# Strategic ASSESSMENT

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INSS
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# Strategic ASSESSMENT

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The purpose of *Strategic Assessment* is to stimulate and enrich the public debate on issues that are, or should be, on Israel's national security agenda.

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# Note from the Editor

This issue is my 28th, and last, as editor of *Strategic Assessment*. Since October 2012, it has been my mission to coordinate the editorial team responsible for a significant part of the in-depth policy-oriented research produced by the Institute for National Security Studies. After this issue, the responsibility for the journal passes to Kobi Michael and Omer Einav, and I wish them every success.

Over the past seven years as editor of this publication, I have had two major objectives in mind. The first has been to ensure that the journal reflects the changing nature of the challenges to Israeli security. The second has been to maintain as much as possible a commitment to the kind of high level analysis that looks beyond the daily headlines in order to identify underlying trends and present possible policy responses or initiatives in ways intended to pluralize and energize the public debate.

Regarding the first objective, regular readers of *Strategic Assessment* will probably note a subtle but perceptible transformation in the kind of issues the journal and, we believe, the government of Israel need to address. This transformation is a function of an evolving understanding of what the term "national security" implies. Traditionally, this issue-area dealt with threats posed by other political entities to the physical wellbeing of a state and its citizens and, by extension, of other states, especially allies, whose wellbeing constitutes a security asset. Threats and security capabilities have instinctively been understood, first, in the military sense. That is why *Strategic Assessment* has continued to address familiar security issues like the threats and/or opportunities posed by the Palestinians, Iran, other Middle Eastern actors, and major outside powers, as well as generic military issues like kinetic and cybernetic capabilities, intelligence, terrorism, and the proliferation of weapons of mass destruction. Beyond this, it was logical to extend the understanding of security to the economic realm, because broad economic trends along with specific access to resources and markets are essential factors in wellbeing, as well as the foundation of military capabilities; they provide the "sinews of war" along with other forms of persuasion or coercion. Hence, the growing importance of the Gulf countries.

All of this normally comes under the rubric of "hard security." In recent decades, however, there has been a growing appreciation, even among

major military powers, of the importance of "soft security" threats, that is, of non-military threats – not necessarily arising from the conscious policies of other political entities – to the wellbeing of a state and its citizens. Major examples include organized crime and drugs, infectious disease, environment decay, and climate change, and – for Israel – the spread of potentially disruptive or dangerous ideas. Hence, the analyses devoted to the "Arab Spring" and ISIS (as long as those phenomena dominated regional and global consciousness). These developments originate or grow outside national borders and cannot be seriously addressed without cross-border cooperative action. In other words, they should also rightly be on a state's foreign and security policy agenda.

There is, however, a third set of issues that don't fit into either the "hard" or "soft" security category, because they are not formally on the foreign/defense policy agenda at all. These are ostensibly domestic issues, but issues whose development could potentially have serious implications for a state's international standing and reputation, for the quality of its foreign and defense relations with other countries, and therefore, ultimately, for its military and economic wellbeing. Perhaps the most appropriate adjective to describe such issues is "intermestic," because they breach the traditional distinction between foreign and domestic policy. The reference here is not to the more familiar breach once attributed to Henry Kissinger – "Israel has no foreign policy, only domestic politics." It is, rather, to the unconscious or unintended ramifications for foreign and security policy of decisions made on seemingly pure domestic issues.

For almost all countries, good military, political, and economic relations with some other leading countries are important in an interdependent world. That is true even for major global powers like the United States, Russia, and China, which at least ostensibly are able to pursue an autarkical existence but still invest so much time, treasure, and intellectual capital in an effort to burnish their international image. But it is particularly true for countries like Israel, which are small, live in hostile neighborhoods, contain sizable minorities with primordial ties to forces beyond their borders, and very much depend on stable supportive policies, sustained by stable supportive public attitudes of some major world powers. Notwithstanding the formidable military and economic power developed by Israel itself over the decades, what was recognized by David Ben-Gurion over seventy years ago – that Israel needs the support of at least one superpower at any point in time – remains relevant in the 21st century. However, Israel is most likely

to find durable supportive public opinion to sustain durable supportive policies in a democratic superpower with a significant and influential Jewish community. In other words, Israel still needs bipartisan support from the United States. However, the permanence of that support depends on an ongoing complementarity of social values and political systems. In brief, domestic Israeli politics do affect national security; what's done at home doesn't stay at home.

That is why a journal devoted to Israel's national security needs should pay greater attention to "intermestic" issues like the character of its political system, the quality of its democracy (including the separation of powers and checks and balances), media freedoms, majority-minority relations, and religion-state relations – as we have tried to do.

We are not as certain that we have fulfilled the second commitment: to rigorous, high quality research that distinguishes itself from the "rapid response" that so dominates public discourse in the age of social networks. There cannot, of course, be a definitive answer to this question, since judgments about "quality" are inherently subjective. What we can say with confidence is that this objective consistently topped our order of priorities. If we have come close to upholding the standard, the result is due to the members of the editorial board, all of whom brought their time, rigorous thought, intellectual insight, knowledge, and experience to the collective process of deciding what to publish and what not to publish. And without wishing to slight any other editorial board members – since all played an invaluable role in editorial decision making (which produced the added benefit of some stimulating and enjoyable discussions) – I would like to acknowledge, in particular, the input of Moshe Grundman, the Managing Editor (and INSS Director of Publications), and Judith Rosen, the Associate Editor (and INSS Editor). Beyond their essential technical expertise, without which publication would not have been possible, Moshe and Judy consistently provided prized substantive input and perspectives that the rest of us sometimes missed. All of us together have produced a journal that has enhanced the product of the Institute for National Security Studies and elevated the intellectual and policy debate in and about Israel.

Mark A. Heller
July 2019

# From the Director of INSS

After seven years as editor of *Strategic Assessment*, Dr. Mark Heller, a veteran senior researcher at the Institute for National Security Studies (INSS), will end his term at the helm of the Institute's flagship intellectual publication.

It is a pleasure to take this opportunity to thank Mark for his contribution – specifically, his academic leadership, his vast knowledge, and his impressive expertise in the vicissitudes of history and international relations, all of which were reflected in his sound guidance in selecting the articles to be published in *Strategic Assessment*. Mark's familiarity with the enigmas of the disciplines addressed at INSS added a critical and essential layer to his careful quality control over the journal's contents.

The praise that Mark deserves likewise pertains to his management of a diverse editorial board, his professional integrity, and his impressive attentiveness and openness, as well as his full cooperation with authors and staff members, and his response to the constraints that *Strategic Assessment* faced as it rose to the highly respected position that it has earned both in Israel and in the international academic community.

For all this and much more – our sincere acknowledgment, high esteem, and tremendous gratitude.

Dr. Heller will maintain his position at INSS as a principal research associate.

Maj. Gen. (ret.) Amos Yadlin
Executive Director of INSS
July 2019

# Legislative Initiatives to Change the Judicial System are Unnecessary

**Bell Yosef**

Numerous initiatives aimed at weakening the judicial system in Israel have become increasingly prominent on the public agenda. These include concrete initiatives to deny/circumvent the authority of the Supreme Court to disqualify Knesset legislation. This article argues that such initiatives are unnecessary, given the constitutional dialogue between the Supreme Court and the Knesset already in place. In the decisive majority of cases, the Court permits a political response to its rulings, and for this reason occasionally even avoids interfering in matters. For its part, the Knesset has the effective ability to confront a Supreme Court ruling and respond to it, which it indeed has done in practice. Based on an empirical and extensive study, the article illustrates how this dialogue is conducted, and shows that the existing constitutional process involves all the governing authorities.

*Keywords*: law and politics, law and security, Supreme Court, Knesset, constitutional dialogue

In May 2019, and within the framework of coalition negotiations to form the 35th government, the media reported on initiatives aimed at significantly weakening the Supreme Court and its authority, while turning it into a body with a political orientation. A similar move, targeting legal advisors in the government, was supposed to have followed.[1] Despite the vagueness as to exactly what was included in these initiatives, the fact they were publicized and "on the table" greatly influences the public, political, constitutional, and legal discourse underway in Israel today.

These initiatives did not arise in a vacuum. For a long time a heated debate has been waged in Israel (as in many other countries) concerning the role

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of the Court in a democratic society and, more broadly, the question of the correct way of perceiving the principle of democracy. Is the emphasis on majority rule? Or is it on a set of values such as the rule of law, separation of powers, and protection of minorities, all of which require judicial review?

On the one hand, some argue that the conduct of the Supreme Court, its readiness to intervene in fundamental issues, and the extended nature of its intervention constitute a danger to democracy and necessitate a fundamental change of the rules. In this context it is argued that the Court, through its increased intervention, affects the power of the political authorities to govern and implement what they view as desired policy.[2] On the other hand, there are those who argue that supervising the government, and in this regard its administrative and legislative action, is an essential component of a proper and functioning democratic administration.[3] This approach views the Court as the guardian of democracy in its broad sense (especially in Israel, where there are no other structural limits on the power of the Knesset and the government).[4]

As these initiatives are likely to alter the nature of the state's democratic regime they also have implications for national security, which includes not only defending the physical existence of the state, but also preserving its identity as a Jewish and democratic state. One finds this expressed, for example, in the document entitled "IDF Strategy," in which the country's defined national objectives include "preserving the values of the State of Israel and its character as a Jewish and democratic state and the home of the Jewish people."[5] A substantial change in the scope of the Supreme Court's review of security-related matters also has practical implications for aspects concerning legitimization of security activity, both internally and externally, as reflected in an address by the President of the Supreme Court, Esther Hayut.[6]

In contrast to the common assumption, there is already an ongoing dialogue underway between the Supreme Court and the Knesset and the government. Therefore, judicial intervention and the capacity to govern politically are not necessarily in opposition.

The purpose of this article is not to espouse a particular position in the debate between those who seek to limit judicial review and those who seek to preserve or even expand it; nor does it argue for the appropriate scope of such judicial review. The goal is to address the factual background of this debate and show that in contrast to the common assumption, there is already an ongoing dialogue underway between the

Supreme Court and the Knesset and the government. Therefore, judicial intervention and the capacity to govern politically are not necessarily in opposition. The insights contained in this article are based on an empirical and extensive study of Supreme Court rulings that include all published Supreme Court rulings in which arguments were raised against the conformity of Knesset legislation to Israel's Basic Laws from 1992 through 2018. The essence of the argument is that the Supreme Court and the political authorities are engaged in an inter-institutional dialogue. This dialogue allows each branch to respond and express its position in a manner that does not deny any future response of other branches. The present discussion is meant to serve as an additional conceptual tool to discuss in a straightforward manner the fundamental questions that have arisen recently, without reducing the discussion to the superficial or rendering it populistic.

## Background

Before discussing judicial review of legislation, how it is designed, and how it allows a political response, a brief but essential background survey is in order. Over the years the Knesset has passed thirteen Basic Laws. Most of them are institutional in the sense that they regulate the activity of government institutions (for example Basic Law: The Knesset; Basic Law: The Judiciary; Basic Law: The President of the State; and so on). In 1992, for the first time, the Knesset passed Basic Laws dealing with the protection of human rights, namely: Basic Law: Human Dignity and Liberty, and Basic Law: Freedom of Occupation. In addition to constitutional protection of human rights, these two Basic Laws include a limitations clause. The clause provides that the Knesset is forbidden to use these Basic Laws to jeopardize rights unless a number of conditions are met: the limitation is legally permissible, it conforms to the values of the State of Israel, it is done for an appropriate purpose, and it is proportional.[7]

In 1995, three years later, in the United Mizrahi Bank case, the Supreme Court determined that since the Knesset had limited its own legislative ability, the Court has the authority to examine whether the Knesset has met the conditions it placed on itself.[8] In other words, the Court is authorized to examine whether legislation meets Basic Law conditions and to determine that a statute is null and void if it does not meet these conditions. This is constitutional judicial review.[9]

Since 1992, constitutional judicial review has taken place fairly frequently; there are approximately two hundred published rulings that include arguments against the constitutionality of legislation. However, this should not give the impression that legislation is repealed frequently. First, this is an extremely negligible percentage of the total cases handled by the Supreme Court. According to the Supreme Court website, some 10,000 cases are opened each year for the Court's consideration.[10] Furthermore, given that only 10 percent of cases reach an actual verdict, we are talking about some two hundred constitutional verdicts as opposed to many thousands that do not deal with the constitutionality of legislation. Second, even in this limited framework, the Court is extremely cautious when asked to repeal legislation. To date, only 16 statutes have been repealed on the grounds of infringing on a right protected by Basic Law: Human Dignity and Liberty, or Basic Law: Freedom of Occupation, not having met the conditions of the limitations clause.[11]

Moreover, in many cases of repealed legislation, a dialogue takes place between the Supreme Court and the Knesset (and in this regard, the government as well, in its capacity to influence the legislative process), with the limitations clause serving as the key constitutional "instrument" to facilitate this dialogue. Such a dialogue is possible for both the Court and the Knesset. This constitutional dialogue between the Supreme Court and the Knesset provides a solution in the face of arguments behind many of the initiatives to reduce the Court's authority. Indeed, even in the existing situation, each institution has the opportunity to respond to the other (whether through statute or through ruling), without resorting to the override clause.

In order to complete the picture, it is important to point out that Israeli law includes an explicit override clause as part of Basic Law: Freedom of Occupation. This provision is found in section 8(a) of the Basic Law and allows the Knesset to reenact (through a 61-vote majority) a statute that has been disqualified by the Court. Nevertheless, since the grounds for disqualifying most of the laws in Israeli constitutional law lie in Basic Law: Human Dignity and Liberty (which sets in law core rights such as respect, liberty, freedom from bodily harm, property rights, and more) the existing override clause lacks any significant implication.

## Mechanisms of Constitutional Dialogue

The Supreme Court has four types of mechanisms at its disposal that allow it to engage in a "constitutional dialogue" with the legislative branch.[12]

One mechanism is *judicial rhetoric*, which allows the Court to relay messages and express its opinion, thus toning down the inter-institutional tension without requiring a bottom line. In the majority of cases in which the Court examines the compatibility of legislation with the requirements of Basic Laws pertaining to human rights, the Court stresses that it does so under considerable restraint; and that it examines whether the statute meets requirements of Basic Laws rather than determining whether the a law is "good" or "bad," or the desirability of the policy at its basis. In addition, in many cases the Court also emphasizes the dialogue underway in the proceedings between the Supreme Court and the Knesset. Thus, for example, Salim Joubran, then deputy to the Supreme Court Chief Justice, wrote the following on the right of a male couple to a surrogate after having decided to leave the decision in the hands of the Knesset:

> In our decision we suspend deciding on the weighty issues I have referred to above. We do this out of respect for the legislative branch and the relationship between the judicial and legislative branches. This relationship is a complex one founded on a dialogue between the Court and the Knesset. This dialogue revolves around the basic principles and laws of the State of Israel, and through it, both branches seek to advance the goals of the State and optimally deal with the challenges facing it – this while preserving the fundamental rights bestowed on each person by virtue of the Basic Laws. Upon the conclusion of this dialogue we should expect to obtain a judicial result that is compatible with the fundamental principles of the State and protects the liberties of the individual. Now it is the turn of the legislative branch to have its say. We are confident it will fulfill its constitutional obligations and act to fulfill constitutional rights.[13]

The Court sometimes even stresses the Knesset's ability to respond with re-enactment of a statute. Thus, for example, in the ruling concerning the disengagement from Gaza, the Court disqualified a portion of the compensation arrangements because they encroached on the property rights of those evicted such that the arrangements did not satisfy the provisions Basic Law: Human Dignity and Liberty. The Court added (in a united decision by the ten justices of the majority):

> Needless to say that our annulment of the provisions we examined is not the final word. It is part of the continuing dialogue between the judicial and legislative branches. Thus the Knesset is of course authorized to examine the result obtained due to the annulment of several provisions of the Disengagement Plan Implementation Law. It is entitled to alter different arrangements at its discretion in order to fulfill the legislative objectives it sees as desirable and as observing the requirements that the Knesset itself determined in the Basic Laws concerning human rights.[14]

A second mechanism that facilitates dialogue between the branches is *response-based doctrines*: various proceedings at the disposal of the Court that allow it to avoid a constitutional decision and keep it in political hands. One doctrine for example is "judicial guiding": Supreme Court rulings tend to be tortuous and replete with judicial statements, some of which have nothing to do with the sides in terms of litigation before the Court and therefore are not binding on them. However, such statements are meant to convey multiple messages, including to the political authorities. Thus the Court is able to express its opinion to political authorities such that it does not compel them; for their part, the political authorities are able to weigh matters judiciously. There are studies that show that in Israel the Court makes frequent use of this tool.[15]

An additional doctrine is the "nullification warning": The Court informs the state that it is acting illegally in a specific case and cannot continue in this manner, but abstains from striking down the statute in the case. The nullification warning sends a pointed message to the political authorities yet allows the Court to abstain from issuing a binding directive.[16]

Another way is through assigning decisive weight to legislative initiatives. Occasionally, during proceedings over petitions to the High Court of Justice, it becomes apparent that a legislative initiative exists that can provide a solution to the matter under deliberation. The Court, in response, suspends, dismisses, or removes the petition. The reasoning for this choice is based systematically on the Court's respect for the Knesset and the government, and on the judicial desire to leave the decision in the hands of policymakers. A study that examined this doctrine in Israel reveals that the Court relies on it in the vast majority of cases and avoids ruling on petitions that can be linked to relevant legislative initiatives.[17]

A further way of abstaining from ordering the annulment of legislation is through constitutional interpretation. For many years the Court has acted

according to the rule that if it is possible to interpret a provision of law such that it remains valid and fulfills its goal, then that is what must be done and the Court should avoid repealing the statute. This method has two significant advantages from the viewpoint of the constitutional dialogue: the first is that judicial interpretation can be changed by the Knesset through regular legislation; the second is that an interpretation does not carry with it the political or public price incurred by striking down legislation.

