies? What section of the population needs to be inoculated? What's the payment policy? How do we prepare for refrigerated shipments? And so on. If you go looking for that kind of preparatory work, you won't find any. But Netanyahu spoke with the CEO.
- This is what happened this week after Pfizer announced that a vaccine is here: the prime minister and his bureaucrats made a mad dash to fix this debacle and try to close the stable doors before the vaccines leave. A phone call with the CEO was made out to be the modern version of the invasion at Normandy. From its position of strength, Pfizer gave Israel an ultimatum: conclude negotiations by Friday, or get pushed to the end of the line. Now pay attention to the meeting that the prime minister led one day before he spoke with the CEO of Pfizer. The details of this hysterical phone call are being revealed here for the first time. The following people were present: the health minister, the finance minister, the national security advisor, the Health Ministry director general, the acting accountant general, the acting director of the Budgets Division, the director of the Health Ministry's Medical Technologies and Infrastructures Administration, the Health Ministry's

Dr. Uri Feinstein, the director of the National Security Council's Special Issues Division, the director of the National Security Council's Foreign Policy Division, and several more.

- **“The Health Ministry’s representatives presented the status of the negotiations with Pfizer,” read the minutes, “noting that the company was firm on its positions and unwilling to commit to supply dates. They believed that in wake of last night’s announcement that the vaccine was over 90% effective, the company would be sought after by many countries and our bargaining power with it would decrease. The Finance Ministry’s representatives insisted that it was problematic to enter into an agreement that does not guarantee a supply. The immediate risk is a total of approximately NIS 100 million.” Interpretation thus far: Pfizer is obviously tough now.**
- **The reason is clear: because until now we weren’t there. Because we insisted on nonsense. Because we went for Moderna alone, as if in a situation like this we had the privilege of being picky. The Finance Ministry’s representatives warned against risking NIS 100 million. That’s also clear why: with one hand the Finance Ministry’s representatives are throwing tens of billions at each other, and with the other hand they’re making a big to-do about NIS 100 million for vaccines. They’re doing this while the entire top brass of the Finance Ministry is resigning, being fired and dispersed all over the place. A ministry that used to be the jewel of the public service, the beacon of the gatekeepers entrusted with the nation’s coffers, has become the jittery entourage of a partisan hack who calls himself King Herod. Here’s the prime minister’s summary, which should be read carefully:**
- **“Israel, due to its size, is not an attractive market compared to other countries around the world,” said Netanyahu, “which impacts our bargaining power and requires us to take risks right away in order not to be left out of the line when they start marketing vaccines. It’s said with a vengeance regarding Pfizer, in view of the promising data that were reported in its announcement yesterday. Under these circumstances, it is incumbent upon us to rush to come to an agreement with the company, even if it means pouring money down the drain. Israel has invested a total of about NIS 100 billion in dealing with the coronavirus and its ramifications.” “The Health Ministry will conclude things in its channel for talks with the company. The prime minister will try in his call with the CEO to improve the terms and secure a tighter commitment.”**
- **Interpretation: the man’s a genius. Now he’s found out that because of its size, Israel isn’t an attractive market. Now he remembers that interest should have been finalized much earlier, like properly run countries did. So now he has no choice but to pour our money down the drain. Now the raging fire has to be put out, and the money is far less important. Now if you want to cheer up, imagine for a moment that it wasn’t the state’s money, but the Netanyahu family’s. You know that we wouldn’t be purchasing four million vaccines, but only four, right? So, let’s thank our lucky stars that the money’s coming from the state coffers. As this column was being written, it was still unclear what transpired in Netanyahu’s two phone conversations with the Pfizer CEO. I hope that the reported version corresponds to reality and that an agreement will be signed at the last minute (Pfizer’s ultimatum expires today).**

- **I do know that all this should have been sewn up and locked up much earlier. Instead of panicking after Pfizer announced the results of its trial, a professional policy should have been formulated, parameters should have been drawn, and it should have all been concluded in the first week of the crisis with whomever necessary. That would have been much cheaper in the end. And finally: why did we make an agreement with Moderna and not Pfizer? I have no idea, but I am certain that it has nothing to do with the fact that Nathan Milikowsky, Netanyahu's cousin, the guy from the shares' affair, holds stock worth USD three million in the huge Merck drug company. What's the connection? Merck has been taking part, in the last six months, with Moderna in developing a vaccine for COVID-19 and a drug for cancer based on genetic technology. Milikowsky's shares of Merck are insignificant (its market value is USD 203 billion) so anyone wondering about shady deals does so without real basis. But just so you know.**