A third mechanism that facilitates dialogue is the *constitutional remedies*. As a rule, when the Court finds that a law has been violated, it extends relief – a remedy – to the petitioner if the claim is found to be justified. This is true in all realms of law. However, in the constitutional domain it has a particular complexity. From a practical aspect, disqualifying a statute has extremely broad repercussions that extend far beyond the sides involved in the case. A second complexity is at the public and inter-institutional level: when the Court orders the annulment of legislation it is in fact issuing a forced order to the Knesset such that it generates considerable tension between the branches. It is for these two key reasons that the Supreme Court tends to extend softened constitutional remedies. Such remedies are those that maintain the Court's declaration in principle of the law's annulment but reduce the declaration's impact and the inter-institutional tensions that it generates. Thus the decision is transferred to political hands.

There are two central remedies used by the Court. The first is known as "severance," or the "blue pencil" doctrine. The Court "circles in blue pencil" the part of the statute that is unconstitutional (a clause or several clauses, a section, and so on) and disqualifies it alone, so long as the remainder of the statute may continue to fulfill its goals. Thus the impact on the activity of the Knesset is reduced as much as possible. A second remedy is suspension of invalidity. The Court in its verdict rules a statute invalid, but at the same time orders that the declaration of invalidity shall come into force after a specific period (for the most part three or six months later).[18] This time period is meant to allow the Knesset to amend the statute such that it meets the Basic Laws' requirements. If the Knesset amends the statute within this time period then the judicial declaration loses all meaning and shall have no practical significance. (In practice, the time period may be extended, which indeed has happened many times.)

> The claim that the Supreme Court has appropriated control over policymaking does not reflect the reality.

The final mechanism deals with *how* the Court determines that a statute does not satisfy the requirements of a Basic Law. As mentioned, there are four cumulative requirements to be met in order to justify legislation that harms a right contained in one of the human rights Basic Laws. In practice, the first two requirements – that the infringement is legally permissible and that the statute conforms to the values of the State of Israel (those customarily interpreted as the values for a Jewish and democratic state) – raise no difficulties. The third and fourth requirements are that the infringement be done for an appropriate purpose and is proportional. In point of fact, *the Court has never disqualified the purpose of legislation*. Rather, all instances of disqualifying legislation on the basis of a Basic Law concerning human rights were done so in light of the proportionality of the means by which the statute would fulfill its purpose.

This is a significantly weighty matter. Disqualifying a statute's purpose is an extremely scathing action and in fact blocks the Knesset from carrying out the policy it wishes to implement. The Court recognizes this and for this reason avoids disqualifying the purpose of legislation, even when the purpose poses substantial difficulties.[19] Thus the Court knowingly and wisely acts to allow the Knesset to respond and carry out its desired policy so long as it meets the requirements of Basic Laws.

Opposite the Court is the Knesset, which expresses its opinion through legislation. If the Court's dialogue in the context of constitutional judicial review is akin to an "invitation," then clearly in the vast majority of cases, the Knesset accepts the invitation. As mentioned, in sixteen cases the Court struck down legislation because it contradicted provisions of the human rights' Basic Laws. In eleven cases the Knesset responded and amended the statute. It was the limitations clause and the Court's judicial avoidance of disqualifying the purpose of the legislation that allowed this. The Knesset altered the means such that they would satisfy the proportionality requirement and thus made the legislation compatible with provisions of Basic Laws. In five other cases the Knesset did not respond. In two of the five, various legislative initiatives are under development (concerning legal provisions of the Law for Prevention of Damage to the State of Israel through Boycott – 2011, and the draft laws) that, as far as one can see, will lead to a response by the Knesset.

From here, it appears that the claim that the Supreme Court has appropriated control over policymaking does not reflect the reality. The Court has and continues to conduct itself in a manner that preserves

(and occasionally actually advances) the ability of the political authorities to respond. For their part, the political authorities accept this judicial "invitation" and uphold the dialogue. The Knesset sees itself as having the ability to think independently and respond independently through legislation, and indeed does this. The fact that until now the Knesset's responses have been case related and focused on the statute itself rather than aimed at reducing constitutional judicial review has been highly constructive conduct and has made it possible to preserve and advance this constitutional dialogue.

## Conclusion

Similar to the discussion concerning the scope of judicial review, the discussion of the constitutional dialogue and its implications has different facets that cut both ways and have many critics. Nevertheless, this article does not seek to address whether the constitutional dialogue underway is desirable or not; rather, the intention is to offer a glimpse into this dialogue that is often hidden from the public eye.

An additional remark concerns changes in the manner of the Court's conduct. Over the past two years, despite claims of heavy judicial intervention, there is in fact a change in the direction of increased restraint. What is troubling with this situation is that this increased restraint does not stem from any reasoned decision or serious discussion, but rather from what appears to be a series of threats – subtle or less so – on the Court. The Supreme Court should not act out of fear for its independence. The process of contemplating the Court's place in society and politics and the appropriate scope of its intervention is most welcome. However, influencing the Court based on threats to narrow its latitude and weaken its authorities is not the correct path for altering the existing constitutional balance – if there is a desire to do so.

In an overwhelming majority of cases, the legislative branch has at its disposal the possibility to alter a Court ruling. The Knesset legislates and the Court scrutinizes. Occasionally, the ball is returned to the constitutional playing field without a binding decision, and sometimes with a binding decision. One way or another, the ball remains in legislative hands. Upon the end of the legislative process it is possible the ball will return to the hands of the Court. And so on and so forth. For this reason it would not be correct to employ the term "the last word." The constitutional dialogue between the judicial branch and political authorities is a continuing and

involved process in which all governing authorities participate in fashioning the constitutional law of the State of Israel. It is for this reason that many of the initiatives proposed today for limiting the authority of the legal system are superfluous.

In conclusion, today a constitutional dialogue is underway between the Supreme Court and the Knesset. The political arguments, that the Court has "hijacked democracy" and become the central decision maker in Israel, are far from reflecting reality. Unquestionably, the Court expresses its clear willingness to intervene in social, economic, and political issues. Nor is there any doubt that the political authorities are extremely active in all matters concerning the constitutional and public agenda. That said, there is already a solid basis for inter-institutional relations in terms of constitutional judicial review. The Supreme Court in its conduct exerts efforts to preserve political governance. For its part, the Knesset has thus far avoided carrying out initiatives that undermine the Supreme Court. Between these two institutions there is, and will continue to be, a great deal of tension; this, after all, is the nature of a constitutional system. So long as there is a need to discuss "recalculating the route," it would be advisable not to ignore the broad basis that already exists today. It is always possible to rectify and improve institutions and the manner in which they conduct themselves, but this must be done while acknowledging the complexity of their relations and ascribing due importance to the existing situation before erasing it.

## Notes

1 See for example the extremely wide coverage in the press in this context, including Matti Tuchfeld, "The Override Clause is Just the Beginning: Here's What the Major Revolution in the Legal System will Look Like," *Yisrael* Hayom, May 12, 2019, https://www.israelhayom.co.il/article/656863 [in Hebrew].

2 Recent examples include Netael Bandel, "The Public Will Judge," *Makor Rishon*, May 31, 2019 [in Hebrew]; Yehuda Yifrach, "Back to Proportions," *Makor Rishon*, May 17, 2019 [in Hebrew]. See also the article by former Justice Minister Ayelet Shaked, "The Path to Governance," *Hashiloach*, October 2019, https://bit.ly/2DsruLh [in Hebrew].

3 There is much media coverage on this as well. See for example Eli Salzberger, "A Clear and Present Danger," *Maariv*, May 14, 2019 [in Hebrew]; Avi Bar Eli, "The Courts' Day of Judgment," *The Marker*, May 28, 2019 (interview with Vice President of the Supreme Court of Israel Elyakim

Rubenstein) [in Hebrew]; Mordechai Kremnitzer, "The Court, To the Flag!" *Haaretz*, May 19, 2019 [in Hebrew].

4 Amichai Cohen, "The Override Clause: Checks and Balances of Political Institutions and the Legal System," Israel Democracy Institute, May 2018, https://www.idi.org.il/books/23438 [in Hebrew].

5 Office of the Chief of Staff, "IDF Strategy," Chapter 1, Section 2, April 2018, https://www.idf.il/media/34416/strategy.pdf [in Hebrew].

6 Esther Hayut, "The Role of the Court in Reaching Judicial Decisions that Concern the State of Israel's National Security," *Strategic Assessment* 22, no. 1 (2019): 3-13, https://bit.ly/2XOUqHK.

7 The source of the limitations clause is contained in Section 1 of the Canadian Charter of Rights and Freedoms, in which an explicit judicial review determines: "The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it, subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society."

8 Civil appeal 6821/93, Bank Mizrachi Ltd. vs. Migdal Cooperative Village**,** PD 49(4) 221 (1995).

9 Thus wrote former Supreme Court President Aharon Barak: "The limitations clause prescribed in Section 4 of Basic Law: Freedom of Occupation and in Section 8 of Basic Law: Human Dignity and Liberty sets a material safeguard, namely: It is forbidden to jeopardize, through standard law, human rights that are guaranteed in the Basic Law, unless the standard law observes essential requirements regarding the Basic Law's content. This safeguard is legally applicable. It is constitutional. It negates the power of standard legislation that does not observe the safeguard requirements against jeopardizing the human rights protected by the Basic Law."

10 Supreme Court website, https://supreme.court.gov.il/Pages/Overview.aspx. For more, see the Israel Judicial Authority's report for the year 2017 (2018).

11 Four additional laws were repealed before 1992. All four were laws dealing with elections to the Knesset, and it was determined that they violated the requirement for egalitarian elections, protected in Section 4 of Basic Law: The Knesset. This Basic Law stipulates that it is possible to infringe on the equality requirement through a majority vote of at least 61 Members of Knesset. Because these laws violated the principle of equality without meeting the formal requirement of 61 votes in each reading of the law, it was determined that the laws were null and void. Nevertheless, the Court allowed the laws to be re-legislated, this time with the required majority vote. Three of the laws were indeed passed with a majority of 61 votes, thus satisfying the requirement of the original law that was struck down.

12 The full and complete findings based on a broad empirical study will appear in the forthcoming article: Bell Yosef, "The Constitutional Dialogue in Israel: Two Viewpoints," *Law and Business* [in Hebrew].

13 High Court of Justice 781/15, Pinkas Arad vs. Committee for Approving the Carrying of Fetuses, Based on Agreements Law for the Carrying of Fetuses (Approval of Agreement and Status of the New Born), 5756-1996, paragraph 51 of the judgment of Deputy to the Supreme Court Chief Justice, Salim Joubran (published in *Nevo* legal repository, August 3, 2017) [in Hebrew].

14 High Court of Justice, Gaza Coast Regional Council vs. the Israeli Knesset, PD 59 (2) 481, 748 (2005).

15 Liav Orgod and Shai Lavi, "Judicial Directive: Remarks on Legislative Revisions in Supreme Court Verdicts," *Tel Aviv Law Review* 34 (2011): 437 [in Hebrew]; David Zachariah, *The Refined Sound of the Piccolo: The Supreme Court, Dialogue, and the Fight against Terror* (Nevo, 2012) [in Hebrew].

16 For a discussion of the nullification warning, see Suzie Navot, "The Constitutional Dialogue: A Debate through Institutional Mechanisms," *Mishpatim Online* 12, no. 99 (2019) [in Hebrew].

17 Bell Yosef, "The Normative Status of Legislative Initiatives," *Tel Aviv Law Review* 40 (2017): 253 [in Hebrew]. In 2018, the Court relied on this doctrine in order to reject petitions submitted to it, without formal deliberation. See also Bell Yosef, "The Normative Status of Legislative Initiatives as a Threshold," *ICON-S-IL Blog*, December 4, 2018 [in Hebrew].

18 For more on the subject of this remedy, see Yigal Marzel, "Suspension of Declaration of Invalidity," *Law and Government* 9 (2006): 39 [in Hebrew].

19 The most striking and most recent example consists of various matters surrounding the Prevention of Infiltration Law – 1954. In three separate rulings, the Court disqualified parts of the corrective legislation. Nevertheless, and despite the fact that the deliberation leading to the verdict shows that the legislation's purpose raised a significant difficulty, the Court was willing to read into its purpose in its broadest sense and allow it – this while each time disqualifying only the proportionality of means. See High Court of Justice 7146/12, Adam vs. the Knesset (published in *Nevo*, September 16, 2013) [in Hebrew]; High Court of Justice 7385/13, Eitan – Israeli Immigration Policy vs. Government of Israel (published in *Nevo*, September 22, 2014) [in Hebrew]; and High Court of Justice 8665/14, Deseta vs. the Knesset (published in *Nevo*, August 8, 2015) [in Hebrew]. See also the Prevention of Infiltration Law (Offenses and Jurisdiction) (amendment 3 and temporary order), 2012; the Prevention of Infiltration Law (Offenses and Jurisdiction) (amendment 4 and temporary order), 2013; the Law for Prevention of Infiltration and Assuring the Departure of Infiltrators from Israel (legislative amendments and temporary orders), 2014; and the Prevention of Infiltration Law (Offenses and Jurisdiction) (temporary order), 2016.

# Arab Society and the Elections for the 21st and 22nd Knesset

**Ephraim Lavie, Mursi Abu Mokh, and Meir Elran**

The Arab public's disappointment with the Joint List and the dissolution of the List on the eve of the 21st Knesset elections in April 2019, as well as the campaign waged by opposition factions urging voters to boycott the elections, resulted in low voter turnout and a drop in Arab parliamentary representation, from 13 to 10 seats (Hadash-Ta'al with six seats and Ra'am-Balad with four). After the Knesset was dissolved, these parties decided to make an effort to revive the Joint List and gain the public's trust in advance of the 22nd Knesset elections, scheduled for September 2019. Their aim is to increase the number of Knesset seats and function as the kingmaker. Members of the Joint List hope to gain influence in national decisions on economic and social issues important to the Arab public and demonstrate the willingness of this sector to integrate further into Israeli society, with the primary goal of shaping the future of the Arab minority in Israel.

*Keywords*: Arab society, Joint List, 21st Knesset elections, 22nd Knesset elections

## Political Preparations for the Next Parliamentary Elections in the Arab Sector

On the eve of the general elections for the 21st Knesset, the Joint List of Arab parties, which held 13 seats in the 20th Knesset, fell apart.[1] Internal power struggles among the leaders of the four parties that comprised the

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list made it impossible to preserve its integrity, even though it was clear that this would lead to a decrease in public representation in the Knesset. In the end, the breakup resulted in two lists running for the Knesset, earning a total of ten seats. Hadash-Ta'al won six seats, while Ra'am-Balad won four.[2]

The political platforms of the Arab parties published before the April elections showed no essential changes from previous familiar positions. During the election campaign, the parties tended to give preference to civil issues over national issues. Before the election, Ra'am (the southern faction of the Islamic Movement) considered presenting a new pledge supporting civil integration of Arabs in Israel, but their alignment with Balad, the Arab nationalist party, obviated this move. The election campaigns run by the Arab parties were generally lackluster, notable instead for their frustration and passivity. This was also reflected in the marginalization of two central political bodies of the Arab public, which avoided active involvement in the election: the National Council of Local Governments and the Supreme Monitoring Committee of Arab Society. Members of the Monitoring Committee could not even agree on whether to participate in the Knesset election or to boycott it.

Building on the weakness of the Arab parties, a social movement called the Popular Committee to Boycott the Zionist Knesset Election launched an energetic campaign before the elections. The committee encompassed an ad hoc coalition of social and political movements, both secular and religious, that work to encourage the Arab public to avoid participating in the Israeli political arena. Prominent among the pro-boycott coalition were the leaders of the northern faction of the Islamic Movement (which has been banned by the government), the Ibna al-Balad (Sons of the Village) movement, the Kapah (struggle) movement, which broke off from Balad because of disagreements over the Syrian civil war, and the al-Wafa wa'al-Islah (loyalty and reform) movement. These have been joined by pundits, social activists, academics, and Palestinian activists residing in the West Bank and Gaza Strip and in refugee camps in the Arab countries. By means of an active, well-fınanced campaign that included large billboards, there was an attempt to persuade the Arab public to sit out the election, while stressing the futility of Arab representation in the Knesset, which only leads to a worsening of the situation and does not attain the Arabs' political and social goals.[3]

## Election Day: Low Voter Turnout

On April 9, 2019, voter turnout in the Arab population, including Druze, was only 49.2 percent – significantly lower than the relatively high turnout in the 20th Knesset election (64 percent), but not very different from the voting patterns for the 17th, 18th, and 19th Knessets (56.3, 53.4, and 56.5 percent, respectively). By contrast, voter turnout in the 21st Knesset election in Jewish and mixed population centers was 67 percent.[4] The highest Arab voter turnout was in more advanced towns in northern Israel (52 percent) and the lowest among Negev Bedouins (37.5 percent; in the unrecognized villages, it was only 25.5 percent), who already suffer a lack of appropriate Knesset representation.[5] The two lists – Hadash-Ta'al and Ra'am-Balad – gained 71.6 percent of the Arab vote, while 28.4 percent of the Arab vote went to Jewish parties, in particular Meretz (8.7 percent) and Blue and White (8.1 percent, mostly from the Druze public).[6]

Side by side with the campaign to boycott the election, which stressed ideological (i.e., national and religious) components, it was also clear that the Arab public stayed away from the polls because of a general mood of pessimism, an outgrowth of the persistent exclusion of Arabs and their political parties from Israeli politics and their inability to influence decisions and developments at the national level, including those that affect them directly. Public pronouncements by Likud and by the Blue and White alignment ruling out cooperation with Arabs in the Knesset also had a restraining impact on the Arab public. Likud announced it is not interested in including Arabs in a coalition, while Blue and White rejected the possibility of relying on an Arab "obstructive bloc." On the other hand, the announcement of the Arab parties that they are not interested in serving in the coalition and will weigh whether or not to contribute to an "obstructive bloc" was seen by the Arab public as an a priori concession of the opportunity to influence decision making processes.

In general, the Arab public seems alienated by politics. The performance of the Joint List in the 20th Knesset and the internal power struggles that led to its dissolution[7] disappointed the Arab community. This is also true of the failure to present a united Arab political power that would represent the basic interests of the Arab public. In boycotting the election, potential voters expressed their dissatisfaction with the Arab parties and MKs for failing to give the proper weight to civilian matters, despite the importance of these issues in Arab society. The low voter turnout was also affected by the sense that voting for Zionist parties is illegitimate. Similarly, the Arab

passive mood is a response to the continued politics of exclusion of the Arab minority and the anti-Arab tendencies by the right wing governments of recent years, evident in senior politicians' statements as well as legislation (e.g., the controversial Basic Law: Israel as the Nation State of the Jewish People). These are commonly viewed as hurtful and contrary to the Arab public's preferred trajectory of economic and social integration.

Ironically, one might claim that the voter turnout among the Arab sector in April 2019 was relatively high, given the difficult political conditions in which the election was held. Almost half of eligible Arab voters did go to the polls, thus reflecting their sense of civic duty and moral commitment to exercise the right to vote despite what they view as the harsh exclusionary message of the Nation State Law. Arabs exercised their right to vote despite their awareness of highly limited impact and political return in terms of allocation of necessary economic resources. Almost half of the Arab public did vote for the Arab parties, even though they do not trust them to represent their interests adequately.

The voter turnout among the younger, more educated generation of the Arab society was rather low. Some were voting for the first time.[8] One can discern two contradictory trends in this important phenomenon: many of the younger generation are seemingly highly motivated to integrate into Israeli society, socially and even politically; others are opting for separatism. In general, younger members of Arab society have little trust in the Arab leadership and MKs, and do not feel represented by them. They are disappointed with the priority lent by politicians to the Israeli-Palestinian conflict and their inability to push the state to address local issues seriously, including the rising tide of racism and hatred of Arabs within the Jewish public, the housing shortage, home demolitions, and above all, the high rates of crime and violence in Arab society, which are of grave concern to growing parts of the Arab public.[9]

## The Results of the 21st Knesset Elections

Despite the lowest voter turnout ever, the two Arab lists that did run managed to clear the electoral threshold. The overall representation of the four parties comprising the two lists was lower by three seats compared to the Arab representation in the 20th Knesset. Hadash, which has had a stable following for years, as well as Ta'al under MK Ahmad Tibi, together won six seats, partly because the Arab voters avoided voting for smaller parties whose chances of clearing the electoral threshold were low. In all, 12 Arabs

(including two from Jewish political parties) won seats in the 21st Knesset election, compared to the 2015 election, in which 18 Arabs representing diverse political parties were seated as MKs. This is a substantive loss of one third, reflecting a significant representative failure for Israel's Arab citizens.

Unlike Hadash and Ta'al, which did not face political competition, Ra'am (representing the southern faction of the Islamic Movement) and Balad (with a national Palestinian agenda) were forced to confront radical opposition factors that called on the public to boycott the election. The fact that Ra'am-Balad barely cleared the electoral threshold seems to stem from the peculiar pairing of the Islamic movement and a Palestinian national party, which also deterred Arab Christians.

Another interesting phenomenon is the relatively high vote for Zionist parties. Until the last election, the breakdown of the Arab vote was usually 80 percent going to Arab parties and 20 percent to Jewish parties. This ratio continued in the polls held before the April election.[10] In fact, in that election, the rate of voters for Arab parties dropped to 72 percent (about a 10 percent loss) and the vote for Zionist parties rose to 28 percent. An interesting phenomenon aside, it is too early to suggest that this represents a resurgence of the Jewish parties in Arab polling booths. Rather, this change seems to stem from relatively widespread voting for Meretz, which ran two Arab candidates (a Muslim and a Druze) in realistic slots,[11] and for Blue and White, which reserved a realistic spot for a Druze woman and promised to amend the Nation State Law, thus securing relatively many votes from the Druze community. Aside from that, the number of Muslim Arabs who voted for Zionist parties was negligible.

## Toward the 22nd Knesset Elections

After it became clear that Blue and White would be unable to form a coalition, the Arab parties joined the majority and voted to dissolve the Knesset and hold new parliamentary elections.[12] Based on the election results, party leaders understood they would benefit by reuniting as the Joint List, and on this basis encourage the Arab public to vote in September.[13] To reconstitute the list, the party leaders confronted several challenges, including an agreement on party representation in the list, the formulation of a shared platform, a response to the public's demand to include independent candidates (e.g., academics), and an attempt to increase flexibility on the issue of unanimity regarding their decision making process.[14] Once

overcoming these obstacles, the Joint List, if revived, might hope for the public's trust – if as MKs they commit to focus on internal civic issues (healthcare, education, housing, employment, crime, and law enforcement), underscoring that only increased Arab representation in the Knesset can ensure the political necessary impact on decision making in these central spheres.

Statements by the heads of the Arab political system after the 21st Knesset elections on their willingness to examine ways to unite forces and/or increase cooperation with left wing and centrist Zionist parties are a change compared to the past.[15] Hadash Chairman Ayman Odeh declared that Arab society has reached the point where it can be an influential actor in the Israeli political arena and make its own particular contribution toward establishment of a governing alternative to the right wing bloc and protection of Israel's democratic values and achievements. He expressed publicly his hope that the centrist and left wing parties would be ready for such political cooperation with Arabs.[16] But even if the Joint List is revived, the possibility of creating a Jewish-Arab political bloc is at present less than realistic.[17]

MK Ayman Odeh declared that Arab society has reached the point where it can be an influential actor in the Israeli political arena and make its own particular contribution toward establishment of a governing alternative to the right wing bloc and the protection of Israel's democratic values and achievements.

Before the 21st Knesset elections, the Arab parties declared they would be willing to serve as an "obstructive bloc" only after talks with the center-left bloc. This position, too, is a significant change in the Arab parties' traditional stance, but it was never put to the test. MK Ayman Odeh, who will head the Joint List in the September election, declared that if the List can tip the scales, it will cooperate with Blue and White and recommend to the President that its head be given the mandate to form a government.

On the eve of the 21st Knesset elections, the leadership of the Palestinian Authority tried to promote moves that would lead to the formulation of a prominent Jewish-Arab political camp supporting the end of the occupation. The dismantling of the Joint List derailed the idea and led to a long estrangement between the PA chairman and the Arab party leaders. Odeh recently noted that while Israel's Arab society is part of the Palestinian Arab people and is fully committed to ending the occupation and establishing

a Palestinian state alongside Israel, the Arab parties are independent and free to determine their own political paths.[18]

## Conclusion and Assessment

The relatively low voter turnout among Israel's Arab citizens in the 21st Knesset elections, whether for ideological reasons or out of frustration and a sense of exclusion, reflected a measure of protest by the Arab public against both the Jewish and the Arab political systems. The decrease in Knesset voting rates would seem to indicate that part of the Arab public feels alienated from Israeli politics and perhaps even tends toward separatism. A large part of the Arab public has hoped for political representation that would generate real change in its dire situation. After all, on the eve of the 20th Knesset elections, the community had achieved historic political unity in the form of the Joint List, to become the third largest political party in the Knesset. But the hope was dashed because the Joint List had a minor practical political impact, even though it partnered with the government in promoting the important Government Resolution 922 in December 2015 on the five-year plan for the Arab sector. The fairly large representation in the 20th Knesset was not enough to successfully confront the government's exclusionary policies, such as the passing of the Nation State Bill. Political exclusion, disappointment with the Joint List's performance, and dissolution of the List on the eve of the April elections provided a tailwind for the religious and nationalist factions that do not identify with national institutions, some of which even deny the state's right to exist. The election boycott campaign conducted by these factions was also a factor in the low voter turnout.

Diverse factors will affect Arab representation in the 22nd Knesset, first and foremost the nature of the discourse within Arab society, including the strengthening of the trend that has emerged in the last decade, especially among the young and the educated, toward further social and political integration. Support for this trend is increasing in the Arab sector, where a majority want the Arab parties to participate directly or indirectly in the coalition. These segments see participation in the election as beneficial, despite the sense that Israel is conducting an exclusionary campaign against Arab society. These sectors would like to maximize the electoral strength of the Arab sector in the September elections.[19] Reconstituting the Joint List and adopting a civil socioeconomic agenda consistent with what the Arab public wants and needs, as well as running candidates who can address

social segments, especially the young, and win their trust may more fully realize Arab society's electoral potential.

## Notes

1 The article is based in part on a panel discussion held at Tel Aviv University on May 1, 2019, on "Arab Society and the 21st Knesset Election," sponsored by the Institute for National Security Studies and the Tami Steinmetz Center for Peace Research. Participants included Prof. Moti Tamarkin, Dr. Meir Elran, Prof. Sammy Smooha, MK Dr. Mansour Abba, Prof. Yitzhak Shneel, Henry Fishman, Arik Rudnitzky, Hadar Souad, former Ambassador Mike Harari, Michael Milstein, Ayman Safady, and Dr. Ephraim Lavie. Documentation of the panel may be found at the Tami Steinmetz Center for Peace Research.

2 Before the election, some Hadash voices were calling for dissolving the Joint List and merging with Meretz as part of a desire to establish the Democratic Camp, but the idea was not realized. Jaafer Farrah, "How the Arabs will Vote," *Hamakom Hakhi Ham Begehinom*, January 21, 2019, https://bit.ly/2M6hEBQ [in Hebrew].

3 The head of Ra'am, Dr. Mansour Abbas, admits that his list did not provide an appropriate response to the religious rulings calling for a boycott of the election, based on the erroneous assessment that the boycott campaign would not affect the Arab public.

4 For the sake of comparison, the voter turnout in the local government elections held in October 2018 was above 80 percent.

5 In the unrecognized Bedouin settlements in the Negev, some 60,000 Bedouins – half of them young – have the right to vote, but it is hard for most of them to realize their right because of the large distances from the polling stations.

6 Arik Rudnitzky, "The 2019 Election in the Eyes of the Arab Public," Israel Democracy Institute, April 18, 2019, https://www.idi.org.il/articles/26599 [in Hebrew].

7 It seems that the dissolution of the Joint List as well as the odd pairing of Ra'am/the Islamic Movement with Balad and Hadash's decision to run with Ta'al created a problem for Arab voters who may have wanted to vote for one of the parties on the list but not the other.

8 According to a survey conducted by the Konrad Adenauer Program, most young people under age 35 (close to 60 percent) did not vote. See Arik Rudnitzky, "The Arab Vote in the 21st Knesset Election," *Bayan: Rivon Hahevra Ha'aravit*, ed. Arik Rudnitzky, Moshe Dayan Center for Middle Eastern and African Studies 17 (May 2019): 3-13, https://dayan.org/he/content/5345 [in Hebrew].

9 Michael Milstein, "The Arab Public's Dirty Laundry," *Ynet*, April 12, 2019, https://www.ynet.co.il/articles/0,7340,L-5493413,00.html [in Hebrew].

10 Rudnitzky, "The Arab Vote in the 21st Knesset Election."

11 Dr. Mursi Abu Mokh also feels that the estimates disseminated before the election whereby Ra'am-Balad's chances of crossing the electoral threshold were nonexistent and the Arab public's disappointment with the Arab political parties encouraged Arab voters to vote for Meretz.

12 Lior Kudner, "Ayman Odeh: If We're the Deciding Factor against Netanyahu, We'll Cooperate with Gantz," *Haaretz*, June 4, 2019, https://www.haaretz.co.il/digital/podcast/.premium-1.7331147 [in Hebrew].

13 In MK Ayman Odeh's opinion, after the reconstitution of the Joint List, the number of Arab Meretz voters will drop; ibid.

14 Interview with MK Mansour Abbas on Radio Kan B's "Marhabeit" (Hebrew/Arabic) program, June 2, 2019.

15 Just before the 20th Knesset election, the Join List's leaders announced that they would not be willing to sit in a government headed by the Zionist Union, refusing even to sign a surplus vote agreement with Meretz, which could have given the Joint List another Knesset seat. See Yehuda Ben Meir, "Israel: The 2015 Elections," *INSS Insight* No. 678, March 29, 2015, https://bit.ly/2y4jxqB.

16 MK Ayman Odeh speaking at a symposium sponsored by the Walter Libach Institute, held at Tel Aviv University on May 21, 2019.

17 MK Odeh explains that, ideologically, he continues to support this, but it cannot be done within the limited amount of time until the election for the 22nd Knesset. See note 12.

18 Jacky Khoury, "PA Promoting Political Alliance between Arabs and Jews before Elections," *Haaretz*, June 11, 2019, https://www.haaretz.co.il/news/elections/.premium-1.7345747 [in Hebrew].

19 In this context, the call by Natan Eshel, a close associate of Prime Minister Netanyahu, to the Israeli right to forge a closer relationship with the Arab public and afford it economic and social welfare based on full cooperation, including partnership in leading the country, is especially interesting. Natan Eshel, "Stop Splitting, Turn to Arabs," *Haaretz*, June 17, 2019, https://www.haaretz.co.il/opinions/.premium-1.7373460 [in Hebrew].

# The Delegitimization of Peace Advocates in Israeli Society

**Gilead Sher, Naomi Sternberg, and Mor Ben-Kalifa**

Delegitimization of groups and individuals who are part of Israel's peace camp takes place on a daily basis. Those who are delegitimized are civil society and human rights organizations, politicians, public figures, or individuals who support an agreed-upon, long term political solution to the Israeli-Palestinian conflict. The discourse on peace in Israeli society seems to have reached a stalemate, where the hope for change and for an Israeli-Palestinian co-existence initiative no longer has any place on the public agenda. Israel's Declaration of Independence states that Israel is to be "based on freedom, justice and peace" and will extend its hand "to all neighboring states and their peoples in an offer of peace and good neighborliness." Despite this, delegitimization of peace camp advocates has increased in Israel, and reached the level of demonization. Like a mirror image of Palestinian society, Israeli society has shifted rightward; a radicalization of positions has led to a rejection of the legitimacy not only of moderate opinions that are identified with the political left wing, but also of those who hold these opinions. This essay examines the delegitimization of peace camp advocates, including the monopolistic appropriation of patriotism in Israel, socio-psychological obstacles to peace, and the role of the media and social networks. It proposes a multi-faceted approach to eradication of the phenomenon, while understanding the inherent difficulty of mobilizing a right wing government for this purpose. The proposal will therefore be based mainly on work that can be done by different civil society organizations.

*Keywords*: peace, delegitimization, negotiations, civil society, patriotism, social networks

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An ongoing and violent conflict is fertile ground for delegitimization of an enemy, as well as of those who are seen as identifying with the enemy or as favoring compromise and reconciliation with it. The process is typified by a dichotomous division between the good and the bad, a justification of views and action aimed to harm the other side, and the denial of legitimacy to its Israeli supporters while comparing them to the enemy.[1] Delegitimization in a security-political context leads the political arena to an irrational, emotional, polarizing, and inciting discourse, in which one political camp delegitimizes the other.[2]

Israeli society is characterized by deep rifts between various sectors, based on religion; national, political, ideological, and socioeconomic differences; and ethnicity.[3] The greatest political disagreement over the past fifty years has been about the Israeli-Palestinian conflict. This intra-Israeli dispute has claimed victims. One of them is Emil Grunzweig, a Peace Now activist, who was killed in 1983 by a hand grenade thrown toward peace camp supporters demonstrating near the Prime Minister's residence. His murderer admitted that he had acted out of anger at the "traitors."[4] Yet it seems that Israeli society's ability and desire to contain political rifts of this kind reached a watershed with the assassination of Prime Minister Yitzhak Rabin in November 1995. Convicted murderer Yigal Amir had long planned to thwart the peace process, and five weeks after Rabin signed the interim agreement with the PLO known as the Oslo 2 Accords, shot and killed the Prime Minister. Rabin, more than any other leader before him, symbolized the efforts to end the Israeli-Palestinian conflict and the occupation by peaceful means. Since his assassination, Israeli society's ability to contain political disagreements in non-violent manners, including both physical and verbal violence, has seemingly plummeted. This ability diminished even further with the rapid development of social networks and the violent and hate-filled discourse on political questions that is common on these networks.

The framing of a world view whereby support for a peace process and political moderation are responsible for the country's ills, together with labeling those who hold this view as haters of Israel, has brought delegitimization to new levels. The objects of this defaming campaign are Israeli advocates of the peace process: human and civil rights organizations, civil society organizations, and liberal and progressive groups that seek, inter alia, to draw the public's attention to the option of a long term political solution to the Israeli-Palestinian conflict. The election campaign for the 21st

Knesset in April 2019 saw poignant incitements against the Arab citizens of Israel, past and present high ranking officials of the defense and security establishment, and the judicial and law enforcement authorities. Knesset members and ministers as well as media personalities and journalists have described those who advocate peace with the Palestinians as "traitors," "supporters of terrorism," and people who must be opposed and condemned.[5] Previous times saw claims that such rhetoric was not a discourse of incitement, but rather the outcome of the natural political rift between the left wing and the right wing. Yet recently, delegitimization has also been used against members of the right wing who engaged in moderate discourse on peace.[6] Examples of such delegitimization include the incitement against President Reuven Rivlin and former Defense Minister Moshe Ya'alon, who were accused of aligning with the left wing and of treason[7] when they took a stand regarding the case of an IDF soldier who shot a terrorist who was already neutralized. Joining this was the campaign to label the heads of the Blue and White Party, including three former chiefs of staff, "disguised right wingers," with their party described as a manipulative movement that by extension would ultimately destroy the State of Israel ("They rely on Arab parties who are accused of conspiring in order to destroy Israel").[8]

The need to encourage a change in awareness and aim toward removal of the destructive rhetoric from the public discourse also exists vis-à-vis advocates of conflict management – a policy that does not aspire toward a long term solution. The characteristics of the current public discourse reduce the public's willingness to deal with the Israeli-Palestinian conflict, so that even those who wish to manage the conflict in the spirit of President Trump's "deal of the century"[9] are seen as spineless and "left wingers."

Over the seventy-one years of its existence, and even in the years before the establishment of the state, Israel has witnessed fluctuations in socio-political courses and trends. The current weight of the right in Israeli society has not been stable over the decades, nor does it reflect all walks of Israeli society and culture. Over the decades different sectors have been challenged and even vilified – often in problematic rhetoric and painful actions. This article does not address those whose opposition to a peace agreement is principled and ideological, nor does the specific issue relate to support for "peace" per se. Rather, the focus is on the delegitimization of the peace camp and those supporting a negotiated long term agreement.

## Social Networks and the Media

The rapid development of the social networks has transformed the media landscape. Social media implemented new means to share views and experiences, as well as the ability to disseminate information rapidly and communicate with a broad and diverse community.[10]

At the same time, social network users are pegged by their activity on the network and are accordingly exposed to content that matches their own views. This is particularly problematic at politically sensitive times, when users tend to assemble into like-minded communities and take a hostile approach to outsiders. The intensity of the negative messages on the social networks increase at that point, and the messages draw responses that enhance feelings of collective solidarity. The practical, cumulative result of these processes is the delegitimization of anyone who holds a different opinion and approach. Therefore, despite the many advantages of the social networks as a tool for bridge-building and protest, during times that are sensitive politically or in a security-related way, the social networks can nourish fears and strengthen opposing ideologies. Research has shown that activity on social networks increases the levels of paranoia and distrust, and that the network is fertile ground for people who hold opinions that denounce the public discourse to the point of incitement and terror sown among the public.[11]

The intolerance on the social networks is not limited to members of a nationality, religion, ideology, or specific political party. It is unusual to find a fresh examination of existing ideas or critical thinking on the social networks, partly because they are tools that lend themselves to brevity and superficiality, but mainly due to the lack of exposure to the narrative or the needs of "the other." The polarizing discourse that is typical of the social networks has led to the dehumanization of groups, organizations, and individuals.[12] Moreover, the delegitimization of advocates of a negotiated peace agreement in Israel is part of a growing global trend on social media. The users who identify, or are identified, as members of a moderate, democratic, progressive, and liberal population are automatically labeled as weak.[13] Analysis shows that tweets by United States President Donald Trump increase polarization in American society by means of a clear division between "us" and "them," and the use of sentences containing incitement, along the lines of "They [the Democratic Party] are trying to make us look stupid."

For their part, the media outlets play a major role in creating the public agenda, as well as in covering the peace process and the efforts to move it forward.[14] Studies show that during the coverage of peace negotiations, the media in Israel tend to give more attention to concessions than to achievements; highlight differences of opinion among the parties over agreements; and present the situation as a zero-sum game while ignoring the processes that are intended to benefit both sides.[15] Coverage of this kind encourages the public to doubt the viability of a peace agreement, and the future benefits of an agreement reached through negotiations are hidden from the public. Israel is portrayed as standing in stark contrast to the Palestinians – as ostensibly making every effort to reach political agreements, fulfilling its part of agreements, and making large overtures toward the Palestinians. Violations of agreements by Israel, failure to keep promises, and violent actions appear on the fringes of the coverage, without being related to the peace process, and with no discussion of their implications.[16]

The media outlets usually reflect, strengthen, and preserve the accepted social opinion. During Operation Pillar of Defense in 2012, for example, a political resolution appeared on the fringes of the news, while the military option was highlighted.[17] That is only one example of promoting the delegitimization of peace out of a deliberate choice not to place the discourse of a peace agreement and the political option before the public.

## Who Is a Patriot?

When a group in society seizes ownership of the definition of patriotism and defines who is a patriot, and even more so, who is not, any expression of criticism against its ideology, policy, or leadership is viewed as unpatriotic and even as treason. The definition "unpatriotic" tags an individual as someone who does not rightfully belong to his nation, and is often used as a synonym for "traitor."[18] The manipulation of patriotism peaked with McCarthyism, when from 1950 to 1954 Senator Joseph McCarthy led a campaign against citizens who were suspected of supporting communist ideas, based on the claim that such Americans could not be patriots, and were actually spies and traitors.[19] Echoes of the monopolization of patriotism may be seen in contemporary Europe in the behavior of political parties on the far right, specifically in their definition of the right to citizenship. These parties advocate a narrow definition that would deny citizenship to various groups, such as immigrants.[20]

Some date the loosened restraints regarding the demonization of those who hold moderate views to Operation Protective Edge (July-August 2014). After racist posts against "the Arabs" appeared on social media, posts marking leftists as traitors to the country were quick to follow.[21] The harsh, violent discourse and disagreements quickly spread beyond the boundaries of social media to the physical public space.[22] Thus, for example, the artist Orna Banai, who criticized the leadership's behavior during Operation Protective Edge, was dismissed from her position as a commercial company's representative.[23]

The rhetoric on the social networks was highly vitriolic. The Facebook page of musician Yoav Eliasi, known as "The Shadow," became highly popular: Eliasi organized a group of right wing activists who attacked leftists violently as they demonstrated in Tel Aviv. When he wrote "all right, my lions, it's time to throw you some more flesh of a left-wing loser who needs re-education," including the name and photograph of the intended individual, he was not charged with incitement.[24] On the other hand, members of the right wing who expressed opposition to violence were subjected to abuse.

Extremism and racism were rampant in 2014. The violence of the far right organizations against left wing demonstrations was not addressed at all, or was dealt with weakly. For example, civil servants who posted statements on Facebook such as "I am in favor of all the Arabs being killed with the leftists" remained unpunished.[25]

The "moles" campaign was launched more than a year later, in December 2015. Its purpose was to garner support for the "foreign agent" bill that was submitted by MK Yoav Kisch (Likud).[26] The goal of the bill was to prohibit government ministries and the IDF from cooperating with NGOs that engaged in "anti-Israel propaganda" with foreign funding, allow the Registrar of Associations to apply to the court to have them dissolved, and mark NGOs that receive funding from foreign political entities as "moles" of those entities.[27] As part of the campaign, statements were made against peace activists and organizations such as "the moles are a variety of terrorists"; "they are traitors; in other countries they would be hanged in the square"; "they are more dangerous than terrorists"; and "Breaking the Silence is a terrorist organization." The "moles" campaign and the heightened incitement against the New Israel Fund ("the Israel Destruction Fund," as disparaged by Yair Netanyahu, son of the Prime Minister) are examples of the monopolization of patriotism.

In the more distant past, a right wing government under the leadership of Menachem Begin took similar measures in its campaign against left wing movements and parties. During the 1981 elections, the Labor Alignment Party (Ma'arach) was portrayed as collaborating with the enemy and as planning to withdraw from Judea and Samaria and return the territories to the Palestinians.[28] The members of the Labor Alignment Party and the peace organizations were condemned and described as "stabbing the nation in the back" and as a "fifth column."[29]

## Obstacles to Peace

Obstacles to peace, whether detectable or not, contribute in denying the possibility of reconciliation between enemies. These obstacles are divided into three categories: strategic, structural, and socio-psychological. This essay addresses the socio-psychological obstacles, as they influence the perceptions and interpretations of reality among those involved in the conflict, and more important, they constrict the belief that the conflict can be resolved. Obstacles of this kind become fixed. They make it difficult to change opinions and beliefs about the conflict and peace, reduce the willingness to compromise for the sake of peace and take risks, and promote the misguided view of a profit-and-loss rapport.[30]

The status of peace in Israeli society has deteriorated. According to the National Security Index of the Institute for National Security Studies, in 1988 the most important value for 33 percent of Israelis was "peace." Today, only 18 percent see the "state of peace" as the most important value. In a related finding, in 2001, 44 percent of Israelis believed that it was possible to reach a peace agreement with the Palestinians, while in 2018, there was a decline of seven percent in the number of people who believed that a peace treaty was possible.[31]

Much of Israeli society tends to classify solutions to the Israeli-Palestinian conflict in a negative way: loss of territory, troop withdrawals, surrender to terrorism.[32] Advocates of a peace agreement encounter distrust, a sense of fear, and emotions that are projected onto them as ostensible representatives of the hostile other. These socio-psychological obstacles encourage delegitimization of peace advocates and prevent

> Advocating a peace agreement in Israeli society is a challenging task, considering the intensifying climate of delegitimization of peace activists. Nonetheless, there is room for a multi-pronged approach to eradicate the negative phenomenon, based mainly on measures that can be taken within the framework of civil society.

acceptance of information that could shed a different light on the current situation, the adversary, and the history of the conflict. Even when conflict resolution proposals or alternative explanations for the behavior of the other side are placed on the agenda, they are at best ignored, and at worst rejected with scorn without a thorough discussion.[33]

Recent studies show how public opinion could be changed by challenging socio-psychological obstacles. A study in 2013 based on a paradoxical thinking campaign – wanting peace but relying on the continuity of the conflict for various reasons – found that such a campaign was effective in changing the views of those who supported the continuation of the conflict, or were skeptical regarding the possibility of its resolution. A year later, most of the participants in the study changed their views concerning responsibility for the conflict and the compromises that were required for the sake of peace talks.[34]

The Arik Institute for Reconciliation, Tolerance, and Peace conducted a field study in 2015 on a representative sample population that involved psychological and linguistic manipulation. The purpose of the study was to examine whether participants could be made to question and criticize existing policy, take responsibility for the acts of the group that supported continuing the conflict (if the respondent was a member of that group), and even change their political views. The participants, residents of a small city in the center of the country, most of whom were national religious and collectively voted for right wing parties, were shown the "Conflict Campaign." The project included paradoxical intervention using billboards, videos, and pamphlets that expressed support for maintaining the conflict. According to the results of the study, the campaign seems to have changed minds. Those who described themselves as right wing were less supportive of an aggressive policy and positions that viewed the conflict as unsolvable, notwithstanding the "intifada of knives" that began precisely when the campaign was held (September 2015).

## Practical Preparation

Advocating a peace agreement in Israeli society is a challenging and complex task, considering the intensifying global climate of delegitimization of peace and reconciliation activists and organizations. Yet despite these difficulties, especially the inherent difficulty in mobilizing a right wing government toward this goal, there is room for a multi-pronged approach to eradicate

the negative phenomenon, which is based mainly on measures that can be taken within the framework of civil society.

The social networks can be used to eradicate delegitimization and increase legitimization of a peace agreement and its advocates. They should be used in parallel with other means, while recognizing the power of this platform to serve opposite trends of increasing negative sentiments toward a peace agreement and its advocates.

The social networks are available to serve bottom-up and top-down processes of change. Second, the purpose of this preparation is to tone down the violent discourse on the social networks against a peace agreement and its advocates, and not to impose disproportionate restrictions on free expression. Finally, the assumption is that positive public opinion that supports negotiations, peace, and tolerance is crucial to eradicating delegitimization.[35] As a rule, this stage should concentrate mainly (but not only) on civil social organizations, even though integrated official-governmental action and preparation will definitely be needed in the future.

***Guiding Peace Advocates about Public Opinion Topics***

In order to start the bottom-up process, peace advocates must act on the social networks without associating with any organization and join social media discussions on delegitimization. Therefore, we propose that members of the various organizations that advocate peace camps[36] undergo professional training in the influence of discourse. This training can be given by a civil organization with expertise in influence methods on public opinion and strategic consulting, such as Open Global Rights.[37]

***Balancing the Opposing Narrative on the Social Networks***

In addition, the peace organizations can publicize information that will balance what has been published and disseminated against the members of the peace camp. The separation among the various peace groups in their actions on the social networks is inevitable due to their different respective goals. Therefore, it is appropriate to establish a pool of "regular responders" to reply to those who incite against peace agreements, to be maintained by the Israel Internet Association (as is done to prevent terrorist activity). This pool will enable the advocates of peace agreements to balance the discourse with the help of "regular responders."

### *A System for Reporting Online Delegitimization*

Several organizations have proposed monitoring the discourse on the social networks in general, and the discourse on the issue of peace and political agreements in particular (the Israel Democracy Institute's Peace Index, and the Berl Katznelson Foundation's Report on Hate against Government Institutions and Democracy, among others). Most of them address additional topics. We therefore propose establishing an organization that will focus on the specific monitoring of the discourse around peace agreements with the Palestinians. Presenting the violent discourse that advocates delegitimization will make it possible to convey the statistics to the public in general and to the media organizations and government officials in particular in order to show the gravity of the situation, and return, gradually and in a moderate manner, the discourse on peace to the public agenda.

### *Government Activity to Eradicate Delegitimization*

The National Cyber Authority, which monitors and reports offensive content on the social networks, can redefine the concept of "offensive content" to include content that delegitimizes the peace camp. Since this directorate monitors all incitement against the country's citizens and institutions, there is nothing to stand in the way this measure, even in the current political climate.

In addition, there is currently a trend in high schools of teaching diplomacy and international communications, in which pupils learn negotiations management and conflict resolution skills, as well as ways to develop intercultural fitness for political negotiations and agreements. We propose that the Ministry of Education promote and even expand the education projects on political agreements and peace treaties, while supervising the discourse, thus increasing exposure to this subject among the youth.

## Conclusion

Some of the suggestions can be implemented immediately, while others require a lengthy process. Of course, it is necessary to convince the decision makers across the political map that this is about eradicating incitement, divisions, and violence in general, and against the peace camp and those who support it in particular. An additional goal is to label peace as a national objective that is linked to Israel's national security, which everyone wants to protect. A more moderate and tolerant society will be able to handle the changes. Currently, the discourse of delegitimization hinders the possibility

of processing the information and recognizing the reality among the citizens. These are modest, starting proposals. If even some of them are put into practice, Israeli society may become accustomed to a more tolerant and erudite discourse with less incitement, in which the word "peace" is not used to identify "traitors," but rather a legitimate term in public discourse regarding national security and long term strategic vision.

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# Hamas and Technology: One Step Forward, Two Steps Back

**Aviad Mendelboim and Liran Antebi**

Scientific and technological advances have made various applications affordable, available, and easy to operate – including in the security realm. The article examines this development as it relates to the modus operandi of Hamas and its threat to Israel. The essay provides an overview of the events of mid 2018 to mid 2019 along the Gaza Strip border, from the beginning of the Marches of Return to the middle-to-high intensity fighting, and questions Hamas's limited use of advanced, off-the-shelf products despite their accessibility; indeed, the organization clearly prefers to use primitive means of attack. The essay posits that restraining factors inhibit Hamas's use of more advanced technologies in its struggle against Israel, including deterrent and psychological factors that discourage using advanced technologies, political restraint, the effect of classical means, and the power of inferior means over technological superiority.

*Keywords:* terrorism, low intensity warfare, Hamas, March of Return, technology

Over the last decade, the world has witnessed scientific and technological developments that have made various applications affordable, available, and easy to operate. In a dramatic change from the past, some have even become off-the-shelf products that are easily purchased and operated. This revolution is evident in every area of life, including security. The essay below seeks to examine the effect of technological changes on the conflict between Hamas and Israel. It begins with a description of the changes in technology and surveys changes in Hamas's use of various means of warfare

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since its inception. It then analyzes characteristics of Hamas's warfare over the past year on the Gaza Strip border. The essay seeks to examine why Hamas prefers tried-and-true types of operations and even more "primitive" attacks, despite its ability to deploy advanced technologies. The essay posits that restraining factors inhibit Hamas's use of more advanced technologies, including the deterrent and psychological aspects of using advanced technologies, political restraint, the effect of classical means, and the power of inferior measures in face of technological superiority.

## Changes in Technology

The expression "the drone revolution" describes the phenomenon whereby unmanned aerial vehicles (UAVs) have become common, affordable, and extremely available. In the past, if a party wanted to use an aerial vehicle operated from a distance, it would generally have to rely on large, complex, expensive systems requiring a long period of training. Now, however, thanks to changes that have occurred in the last decade in science and technology, drones are inexpensive, easy to operate, off-the-shelf products available for purchase in stores and on the internet without any prior authorization. Although these drones do not provide advanced military UAV capabilities, their capabilities do meet the needs of some users, such as amateurs/hobbyists, civilian companies, and even certain military units.

The drone revolution is an example of a broader phenomenon: available technologies that are easy to operate and affect the economic market and user profile. At present, technologies from the civilian system are moving into the defense establishment (in contrast to the opposite direction, typical of the past) such that military forces are increasingly using off-the-shelf rather than militarily developed products. But when technology is developing exponentially, not only states and companies enjoy the change: "the major beneficiary is actually the enemy with limited technological capabilities making use of innovative commercial systems to compensate for gaps in capabilities and resources."[1]

## The Technological Aspect of the Asymmetrical Conflict

Terrorist organizations have the ability to affect public opinion and, to a certain extent, shape the policy of nations much bigger and more powerful than they, in part because they stage unexpected attacks with the capacity for intimidating audiences beyond the immediate victims.[2] Moreover, some such organizations, including Hamas, operate not "only" as terrorist

organizations, but also as "terrorilla" armies that incorporate aspects of terrorism and guerrilla, embedded within civilian populations that they use to shield themselves. Such organizations are non-selective, opting to target the civil population of its opponent in clear civilian settings, as well as military forces.[3]

Technological developments have expanded terrorist organizations' current operational options, and an attack of a clear technological nature can have a broader effect simply because of its psychological impact. It is therefore reasonable to assume that terrorist organizations, especially the more prominent players among them, would take an interest in technology.[4]

## Technology in the Service of Hamas and Israel's Response

Since its inception, Hamas has developed significantly in terms of its technological capabilities, on the understanding that its means of warfare have an effect not only on the tactical but also the strategic aspects of the conflict.

During the first few years of its existence and in the first intifada, Hamas terrorism reflected its status in Palestinian society. The start of its violent path included kidnappings, murder, stabbings, and the use of light weapons.[5] When the military branch of the movement gained in stature, Hamas carried out its first suicide attack – in the Jordan Rift Valley, in April 1993. The attack, involving explosives, was an advance over previous tactics, which sported light weapons, as well as Molotov cocktails and rock throwing. Over the years, Hamas made a point of staging attacks using explosives, sometimes with suicide attackers and at different levels of technological sophistication of explosives or smuggling methods.

In 2001, armed organizations from the Gaza Strip, chiefly Hamas, started using high trajectory fire against Israel. At first, these were improvised Qassam rockets and mortar bombs with little precision and low payloads, but as time passed the range of firepower grew – the products of more sophisticated self-manufacturing and the smuggling of weapons into the Strip.[6] These actions are evidence of a technological and organizational change in Hamas. In 2004, the organization took a further step when it changed the military arm from a terrorist group to a body with institutional patterns of action and a military doctrine. The elimination of senior Hamas members strengthened the external leadership, leading to the forging of a close relationship with Iran. Consequently, the military wing in Gaza, directly subordinate to the external leadership, started to benefit from

handsome budgets and professional guidance by Iran's and Hezbollah's intelligence apparatus.[7] After Israel withdrew from the Gaza Strip and Hamas seized control, the terrorist organizations there, especially Hamas, equipped themselves with arms and engaged in rocket fire at a more rapid rate than before.[8] Moreover, Israel's withdrawal enhanced Hamas's efficient use of its subterranean fighting capabilities, as manifested in Operation Protective Edge in 2014.[9]

Another reflection of Hamas's arms acquisition and modus operandi is its ability to operate aerial force, as was made clear by the head of the Israeli Counter-Terrorism Bureau in September 2010 when he declared that Hamas has obtained UAVs from Iran.[10] Later, Hamas transitioned to self-manufacturing, which in 2012 led the IDF to destroy buildings in Khan Yunis used to manufacture and store high quality UAVs with a range of dozens of kilometers, which provided the organization with important strategic capabilities. In addition, in 2013, Israeli military forces apprehended a Hamas cell planning to fly an armed UAV into Israel to stage an attack, and, in 2016, the Israeli Air Force intercepted a UAV that came from the Gaza Strip that was approaching the Israeli border.[11] There were three stages to this technological development: the acquisition of knowledge and storage of materials; the use of technology received from Iran; and the assembly of UAVs and use of tools it tried to bring into the Gaza Strip and operate with the guidance of foreign parties, such as the engineer Muhammad a-Zawari. Zawari, who worked in UAV development and seems to have helped both Hamas and Hezbollah improve the UAV systems at their disposal, was shot at close range in Tunisia.[12]

Another advanced technological sphere used by Hamas is cyber warfare. The most memorable of its cyberattacks, which took place in 2014, disrupted Israel's satellite broadcasting, bringing Hamas propaganda to television screens in thousands of Israeli homes.[13] There was also an attempt to hack smartphones belonging to Israeli soldiers in order to spy on them.[14] Furthermore, during the round of fighting in May 2019, unusual activity was reported, including a Hamas attempt to penetrate a computerized system in Israel that was meant to "disrupt the fabric of life in the country"; the attempt was foiled by the IDF and the Israel Security Agency.[15]

In the face of Hamas actions and changes in its modus operandi, the IDF and Ministry of Defense are engaged in ongoing preparations and responses. It is evident that Israel develops solutions in response to virtually every means Hamas adopts for extensive use. This is due to Israel's technological

superiority, even when the problems Hamas poses are relatively simple, but action is also taken because of changes in operational patterns and military doctrines. For example, in the last decade, Israel has used technology to prevent and foil attacks;[16] Israel developed the Iron Dome interception system and put it into operational action;[17] it has developed and applied advanced technologies to identify and destroy tunnels;[18] and it is currently seeking technological solutions to the problem of incendiary kites and drones.[19]

## Technology and Off-the-Shelf Products in Hamas

Given Hamas's widespread use of technology, which includes relatively advanced UAVs and cyber applications, one might expect the organization also to adopt extensive off-the-shelf technologies, especially drones, for both intelligence and attack purposes, as these have become common in terrorist organizations around the world. Here, it is worth differentiating between the use of UAVs, especially the type Hamas received from Iran or developed, and the use of drones. The use of off-the-shelf products does not require extensive infrastructures or complex development; indeed, operating them is very simple.[20] Terrorism research reports generally indicate that many organizations have adopted drones, despite their inferiority, to operate aerial forces for intelligence and attack purposes and make significant use of the aerial realm, which to date was beyond the limits of an element without an air force.[21] Furthermore, if until a decade ago one had to have millions of dollars and an acquisitions contract with a nation such as the United States before one could operate a unmanned aerial vehicle for intelligence and attack purposes, today one can carry out similar actions using unsupervised, off-the-shelf products that one can operate without any training at all (table 1).

Against this background, and based on the fact that Hamas smuggling operations and intelligence assessments were thwarted, the expectation was that the organization would make extensive use of drones. In fact, the Israeli State Comptroller's report dealing with the flaws in properly assessing the drone threat warned that Hamas, like other terrorist organizations, would use them for gathering intelligence and staging attacks against Israel.[22] Similarly, statements and tenders (in the field of systems to foil drone activity) issued by the Ministry of Defense[23] are also evidence that extensive use of such off-the-shelf products is seen as a possible or even real threat to Israel.

**Table 1**: Military vs. Shelf Technology in Unmanned Aerial Vehicles[24]

| MQ1 Predator UAV | DJI Phantom4 |
|---|---|
|  |  |
| US UAV made by General Atomics | Chinese drone made by DJI |
| Purpose: ISR and attack | Purpose: aerial photography and amateur/hobby flying (it is possible to make pirate adjustments so that it can be used to broadcast intelligence in real time and to attack) |
| Sold with very strict US export restrictions only to states | Sold on the internet without restrictions to anyone with a credit card |
| Requires a flyer and systems operator | Requires only an operator |
| Requires extensive training for operation | Can be operated based on the instructions included in the kit; instructions can be easily and quickly learned also by watching internet videos |
| Requires extensive technical support and complex maintenance for operation | Does not require support or maintenance; one can keep several units for the sake of redundancy in case of malfunction or loss |

Israel is not the only nation that views such use as a real threat. Other nations around the world relate to the issue the same way. For example, they are concerned drones might be used to scatter hazardous materials into the air, as demonstrated in a simulation at the 2016 Nuclear Security Summit,[25] and are concerned about hostile attacks or irresponsible use of drones liable to pose a risk to human life, something that occasionally leads to an airport closure around the world, when drones flying in the vicinity are identified.[26]

## Au Contraire: Why Hamas Does Not Make Extensive Use of Drones

The March of Return campaign, which began in the Gaza Strip on March 30, 2018, included weekly demonstrations near and at the border. Under civilian cover, terrorist activities used a range of means – both "primitive"

ones, such as kite bombs and balloon bombs, and familiar actions of bomb throwing and sniper fire, as well as more modern technology-based activities.[27] Moreover, during the year, the conflict escalated to the point of medium and high intensity warfare, which included sniper fire, the launch of hundreds of rockets, and the firing of anti-tank missiles at both military and civilian targets.

This stage of the Hamas-Israel conflict can serve as a limited case study for the era of available shelf technologies. Given the availability of these, it was expected that under the cover of civilian demonstrations and rounds of fighting, such technologies would be employed, all the more so given the fact that the organization has already showed its ability to do so. For example, in May 2018, Hamas deployed a booby-trapped drone under the cover of the rioting near the fence.[28] A year later, in May 2019, a pair of armed drones was used during a round of high intensity fighting.[29]

However, a numerical analysis of Hamas actions indicates that although it has proven it can use advanced shelf technologies, it prefers to employ older, familiar patterns of action and means of warfare; in fact, it seems to be making a point of harnessing even more primitive methods to its cause. Table 2 charts modus operandi and means of warfare used from the start of the Marches of Return to the end of the eighth round of fighting against the background of the weekly demonstration.

The data indicate a total of 1,923 attacks. A review of the media reports from the relevant time frame shows that 1,490 balloon and kite bombs were sent and that on two occasion live birds were used to start fires. By contrast, drone and model airplane bombs were used a total of six times. Figure 1 offers a breakdown by percentage.

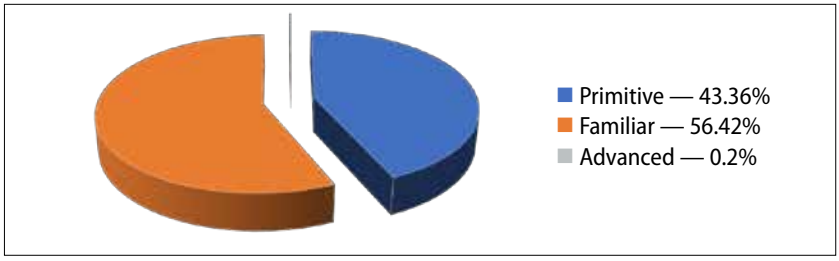


**Figure 1**: Assessment of Hamas's Technical Means

**Table 2**: Hamas Terrorist Acts, March 30, 2018-May 5, 2019[30]

| Type of Action | Method/Means | Number of Uses |
|---|---|---|
| Primitive | Winged creatures for arson | 2 |
| | Kite and balloon bombs | 1, 490 |
| Familiar | Arson of structures (with gasoline) | 13 |
| | Molotov cocktails | 739 |
| | Rock throwing | No data collected |
| | Stabbings | 0 |
| | Firearm fire | 43 |
| | Sniper fire | 8 |
| | Kinetic fire | 11 |
| | Grenades | 75 |
| | Improvised grenades | 18 |
| | Improvised roadside bombs | 159 |
| | Pipe bombs | 73 |
| | Mortar bomb fire | 23 |
| | Anti-tank/anti-aircraft fire | 4 |
| | Rocket volleys | 775 |
| Technological | Armed drones and model airplanes | 6 |
| | Cyberattacks | 1 |

A breakdown of the data shows that despite expectations, and despite the availability of technologically advanced off-the-shelf products and its proven ability to use them, Hamas has overwhelmingly transitioned to primitive patterns of action at a number that is almost identical to their use in recent decades. Hence the question: Given that off-the-shelf products and advanced technologies are within Hamas's reach, why does the organization continue to rely on familiar, even primitive terrorist patterns of action?

There are five principal factors restraining Hamas's use of advanced technologies in the conflict:

a. *Deterrence*: Deterrence has a great impact on the adoption of new technologies by Hamas, from when they are adopted, through the

elimination of knowledge bases, to the fatal outcome of a technologically advanced attack, which could generate a massive reaction given Israel's internal public support and even international legitimacy for a response.[31]

b. *Psychology*: The psychological factor, a cornerstone of the terrorilla strategy, stems from a reading of the sensitivity of world and Israeli public opinion.[32] Using advanced technologies could harm the organization's image as the weak side or the victim in this asymmetrical conflict, and could therefore turn the tables on Hamas.
c. *Political restraint*: Despite the common belief that a terrorist organization will always strive to harm its enemies, unique political circumstances can serve as a factor restraining the use of advanced technologies. For example, as Hamas now depends on Egypt's help and Israel's willingness to compromise its attitude to the organization in exchange for a period of calm, the use of advanced technologies might upset the balance and change the rules of the game between the sides as these rules have emerged in the years since Operation Protective Edge.
d. *The impact of classical means*: Roadside bombs and bullets will remain terrorists' preferred options because physical attacks are more deadly, arouse fear, and force the enemy to concede to terrorists demands. Bruce Hoffman, in his research on terrorism, has spoken of the paradox in the context of terrorist organizations' chemical and biological capabilities, claiming that these have far caused fewer deaths "compared to the gun and the IED."[33]
e. *The impact of inferior means in the face of technological superiority*: The State of Israel reacts to a significant number of security challenges it faces by relying on its technological superiority. Since their introduction, the more primitive means have proved that they cause damage that Israel finds hard to foil or address with technological means. This itself is further incentive for Hamas to use these means rather than technologies that might be foiled by electronic or other advanced means of warfare.

## Conclusion

Changes in technology over the last decade in every area of life, including security, allow both armies and sub-state organizations – including terrorist organizations – to use off-the-shelf technologies to achieve their goals. Hamas has proved that it is an adaptive movement, changing its modus operandi and adopting diverse technologies to serve its needs, and that it is also capable of using advanced off-the-shelf products, such as drones, as

well as even more advanced means. Nonetheless, there are several factors that deter extensive use of advance technologies, representing only part of the explanation for their surprisingly sparse use compared to Hamas's overwhelming preference for primitive means, such as kites and balloons.

However, this is not to say that Israel can afford not to prepare, foil, or defend against terrorist organizations' use of drones in particular and other off-the-shelf products in general. On the contrary, these organizations' ability to use diverse technologies will only grow in tandem with technological developments. Therefore, nations facing such threats, including Israel, must on the one hand take preventive measures in the field of regulation and foiling activity – namely, in government intervention in the acquisition and development of drones and model airplanes, whether by supervision or restriction. On the other hand, they must understand the essence of the restraining factors and examine how to harness them to better confront a terrorism threat encompassing a vast range of methods and means.

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# Civilian Control of the Military with Regard to Value-Based Issues in a World of Hybrid Conflicts

**Kobi Michael and Carmit Padan**

Hybrid conflicts bring with them many varied situations in which the need to neutralize threats and ensure security on the one hand clashes with the need for restraint and moderation in the use of military force to achieve these goals on the other hand. In the many instances in which the IDF has had to operate under such tension and maintain its values in force application, it has often found itself at the center of social and political division, and without the backing of the political echelon. The question of civilian control of military force to achieve political goals becomes even sharper in the world of hybrid conflicts, highlighting the need to consider the way in which values influence the use of military force and to study the political echelon's involvement in defining the army's values. In the military context, values serve as guiding principles for the use of force and open-fire orders, and have the capacity to influence the achievement of political goals and the area of political maneuvering. The article argues that in the world of hybrid conflicts, the political echelon – by means of mechanisms of civilian control – must have a say and be involved in value-related issues that influence how military force is used.

*Keywords*: civilian control, hybrid conflicts, IDF values, constabulary missions, civil-military relations, socio-military relations

Hybrid conflicts and densely populated urban environments are just two aspects of conflicts involving Western armies in recent decades.[1] Different conceptualizations and terminology notwithstanding – e.g.,

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"hybrid clashes," "post-industrial wars," "popular wars," "new wars," "asymmetric warfare," and others – there is general agreement that such conflicts are characterized by a "blurring of the categories of warfare." This article uses the term "hybrid conflict," which was first introduced by US military analyst Frank Hoffman.[2] The term depicts a situation in which an adversary, operating on its own or as part of a larger force, makes concurrent use of a wide variety of combat strategies and tactics. It is the combination of these components that gives the conflict its hybrid nature as an amalgam that does not fit the definition of any single kind of warfare. This mode of operation increases the uncertainty, dynamism, instability, and ambiguousness of the military situation that characterizes the use of force in military conflicts.[3]

These "new wars" have increased the importance of value-based issues in warfare, which are discussed along with and in parallel to the operational discourse.[4] Overall, value-based issues have become more urgent and more significant for a number of reasons, including: the extent and the manner of use of military force against civilians, the application and validity of the open-fire instructions vis-à-vis civilians, the degree of sensitivity that is required by each situation, rules of conduct vis-à-vis representatives of the media, and action taken against local inhabitants disrupting order (in the case of the IDF, Jews or Arabs).

In recent decades constabulary missions[5] and policing forces have emerged as significant elements in the military operations of Western armies across a spectrum of conflicts ranging from warfare at one extreme to law and order enforcement missions at the other, for the purpose of safeguarding proper everyday life. Civilians are the direct object of policing.[6] As in the case of other Western armies, constabulary missions are also not foreign to the IDF. Since 1973, there has been a 30 percent overlap in Israel in the missions of the army and the police,[7] to the point that in the West Bank,[8] the IDF is heavily occupied with constabulary missions.[9] IDF missions of this sort require moderation, restraint, and minimalism, as opposed to the modus operandi in classic battle arenas in army versus army conflicts.[10]

Constabulary missions increase the complexity of military undertakings, the salience of the army's values pertaining to how to execute the mission, and the link between these aspects and civilian control of the military. This complexity raises the question: What is the significance of civilian control of the army regarding the value-based issues that affect the manner in which force is used in hybrid conflicts?[11] This question, which has not

been sufficiently addressed in the literature or in the actual world, is the subject of this article, which will focus on three examples from recent years.

The first case, that of "the Hebron shooter," occurred in the Tel Rumeida neighborhood in Hebron in March 2016, when an Israeli soldier stationed in the city shot and killed a neutralized Palestinian assailant. The second case, "the Palestinian teenager," refers to an incident in the Nabi Salih neighborhood in Hebron in December 2017 between an IDF soldier and his commander and a teenage girl who slapped the officer at the entrance to her home. In the video clip that was posted on social media, the soldier and commander retained their self-control and did not respond to the physical violence or verbal abuse leveled at them. The third case, "political activists on the border of the Gaza Strip," occurred in April 2018, when Israeli political activists arrived on the Israeli side of the border area and began hurling provocative accusations against the military force that was present. In the video clip posted on social media, the officer did not react to the accusations, and instructed a soldier who was in the area to behave in similar fashion. Another soldier, not seen in the clip, requested the activists to leave the area, which was described as a "closed military area." The three examples exemplify situations in which a dilemma of values arises regarding how military force is used in operational situations that can be classified as constabulary missions. The differences among the cases enable us to understand the relevance of the realm of values to the way in which force is used, and the significance of the mechanisms of civilian control with regard to value-based issues. They therefore help demonstrate the manner in which value-based issues become more urgent and significant during hybrid conflicts.

The principal contention is that the political echelon, by means of mechanisms for civilian control, should be involved in value-based issues that affect the application of military force. As values serve as guiding principles for the use of force in the military context, and translate on the operative level into open-fire instructions – and as the aim of civilian control is to ensure that the use of military force serves the political goals – the political echelon's involvement in value-based issues is imperative.

## Civilian Control and Military Values

This article addresses civilian political control of the military in the sense of the control mechanisms of the senior political echelon – including the prime minister, the defense minister, and members of the political-security

cabinet – over the military echelon, or the senior command of the army, including the chief of the General Staff and the officers of the General Staff. Civilian control is a tool employed by the political echelon, through political instructions, aimed at suiting the military effort to political goals while safeguarding the considerations and preferences of the political echelon. With regard to the realm of values, the aim of civilian control of the military is manifested in the political echelon's responsibility and authority for ensuring that military force is used in a manner that does not subvert political goals and provides it with the required room to maneuver.[12] Therefore, value-based questions have a direct bearing on the essence of civilian control and differ from questions on the mode of force, that is to say, from military practice, to the way in which the military organization shapes its image in a democratic country.

## Value-Based Issues and Intra-Organizational Order in the Military Context

Values are ideal criteria based on worldviews pertaining to issues of justice, morals, and truth. A value system is the product of a social environment and constitutes a basis for social goals and how individuals judge behaviors and actions.[13] Values can restrain natural instinctive behavior of individuals in society in situations in which there is a dilemma or a conflicting interest.[14] In this regard, a person who succeeds in overcoming his/her urges is perceived as a person with values. In the military context, values serve as a code for the use of military force and are therefore guiding principles for the behavior that is expected from soldiers and commanders operating within and on behalf of a military system. Open-fire instructions are a prominent example of setting the rules of operational conduct based on formative values, such as the "purity of arms," for one.[15]

The tasks of a military organization are schematically defined as defending the borders of the country and its essential interests, the sovereignty of the state, and the security of its citizens. This responsibility means protecting the spatial order in the area that is under the control and the jurisdiction of a given state. This is achieved in part by shaping space in a manner that serves the interests on behalf of the government's elements, on whose behalf the army operates. The basis of the legitimacy for implementing order in space stems from the army's role as a legitimate means for the state's use of organized violence.[16]

As part of the military socialization process and, inter alia, through operational and soldier training, soldiers and commanders learn that the effective use of military force requires intra-organizational order.[17] This is actualized in a variety of ways, such as safeguarding the organizational structure, maintaining the chain of command, communicating between echelons, and emphasizing the execution of orders and instructions (in normal times, during warfare, and in states of emergency). These are modes of operation that help an organization maintain its internal organizational operating framework, and at the same time, enable it to operate effectively in space (that is external to it) in order to produce suitable responses to various types of threats that have the potential to disrupt its undertakings.

Values are an inseparable part of the soldiers' training and exercises. During these processes, soldiers internalize the principles that guide the operations of the military organization in normal times and during warfare; they learn the values that guide military action, and the instruction that occurs in its wake. Values, therefore, are one of the means at the disposal of armies (like all organizations) for protecting the intra-organizational order and carrying out its tasks. Armies engaged in hybrid conflicts face a significant challenge in actualizing spatial order, due partly to the difficulty of defining political goals and translating them into military undertakings.[18]

## Military Action in Constabulary Missions

In Israel, the dilemmas involved with conducting constabulary missions highlight the debate regarding value-based issues, as the values code guiding these missions reflects an active conflict underlying the most contentious political division in Israeli society: the future of the West Bank. As part of a comprehensive study, this article examines the examples cited above through an analysis of six prominent characteristics of constabulary missions: a) the phenomenon of the "strategic corporal"; 2) tension between the values of the military and the need to neutralize threats; 3) the increasingly legal nature of the military operational environment; 4) tension between constabulary missions and the ethos of military combat; 5) the presence of the media; 6) sensemaking in complex military situations.

*The phenomenon of the "strategic corporal"*: In hybrid conflicts, actions on the tactical level, and even on the level of the individual soldier, sometimes have strategic implications that go beyond the battlefield and may result in serious deterioration not only from a security perspective but also from a political perspective. This phenomenon is known in the literature as the

"strategic corporal."[19] The meaning of the concept "is not that the corporal actually employs strategic considerations, but rather that his/her actions have immediate strategic significance."[20] Moreover, the most important question in this context pertains not to the action of the corporal, rather to the reaction of the commanders, the political echelon, and the public echelon.[21]

*Tension between the values of the military and the need to neutralize threats*: Constabulary missions sharpen value-based questions as well as the need for civilian supervision of the military echelon, as the nature of the missions repeatedly highlight their complexity and volatility; the dilemmas stemming from the nature of the use of military force they require; and most importantly, their possible implications for political goals, strategic interests, and the freedom of action to maneuver that is required by the political echelon. As a result, constabulary missions constitute a challenge in both the military values realm and the political realm.

The military values challenge is manifested in the tension that exists between the need to neutralize threats and to shape spatial order, and the restraint and moderation in the use of force that also stems from the need to operate in accordance with the values of the IDF. The political challenge is manifested in the essence of establishing order in space through the measured and restrained use of military force in a manner that is meant to serve political goals. As the nature of the use of military force is also influenced by a value-based code of conduct, the political echelon is subject to an obligation to understand the resulting significance, outline its emphases, and ensure that they are represented in the formulation of the values of the IDF, and especially in the manner in which they are actualized and impact on the use of force. All of these must serve as significant pillars of civilian control of the army.

*The increasingly legal nature of the military operational environment*: According to the directives of the IDF chief of staff in 2009, legal counsel was affixed to combat operations and the preparations for warfare as part of the "operational whole." This directive was a product of the changes that have come to characterize the IDF's combat environment in recent decades; the global processes and "the spirit of the times" in the international arena vis-à-vis the expanded criticism of the actions of armies, according to criteria that emphasize human rights; and efforts to limit this damage through legal and diplomatic means.[22] These processes have also had an

impact on Israel, as IDF operations in the West Bank and the Gaza Strip raise issues related to human rights.[23]

*Tension between constabulary missions and the ethos of military combat*: In constabulary missions in the context of hybrid conflicts, combat soldiers are required to change their modes of conduct – from modes of warfare that are aggressive by nature, to modes of enforcement of law and order. This transition demands a cognitive change from soldiers, high discipline, restraint, and versatility. Soldiers and commanders perceive constabulary missions as not providing them with glory or operational prestige, and therefore as non-rewarding from a professional perspective. Soldiers and commanders do not associate constabulary missions with high professional prestige and status in the army,[24] and they do not view them as the best way for them to advance their careers. As a result, they often do not ascribe importance to peacekeeping or constabulary missions.[25]

The three examples exemplify occurrences from contexts that deviate from the classical military missions embodied in warfare against a defined enemy with the aim of defeating it. All three occurred in the course of complex missions that required IDF fighters to exercise judgment and not act automatically; this mode of action is foreign to the classic combat soldier, whose professionalism is measured in part by the extent to which he is able to neutralize his thoughts and emotions and function automatically, like a machine.[26] In the cases of "the Palestinian teenager" and "the political activists," the soldiers had to exercise high restraint in order to carry out their mission. This was reflected in the total lack of response, or extremely limited verbal response, both to the girl and the members of her family and to the political activists. In the case of "the Hebron shooter," restraint was supposed to find expression in the fighter's ability to control his emotions and not take out his anger on the person who attacked the IDF force that was present at the scene in a way that ran counter to the value of the purity of arms. These cases also highlight the cognitive change that is required of soldiers to carry out their constabulary missions, and the need to act in contradiction to the ethos of military combat.

*The presence of the media*: Constabulary missions are characterized by the prominent presence of the traditional and online media, including social networks. As a result, the actions of soldiers and commanders in the operational environment are filmed and photographed, documented, and disseminated immediately to wide audiences. Therefore, every action is subject to criticism and analysis, and this is also true in cases in which all

the relevant details have not yet been clarified. As a result of its dominant presence, the media plays a significant role in achieving and solidifying the legitimacy (internal and external) that governments try to secure for the actions of their armies and therefore it acts as a major force in the conflict on both a strategic and tactical level.

National and international legitimacy is influenced by images of "reality" presented in the traditional and online media. These images have become a formative force with an influence on the army's use of force.[27] In each of the three cases, the media images of the events, which stemmed from the manner in which they were filmed and disseminated, played an important role in shaping the public debate that evolved around their publication. It also had an impact on the definition of military accomplishment, and as such, the fulfilment of political goals.

In all three cases, it is evident that the image that emerged in the media shaped the public discourse that evolved, to the point that the division surrounding the event pertained not to the crux of the matter underlying it but rather to the manner in which it was represented – that is to say, to its media image alone. Therefore, media image has become an additional element that militaries must take into consideration.[28] Due to the link between military accomplishment and political goal, the divisions created by the media image also have an influence on the political echelon and the way in which the public judges its ability to realize its political goals by means of the use of force. A negative image of an IDF action, and discord regarding operations and the erosion of the legitimacy (primarily international) of using the army, impairs the political echelon's ability to advance political goals and limits its room to maneuver. Mechanisms of civilian control are supposed to reduce the potential for damage by ensuring better suitability between the use of military force and political goals.

*Sensemaking in complex military situations*: Leading subordinates in a complex reality presents commanders at various levels with a significant leadership challenge: mediating to their subordinates the "reality" that constitutes part of the sensemaking process.[29] This process is relevant to all leaders, including military leaders,[30] and is based on the assumption that the events that occur around us have no independent existence but rather are subject to the meaning we assign them. Through the process of sensemaking and sensegiving,[31] which are also based on value judgement and evaluation, commanders influence the way in which subordinates

generate interpretation of and meaning for different events (in routine day to day operations and during warfare).

Constabulary missions increase the importance of the commander's mediation of "reality" to subordinates. This is because such missions do not represent "classic" traditional military activity and instead are conducted vis-à-vis civilians, presenting dilemmas of values to the tactical echelon regarding the best mode of operation and learning the appropriate use of military force; because they are characterized by a high level of dynamism, which means that their situation assessments switch frequently, increasing the importance of the mediation of the "reality" in which they occur; and because, as constabulary missions are conducted in the presence of the media, the media coverage they receive may serve as a source of information that competes with that of the commander, thereby undermining his/her authority.[32]

The case of "the Hebron shooter" and "the political activists at the fence" exemplify the erosion of command authority by parties interfering in military situations. When interfering parties (for example, civilian parties who shout orders and can be found in abundance in contexts of hybrid conflicts) appear as competitors of the commander as the generator of meaning and the mediator of "reality," they disrupt the intra-organizational order.[33] In such situations, enforcement of order on the ground may also be disrupted. This actually occurs in hybrid contexts characterized by complex situations that are not unequivocal, due to the increasing importance of the commander as an instigator of intra-organizational order and a shaper of space. In other words, disrupting the activity of mediating "reality" therefore has the potential to disrupt the military mission.

Moreover, the weakening of command authority leads to a situation in which commanders' control over the necessary modes of operation is weakened. Such situations immediately raise a number of questions, including: Who is the sovereign on the ground? Who gives the orders – the civilians or the commanders? What system of values guides the soldiers' actions? And who interprets and gives meaning to what happens on the ground; that is to say, who mediates the "reality" from which the modes of military operations are derived? It is a situation in which a civilian system of values that is an alternative to that of the army can emerge and seep into its ranks. When the military echelon finds itself devoid of the political echelon's backing for its interpretation of the mode of use of military force and the spirit of the values of the IDF, the command authority at every level

of the military erodes; and where command authority erodes, so does the value system. As a result, the code regarding the use of military force is disrupted in a manner that could disrupt the actualization of political goals and limit the political echelon's freedom of action and room to maneuver. This explains the link between the essence of civilian control and value-based issues, and the need for civilian control by the elected political echelon as it applies to the army.

## Conclusion

This article considers the essence of the values of the army as a compass to guide the use of military force, as well as the challenge posed to the values of the military by a world of hybrid conflicts that are characterized by a broad and expanding scope of constabulary missions. The complexity and attributes of constabulary missions intensify dilemmas of values, and in places where a value failure causes the use of force to create damage with strategic significance, the ability of the political echelon's ability to further its political goals and its room for political maneuvering is likely to be significantly reduced. Moreover, wherever value-based dilemmas remain the domain of the military alone, the army becomes subject to pressures between the tactical echelons and the more senior echelons within the army, and between the army and society. Therefore, the political echelon leaves the military echelon without backing in a struggle over values, and contributes in practice to the undermining of the foundation of values underlying the training of the military force and the manner in which it is used.[34] This can be viewed as an outcome or symptom of the lack of effective civilian control. In this way, the political echelon contributes to a situation in which values no longer constitute an accepted code for the use of force but rather an issue of public division falling within the most divided and sensitive realm in Israeli society.

As the struggle over values in Israeli society is an expression of the struggle among different socio-political groups, it invites political leaders, and the shapers of public opinion within these groups, to make their voices heard. Such developments give public attention to the discussion of value-based questions and make them a subject of polarized political debate. This debate penetrates the military by means of socio-political pressure groups operating outside of it that try to advance their political ideas regarding the value-based discussion. In this way, they accelerate the politicization of the army.

Non-intervention on the part of the political echelon in a manner that emphasizes its responsibility for IDF values and the lack of support for the military echelon and the formative values of the IDF is indicative of weak civilian control. It may lead to a reality whereby the way in which military force is exercised can disrupt and even prevent the actualization of political goals and vital interests of the State of Israel, as they are understood by the political leadership. Therefore, in the spirit of the main argument advanced in the article, the political echelon – within the framework of its complete responsibility for civilian control of the army – must have a say and be involved in the value-based issues that affect the way in which military force is exercised. This is necessary to its ability to ensure that the use of military force serves its political goals.

## Notes

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# Polarization in the European Union and the Implications for Israel: The Case of the Netherlands

**J. M. Caljé**

Results of the European Union parliamentary elections of May 2019 show that European voters are moving away from the center toward the far right and left. This essay uses the case of the Netherlands to illustrate how political polarization influences the position on Israel in both EU discourse and EU politics. While left wing parties are progressively more critical of Israel, the far right has arguably never been closer. Navigating this shifting political landscape across the EU poses several strategic and moral challenges for Israel's politicians, with repercussions for the present and the future. The analysis suggests that the Israeli government incurs a risk by identifying closely with Europe's far right parties due to their controversial character, as this could, in the process, alienate Europe's Jewish communities as well as Europe's center and left wing voters.

*Keywords:* EU parliamentary elections, EU-Israel relations, Netherlands, polarization, Dutch Jewry, European Jewry

The current decade has seen a significant erosion of support for traditional, centrist parties across the EU, leading to more votes for previously marginal parties on the left and far right. This essay uses the case of the Netherlands to explore how the shifting political landscape influences both the current Dutch and EU positions on Israel, and the future implications of these changes. In recent years, several member states have seen the establishment and election of entirely new parties. On the European far right, relative newcomers such as the AfD in Germany and the FvD in the Netherlands

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are united by their goal of reducing globalism, leaving the European Union, halting immigration, and returning to nationalism. On the left, Dutch parties such as BIJ1 and DENK run on a platform of supporting multi-culturalism and ethnic minorities. Given the polarization of the political debate, these new far right and left wing parties have become part of the mainstream and increasingly dominate political and public discourse. Due to their newfound prominence in the EU's national and union-wide politics, Israeli policymakers can no longer ignore these parties, and engaging with them poses a significant challenge that carries long term implications.

## Israel and the Netherlands: A History of Good Relations

Although in recent years Israel has become a divisive topic in Dutch politics, historically, the Netherlands was one of Israel's most ardent supporters in Europe. After Israel's declaration of independence in 1948, the Netherlands formally and de jure recognized the new state in 1949,[1] and it was the first and only Western country to send its diplomatic representation to Jerusalem instead of Tel Aviv.[2] At the same time, most Western powers had many other diverging interests in the Middle East. The British were allied with Egypt during the Arab-Israeli war of 1948, causing Anglo-Israeli tensions to rise. The United States was initially pro-Israel, but the Suez crisis of 1956 soured these relations. The French were pro-Israel until President Charles de Gaulle changed course and imposed an arms embargo on the country just before the Six Day War. The Netherlands, by contrast, had very few other interests in the Middle East, and the Dutch could relate to Israel: a small country surrounded by much larger, aggressive neighbors. This was, after all, only a few years after the Netherlands was invaded and occupied by Germany. When the European Economic Community, the precursor of the EU, proposed a declaration demanding that Israel withdraw from the occupied territories in 1973, the Netherlands vetoed it, putting the country at odds with its European neighbors.

There are three main reasons why the Netherlands was Israel's most supportive European ally during the first decades of Israeli independence. First, the PvdA (the Dutch Labor Party), at the time one of the Netherlands' most popular parties, was an ardent admirer of Israel's socialist ideals and supported Israel wholeheartedly.[3] Second, Christian parties held a dominant position, and traditionally these parties have been outspokenly pro-Israel due, among other reasons, to Christians' emotional and religious ties to the land of Israel. Third, the Netherlands was pursuing a policy of

Atlanticism, pivoting toward the US and away from France and the UK. This intensification of relations with the US would see the Netherlands cooperate with the US in supporting Israel on several occasions.

However, the political landscape in the Netherlands has changed over the past decades, and a favorable Dutch attitude toward Israel is no longer self-evident. Dutch support for Israel has moved from tacit and broad-based among the general population to more vocal, niche-based, and focused on the right of the political spectrum.

## Dutch Contemporary Political Parties and Israel

Despite the current polarized landscape with respect to the Israel debate, the Netherlands and Israel continue to enjoy good relations. The two countries trade extensively: the Netherlands was Israel's most important export market in the EU in 2006-2009,[4] and both countries are world leaders in fields such as water technology and agriculture and enjoy considerable cooperation between them.[5] However, despite these good relations, criticism of Israel is on the rise, and when the EU voted on the possible recognition of Palestinian statehood in 2014, more than half of Dutch parties voted in favor.[6] Not surprisingly, support for Palestinian statehood came mostly from the left: the Socialist Party, the Labor Party, the Greens, BIJ1, and DENK. Parties that voted overwhelmingly against recognition were on the right: from the conservative Christian party SGP to the far right PVV and FvD.

Due to the increasing erosion of the center parties, the Dutch stance toward Israel is more fragmented. This has caused the Israeli-Palestinian conflict to become a heated, controversial topic in Dutch politics and society. For years, the main square of Amsterdam has been the backdrop of weekly protests in favor of a Palestinian state, organized by pro-Palestinian demonstrators. Recently, a group of Israel supporters has staged counter-protests, giving the Israeli-Palestinian conflict more exposure in political and societal discourse. In another recent public display of "pro-Palestine versus pro-Israel," a Dutch woman chastised the supermarket chain Hema on Twitter for selling Efrat wine under an Israeli label, although, she wrote, it comes from the territories. Interestingly, this led to a shopping craze for the wine, causing it to sell out within hours due to pro-Israel advocates engaging with the campaign and buying the wine en masse. These two recent examples show that the Israeli-Palestinian conflict has become progressively more visible on a societal level, with the Dutch becoming more divided on the issue. Politically, these diverging positions can be

observed in the voting patterns of the parties, as illustrated by the EU-vote on Palestinian statehood, with centrist parties seen to switch sides on a case-by-case basis.

Dutch political parties can roughly be divided into three groups: the supportive far right, the critical left, and the largely neutral center.

***The Far Right and its Support for Israel***

The two main far right parties in Dutch politics are the PVV and FvD. Geert Wilders, a controversial politician within and outside of the Netherlands, established the PVV in 2006. He gained notoriety due to his anti-Muslim rhetoric, and in 2016 he was convicted of inciting discrimination based on hate speech.[7] Nonetheless, his party was the second largest in the Dutch national elections of 2017, mostly due to a strong stance on immigration.[8] The FvD, headed by Thierry Baudet, was founded in 2017 and has many parallels with the PVV; it is tough on (non-Western) immigration and advocates leaving the EU and returning to nationalism and "self-determination." During the local elections of March 2019, the FvD became the largest party despite having only been in existence for two years. The party is unapologetically outspoken in its support for Israel, citing shared Judeo-Christian values and a fear of Islamization as the main reasons.

Despite the fact that both parties are passionately pro-Israel, they have come under scrutiny for using anti-Semitic rhetoric and tropes. In late 2018, *De Volkskrant*, one of the main Dutch newspapers, published a lengthy report on the increasing presence of anti-Semitism in online forums and groups linked to the FvD and its supporters.[9] Similarly, research commissioned by the Amsterdam-based Anne Frank Institute has shown that both the PVV and FvD are linked to anti-Semitic and otherwise xenophobic conspiracy theories.[10] This dichotomy poses a challenge for Israel and its politicians; while on the one hand these parties can be regarded as natural allies due to their pro-Israel stance, their failure to tackle anti-Semitism and other types of xenophobia poses problems and puts them at odds with local Jewish communities.[11] Accepting and encouraging support from Europe's far right risks tarnishing Israel's reputation among moderate Dutch and European voters, as well as with the local Jewish communities. Parallels can be drawn with the current situation in the US, where Trump's support and praise for Israel goes hand-in-hand with more vocal criticism of Israel from within the Democratic Party.

*The Left and its Criticism of Israel*

While in Israel's first decades of independence the biggest party on the left, the Dutch Labor Party, was a staunch supporter of the Jewish state, this changed toward the end of the 20th century, and for several reasons: Israel became stronger in military and economic terms and was no longer perceived as the underdog; Israel's society slowly moved from socialist ideals toward a closer embrace of capitalism; Dutch society secularized rapidly, and firmly traditional Christians – who are generally more supportive of Israel – declined in numbers. Toward the late 20th century the Dutch Labor Party began a slow but steady decline and went from being a broad-based party, with approximately 30 percent of the votes in the 1980s, to a much smaller party on the left, with a mere 6 percent of votes in 2017. The majority of the party's supporters ultimately switched to the VVD (Conservative-Liberal), which is currently the biggest party.[12] What this means is that the remainder of the Labor Party is more leftist than before and more critical of Israel. The other main parties on the left are GroenLinks (the Greens) and the Socialist Party (SP), which are all outspoken in their criticism of Israel. To illustrate the current left's criticism of Israel, one merely needs to observe their voting records: all three parties voted in favor of the recognition of a Palestinian state and against the adoption of the internationally recognized IHRA definition of anti-Semitism in 2018.[13] The reason they did not agree with the IHRA definition is that they believe that criticism of the Israeli state would be branded "anti-Semitic" under the definition.

The left's critical stance toward Israel also has to do with the changing demographics in the Netherlands. Due to immigration patterns of the past decades, around 5 percent of Dutch citizens have a Muslim background, with mostly Moroccan and Turkish roots. An analysis of voting patterns among Dutch Muslim citizens in 2012 showed that a mere 7 percent voted for a party on the right, while 72 percent of respondents voted for one of the leftist parties.[14] For a host of reasons, Dutch Muslims feel a strong connection with the Palestinians and are more vocal in their opposition to Israel. This opposition to Israel can trickle down to some of the left wing parties' politics and policies. As demonstrated by the British Labor Party, the left's opposition to Israel can border or double as anti-Semitism.

On a societal level, research by the Dutch foundation CIDI notes a 71 percent increase in reported anti-Semitic incidents in 2014, likely in response to the Israel-Gaza conflict.[15] This shows that to a certain extent anti-Semitism in the Netherlands – and the wider EU – and the political

situation in Israel are linked. Furthermore, a report by the Anne Frank Foundation has shown that there is a correlation between the level to which Dutch Muslims identify with their religion and how negative their perception is of Jewish Israelis, the Israeli government, and Zionists.[16] In March 2019, the German Agency for Domestic Security released a report on Muslim anti-Semitism in the country, showing that German Muslims are overrepresented in anti-Semitic acts, and the right wing no longer holds a monopoly on anti-Semitism.[17] Whereas Dutch and European Jews historically voted predominantly for left wing parties,[18] the left's failure to tackle anti-Semitism has estranged Jewish voters, many of whom now vote for more center or even center-right parties.[19]

***The Center and its Case-by-Case Position on Israel***

The center consists of several Christian parties (CDA, CU), the Liberal Democrats (D66), and the conservative liberal (VVD) party, the party of the current Prime Minister. In the 80s and 90s, the CDA, VVD, and the more center-left Labor Party (PvdA) would regularly represent 80-85 percent of all votes, whereas in 2017, these three parties together accounted for a mere 40 percent of the vote. In other words, the (broad) center has declined by more than half in favor of more extreme parties on both the left (the Greens, the Socialist Party) and the right (PVV, FvD).[20] The position of these centrist parties toward Israel is harder to predict. Concerning the 2018 vote on the adoption of the IHRA definition of anti-Semitism and the recognition of Palestinian statehood, some of the centrist parties voted not to recognize either Palestinian statehood or the IHRA-definition of anti-Semitism. Others voted to recognize both the IHRA-definition and Palestinian statehood, thereby creating a situation in which the parties voted both for and against Israel. Europe's Jewish voters are increasingly abandoning the left in favor of the center-right, a trend that can be observed in the Netherlands as well. In the last national election of 2017, around 45 percent of Dutch Jews voted for a center-right party.[21]

While the center has lost many voters overall, in absolute numbers centrist parties still constitute a majority. However, according to data by the market research organization IPSOS, a growing gap in voting patterns is starting to emerge between generations. Older generations are more likely to vote for traditional, centrist parties, while younger voters are overrepresented in both the left and right wing parties.[22] Younger voters, who are apparently more divided and more disillusioned with traditional

parties, land on two opposing sides of the political spectrum – and of the Israel debate. Consequently, Dutch support for Israel risks becoming more unpredictable in the future.

## Parallels with the Broader EU

Since political parties across the EU also form part of the alliances in the EU parliament, their stance toward Israel will influence politics and policies on both a national and EU level. As the European parliamentary elections of late May 2019 showed, the trend of an eroding center in favor of the left and right is an EU-wide phenomenon. For the first time in over forty years, the parliamentary groups that represented the center lost their majority in the EU parliament, while support for far right and (Green) left wing parties surged.[23] Researchers have shown that EU member states can also be divided into three groups based on their voting records with respect to the Israeli-Palestinian conflict.[24] The group of countries that is most aligned with the Israeli government are primarily in Eastern Europe: Hungary, Poland, and Romania, as well as Austria and Greece. The countries most critical are primarily West European such as Sweden, Ireland, France, and Denmark. The countries in the third category, called "balancers" – including Italy, the UK, Germany, and the Netherlands – have tried to maintain a middle position, at times acting as a bridge within the EU.

Internally, then, the EU is divided in its approach to Israel. Similar to the domestic Dutch situation, these diverging positions on Israel are bound to become more pronounced with a larger far right and left party presence in the EU parliament. Although a possible increase in support from right wing parties in the EU parliament could be beneficial for Israel, this might be offset by a more passionately critical group of counter-supporters from the left. Although the far right has made huge electoral gains over the past decade, many of their politicians and parties remain controversial among the general public, including Europe's Jewish communities.[25] This situation is not unlike the US example of the Democrats' increasing opposition to warm relations between Israel and the Trump administration.

## Conclusion

As both the domestic situation in the Netherlands and the EU parliamentary elections have shown, the traditional center parties have lost their dominance, and the political landscape across the EU has become more fragmented and polarized. The erosion of the center in favor of the left and far right has several

consequences for Israel's position in Dutch and EU-wide politics, as well as among local Jewish communities. Regarding the far right, their supportive stance toward Israel could make them a natural ally of the Israeli government, but this could arguably have negative longer term consequences for Israel, on both the strategic and the moral level. Strategically, legitimizing the far right by accepting its support leads to a further alienation of Europe's left, a particular danger given demographic trends on the continent. Morally, engaging with parties that are overwhelmingly shunned by Europe's Jewish communities can lead to a deterioration of Israel-diaspora relations, which puts a central component of Israel's vocal support in jeopardy. Israeli politicians might therefore do well to consult with local Jewish communities and take their concerns and recommendations into consideration. Unlike the far right, Europe's left has become increasingly critical of Israel, showing broad based support for the Palestinian cause. As seen in both Dutch and EU elections, the (far) left was able to increase its share of votes and seats in government significantly. Israeli political leaders should therefore consider how they might reengage with left wing parties in the West, potentially basing this cooperation and reengagement on non-ideological similarities such as environmentalism, democracy, and LGBT rights.

## Notes

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# Saudi-Pakistan Relations: More than Meets the Eye

**Yoel Guzansky**

A special relationship has developed between Saudi Arabia and Pakistan, centered on a particular trade-off. Saudi Arabia depends on Pakistan for strategic depth and regards it as both an important asset in restraining Iranian influence and an answer to its need for a non-Arab ally. In exchange, Pakistan receives extensive economic aid, and benefits from Saudi Arabia's influence in the Gulf and its role as guardian of the Islamic holy sites. The two countries have been able to overcome several disputes between them by maneuvering between various pressures, strengthening their special relations, and ensuring that more is unknown than known about their strategic cooperation, both conventional and nuclear.

*Keywords*: Saudi Arabia, Pakistan, United States, China, nuclear proliferation, oil, Islam

In February 2019, Prince Mohammad bin Salman, in effect the ruler of Saudi Arabia, made his third official visit – and his first visit as crown prince – to Pakistan, and was honored in ways beyond Pakistan's usual reception of foreign leaders. During the two-day visit, described as "historic,"[1] memoranda of understanding and agreements were signed that were the most extensive in the history of the two countries; the petrochemical field was the primary focus of the agreements. Inter alia, Saudi Arabia's Aramco will invest $10 billion in building an oil refinery in the Gwadar region, which is subject to Chinese influence, and talks are underway on transferring control of gold and copper mines in Baluchistan to Riyadh.[2] Unlike the past, the kingdom is now investing in long term projects in Pakistan in the hopes of economic benefit and ongoing political influence. This visit

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was important to the Saudis – and bin Salman – due to their desire to gain friendship and rehabilitate the kingdom's reputation, damaged by the Khashoggi affair and the war in Yemen, but also as part of Saudi Arabia's strategy of "looking eastward."

This article explores the special connection between the countries, ties that have been tested in recent years. Since it became independent, Pakistan has relied on military and economic aid, mainly from the US, China, and Saudi Arabia. With relations with Washington at a low point and the desire to avoid dependence on Beijing, Saudi Arabia remains a source of reliable economic support for Pakistan. In the bilateral security realm, more is unknown than known about both the conventional and nuclear spheres. Disputes between Riyadh and Islamabad have emerged in recent years, especially given the Pakistani parliament's refusal to join the war in Yemen led by Saudi Arabia since March 2015, and to a lesser extent as a result of the Saudi crisis with Qatar (from June 2017). However, overall relations between the countries have remained close, and they also cooperate in multilateral bodies, foremost among them the Organization of Islamic Cooperation (OIC).

## Religion and Politics

The religious dimension is significant for both Saudi Arabia and Pakistan, and Saudi Arabia, home to Islam's holy places, enjoys considerable religious influence in Pakistan. Pakistan welcomes the special status it receives from Saudi Arabia with respect to these Islamic sites. Inter alia, Pakistani policemen guard the holy places and Pakistani citizens receive a substantial discount on entry visas to Saudi Arabia. Over the years, the Saudis have managed to promote their religious influence by enlisting the Sunni ulama and donating generously to mosques and madrassas in Pakistan, which maintain theological and organizational ties with Wahhabi institutions in Saudi Arabia. Through funding and patronage for Islamic purposes and enterprises such as the International Islamic University, Wahhabi theology is disseminated and Saudi interests and legitimacy in Pakistan are maintained.

Riyadh has sought to roll back Shiite achievements and counter the threat it sees from Iran by enhancing ethnic tension. Pakistan has the world's largest Shiite population outside of Iran (40 million, 20 percent of Pakistan's population), and Iran has considerable influence in the country. In the past decade, thousands of Pakistanis have been killed in violence

between Shiites and Sunnis, and Pakistan fears that Iran is liable to incite the Pakistani Shiites. Iran's success in recruiting numerous Pakistani Shiites in support of its goals in Syria constitutes evidence of the extent of Iranian influence on the Shiites in Pakistan.

At the same time, and despite the political turmoil in Pakistan, the connection between the countries has remained strong over the years, in part because Saudi Arabia has fostered deep-rooted ties with the Pakistani military and intelligence establishment, as well as the weaker political establishment. The extent of the kingdom's influence on Pakistani politics was revealed by a diplomatic telegram leaked in 2010, in which the Saudi ambassador to Pakistan was quoted as saying, "We in Saudi Arabia are not observers in Pakistan; we are participants."[3]

## Economy

In addition to the political and religious connections, powerful economic interests bind the two countries together. To be sure, the volume of trade between the two countries is modest (about $3 billion a year), and is unbalanced: most of it consists of oil and its derivatives exported by Saudi Arabia to Pakistan. However, Saudi Arabia and Pakistan are now trying to increase the volume of their bilateral trade, and have agreed to begin talks on a free trade agreement.

Saudi Arabia is Pakistan's main oil supplier and a destination for Pakistani exports (mainly food and textile products). Occasionally Saudi Arabia grants Pakistan direct financial aid and supplies it with oil at a reduced price. Furthermore, Saudi Arabia hosts the highest number of Pakistani workers (two million people send $6 billion a year home to Pakistan). Pakistan prefers asking for help from Saudi Arabia, which does not impose stringent monetary and fiscal terms for loans like the International Monetary Fund (IMF), and the generous assistance also makes it easier for Pakistan to negotiate with the IMF; in June 2019 Pakistan indeed reached a three-year bailout deal with the IMF. Accepting Saudi economic aid is likewise attractive to Pakistan for the purpose of lessening the political dependence that accompanies massive Chinese investment in its territory. In addition, in June 2019 it was reported that Saudi Arabia would postpone its demand for Pakistani payment for Saudi oil shipments for three years, totaling nearly $10 billion.

Saudi Arabia has remained at Pakistan's side over the years and assisted it in many crises, including following the 2005 earthquake in Pakistan, the 2010-2011 floods, and the economic crisis in 2014. In an unprecedented

step, Riyadh even opposed the American administration in 2018 and tried, together with China and Turkey, to prevent Pakistan from being included on the gray list of countries failing to meet the targets set by the Financial Action Task Force (FATF),[4] due to the ties of the Pakistani government and military to extreme Islamic groups.[5]

Pakistani Prime Minister Imran Khan made his first visit outside Pakistan to Saudi Arabia in September 2018.[6] He proposed the inclusion of Riyadh as a partner in the China-Pakistan Economic Corridor (CPEC) strategic segment at a cost of $45 billion as part of the Chinese Belt Road Initiative (BRI). The idea was opposed by China, and it is unclear what role Saudi Arabia will play in the project. Beijing perhaps fears losing its exclusivity in the project and a rapprochement between Islamabad and the American-Saudi Arabian axis at its expense. According to the agreements between China and Pakistan, other countries can join projects associated with CPEC, but decision making and implementation will remain in the hands of Beijing and Islamabad. As a rule, Pakistan lacks independent financial resources that could give it the status of a partner with China. Saudi investment is therefore unavoidable, and China prefers it to other investors, especially the United States.

Prime Minister Khan was also among the few to participate in the Saudi economic conference (Davos in the Desert) convened by Crown Prince bin Salman in October 2018. This conference, which took place immediately following the murder of Saudi journalist Jamal Khashoggi, was boycotted by many Western leaders and companies. In an interview on the eve of the conference, Khan said that despite the murder, Pakistan should maintain good relations with Saudi Arabia: "We are desperate for money...we are a country of 210 million people and we have the worst debt crisis in our history."[7] In return for attending the conference, Khan received $6 billion from the Saudis. Most of all, however, this event highlighted Pakistan's desperate plight, rather than the depth of its relations with Saudi Arabia.

## Security

In the 1960s, Pakistan began to assist in creating the Saudi army. Pakistani pilots flew Saudi airplanes during the war in Yemen in 1969, and Pakistani special forces helped liberate the Great Mosque in Mecca from Islamic extremists in 1979. Overall, military cooperation benefits both sides. Pakistan has land, air, and naval forces with operational experience, but their sources of income are not always adequate. In contrast, Saudi Arabia has considerable

economic resources, but lacks quality manpower, and its army is still relatively small in relation to its population and has little expertise. Over the years, security relations between the countries have become more intimate, to the point that former head of Saudi intelligence Turki al-Faisal described them as "one of the closest relationships in the world."[8]

In addition to training the Saudi forces, Pakistan, which has the world's largest Muslim army and is the only Muslim country with nuclear weapons, has consistently shown its readiness for direct military intervention in Saudi Arabia on a large scale. The two armies conduct training and maneuvers on a regular basis, and they cooperated in their support of the Afghan mujahidin during the Soviet occupation of Afghanistan.

***Training and Instruction***

As in other Gulf states, many Pakistani mercenaries serve in various combat roles in Saudi Arabia. Pakistan also trains Saudi soldiers in its territory. During a discussion in parliament in 2018, Pakistan's Minister of Defense disclosed tersely that some 10,000 Saudi soldiers were in Pakistan for training and instruction.[9] In March 2016 the two armies also took part in the largest joint exercise ever in the kingdom, together with forces from 20 other Muslim countries.

***Joint Military Force***

In December 2015, Pakistan officially joined the Islamic Military Counter Terrorism Coalition (IMCTC), created by Saudi Crown Prince bin Salman. The purpose of the IMCTC, which numbers 41 countries and is headquartered in Riyadh, is unclear. A hint of the force's purpose and character is given by the fact that Iran and Iraq, both of which have a Shiite majority, are not members in it. The force has not been known to have participated or to have taken responsibility for any operational activity whatsoever to date. It is believed that Pakistan's official membership in the force was political compensation for Pakistan's refusal to join the fighting in Yemen in early 2015 (this refusal surprised Riyadh, which reported that Islamabad was participating in the fighting). Furthermore, even in this case, in order to avoid criticism, Islamabad made it clear that its role in the force was focused on military and intelligence advice and logistics support for members of the coalition, without any active participation in the force itself. Former Pakistan Chief of Staff Raheel Sharif was put in command of the force in 2017.

*Military Forces*

About 15,000 Pakistani soldiers were sent to the kingdom at the request of Saudi King Fahd after the Iran-Iraq War broke out, and about 5,000 soldiers were sent following Saddam Hussein's invasion of Kuwait. Some of the Pakistani forces were stationed in Tabuk, near the border with Israel, but most were in the eastern district, where the major portion of Saudi Arabia's oil fields are located, and where two million Shiites (20 percent of the Saudi population) are concentrated. In 2011, Pakistan sent approximately 1,000 mercenaries to help suppress the riots in neighboring Bahrain due to concern that the unrest would spread to Saudi Arabia. In February 2018, Pakistan sent over 1,000 soldiers to the kingdom to join the approximately 1,600 Pakistani security personnel permanently stationed there, whose official jobs, under a 1982 agreement between the countries, are consulting, instruction, and security for the holy places.[10] The two countries refused to provide details about the exact number of soldiers, the areas in which they were deployed, and the specific purpose of the force funded by Saudi Arabia. It is possible, however, that some of the Pakistani soldiers were stationed along the border between Saudi Arabia and Yemen. The timing of the deployment and the statement by the Pakistani army that "the force will not be stationed outside the kingdom" makes it likely that it is also aimed to counter possible internal threats to Saudi stability, given the disputes within the kingdom and the concentration of authority in the hands of Mohammad bin Salman.

*Weapons*

It is possible that Saudi Arabia has purchased surface-to-surface missiles manufactured in Pakistan, such as one of the Shaheen missile series developed with the help of Chinese technology and unmanned aerial vehicles (UAVs) manufactured in Pakistan. In January 2019, it was reported in the US that a facility for producing UAVs, the first of its kind in Saudi Arabia, was discovered southwest of Riyadh and had probably been constructed with Pakistani/Chinese aid. The site, which may not be operational, is similar to a site northwest of Islamabad built by China.

Saudi Arabia's Strategic Rocket Forces (SRF) is a separate elite force in which, in contrast to the rest of the Saudi army, Pakistani advisors and instructors are employed rather than Western personnel.[11] While Saudi Arabia has expressed interest in acquiring the JF-17 warplane manufactured by China and Pakistan, there is little likelihood that with its air force based

on American and European aircraft, it will buy this airplane. Pakistan, however, which is willing to transfer technology and accept joint production, is looking for new export markets for the plane in order to lower the cost of production.

***Nuclear Weapons***

It is believed that Saudi Arabia gave Pakistan financial aid in order to develop an "Islamic bomb." The international community imposed sanctions on Pakistan in 1988, following its nuclear testing, but Saudi Arabia came to Pakistan's aid by supplying it with 50,000 barrels of oil daily. The Saudi economic support for the Pakistani nuclear program[12] was the basis for the assessment that if and when Riyadh seeks aid from Pakistan's nuclear capabilities, such aid will be forthcoming.[13] The visit by then-Saudi Minister of Defense Sultan to the enrichment facility in Pakistan in 1999 drew criticism from the Clinton administration, due to concern that his visit followed nuclear understandings between Riyadh and Islamabad. To be sure, there is no verified information from an open source about such a nuclear exchange deal between the parties. There are reports, however, whereby the possibility was at least discussed in talks between the two sides. Furthermore, A. Q. Khan, "father of the Pakistani nuclear program," has visited Saudi Arabia more than once, also for "religious needs."

In a scenario of an Iranian breakout to a nuclear weapon, the Pakistani commitment to maintain the kingdom's security could be expressed through a transfer of nuclear warheads to Saudi Arabia or the stationing of nuclear weapons (guarded by Pakistani soldiers) in the kingdom – an "arrangement" that does not violate the Nuclear Non-Proliferation Treaty (NPT), signed by Saudi Arabia. Pakistan, which did not sign the NPT, also has a questionable record in the dissemination of nuclear technology. The possibility of Pakistan turning a blind eye, for example, to assistance by Pakistani scientists in assembling a uranium enrichment infrastructure in the kingdom cannot be ruled out. A declared nuclear umbrella provided by Pakistan, meaning a commitment to respond to a foreign force posing an existential threat to the Saudi royal household and the Islamic holy places, is another possibility, although it is doubtful whether it would satisfy Riyadh. Anonymous senior Saudi sources have hinted on a number of occasions that if Iran breaks out to a nuclear weapon, the kingdom has a "solution" in the form of Pakistan. Concern about Pakistani nuclear assistance to the kingdom increased in 2018, when in response to a question on the subject, bin Salman stated

publicly and explicitly for the first time that if Iran acquires military nuclear capability, the kingdom would acquire a similar capability without delay. The kingdom has used threats of this type to pressure the US and the international community to adopt a harder stance against Iran, but it also raises doubts about its own nuclear intentions.

It is possible that Riyadh believes that Pakistan will come to its aid in some way in the event of an Iranian breakout to a nuclear weapon. It is also possible, however, that the understandings on the matter, insofar as they exist, are interpreted differently by each party. Furthermore, in fulfilling this "deal," Pakistan will also have to take into account its entire array of regional interests, including its relations with Iran, and the international price it will have to pay for lending such assistance to the kingdom. If it is discovered that Pakistan has indeed transferred a nuclear weapon or technology to Saudi Arabia, it will be severely condemned by the United States and the international community, and be hit with severe sanctions. Besides the need to cope with substantial economic and political damage, Pakistan will instantly turn Iran into its bitter enemy.

In the event of an Iranian breakout to a nuclear weapon, Saudi pressure on Pakistan to provide it with immediate nuclear guarantees will grow. In this case, it appears that stationing a Pakistani nuclear weapon in Saudi territory is more likely than a transfer of nuclear warheads from Pakistan directly into Saudi hands (operation by Saudi Arabia under a Saudi chain of command). An open question is to what extent Saudi Arabia would be willing to put its security in the sole hands of Pakistan. Presumably the United States will exert pressure on both Pakistan and Saudi Arabia in an effort to prevent closer nuclear cooperation between them.

## The Islamabad-Riyadh-Tehran Triangle

Saudi Arabia regards Pakistan and its geographic position – bordering Iran on the far side – as an important asset in restraining Iranian influence and a response to its historic search for a strategic non-Arab ally. Pakistan, however, wants to maintain a balance in its relations with Iran and Iran's regional rival – Saudi Arabia. As a rule, Pakistan will do everything in its power to avoid choosing between Tehran and Riyadh. For example, immediately following the 2018 announcement that Pakistani forces had been sent to the kingdom, the Pakistani foreign minister declared that these forces were not directed against Iran, explaining that their purpose was to train and instruct the Saudi forces.

Pakistan wants to avoid harming its relations with Iran, with which it shares a border nearly 1,000 kilometers long. As part of the desire to maintain proper relations with Iran, Prime Minister Khan called on the Trump administration to rescind the sanctions imposed on Iran in 2018, and called on Arab countries to reopen their embassies in Damascus. Pakistan was among the few countries whose embassy in Damascus remained open throughout the civil war in Syria. It was also reported, however, that Pakistan sent military advisers and weapons to the Syrian rebels via, and paid for by, Saudi Arabia.

Islamabad is likewise interested in preserving proper relations with Iran due to economic interests and its energy distress. There is an outstanding agreement between Iran and Pakistan for laying a natural gas pipeline for Iranian gas to Pakistan. Pakistan is not fulfilling its side of this agreement due to American sanctions against Iran, and possibly also due to pressure by Riyadh. Saudi Arabia fears that completion of a gas pipeline will foster Pakistani dependence on Iran and constitute a potential means for Iran to exert pressure on Pakistan. Furthermore, the Pakistani army is stretched thin and is busy with missions along the Pakistani-Indian and Pakistani-Afghan border, and does not want to open another front against Iran. Pakistan and Iran also share a common interest in suppressing the Baluchi separatist movement operating in both of their territories, and in economic cooperation in Afghanistan.

Islamabad fears that Saudi Arabia wants to strengthen its intelligence grip in Pakistani Baluchistan, in part through economic investments, as a springboard for stepping up its subversion among the Baluchi minority in Iranian territory.[14] In this context, Iran, in a rare step, accused Saudi Arabia of supporting terrorist operations in its territory that took place close to the port of Chabahar in December 2018 and the Sistan-Baluchistan region in February 2019. In December 2016, a Saudi think tank published a study about the Baluchis, expressing support for their struggle against the regime in Tehran, and specifically against the port constructed in Chabahar with Indian support.[15] For its part, Iran is interested in maintaining proper relations with Pakistan, and Iranian Foreign Minister Mohammad Zarif was the first foreign senior minister to visit Pakistan after Khan's appointment as Prime Minister.

The dispatch of Pakistani forces to the Saudi kingdom brought to an end a period of coolness in the bilateral relations since Pakistan refused have its army take part in the war in Yemen, out of concern that fighting against

the Shiite Houthis in Yemen would disrupt the delicate ethnic fabric in Pakistan (which has many Shiites in its army) and its relations with Iran.[16] Perhaps the most determined opponent of Pakistani involvement in the war in Yemen was Prime Minister Khan, when he was in the opposition. Pakistan also remained "neutral" in the dispute between Qatar and several of its neighbors, in order to avoid closing the door on economic assistance from Qatar.

Just as Pakistan wants to preserve a balance in its relations with Saudi Arabia and Iran, Riyadh is nurturing its relations with Pakistan simultaneously with its relations with India, as shown by bin Salman's visit to India immediately after his visit to Pakistan in February 2019. Saudi Arabia supported Pakistan in its wars against India in 1965 and 1971, and backs the Pakistani position in its dispute with India over the Kashmir region, but it also maintains good relations with India, and signed a series of cooperation agreements with India in 2014, including security agreements. Similarly, although in 2015 Pakistan refused to take an active part in the war in Yemen, it expressed solidarity with Riyadh and condemned the Houthis' missile attack against Saudi Arabia.

## Conclusion

In view of its support for Pakistan and due to its religious weight as the "guardian of the Islamic holy places," Saudi Arabia enjoys the strongest support among Pakistan of all of the Muslim countries.[17] Nawaf Obaid, who held a series of senior positions in Saudi Arabia, described the relations between the countries as follows: "We gave money...There's no documentation, but there is an implicit understanding that on everything, in particular on security and military issues, Pakistan would be there for Saudi Arabia."[18]

Saudi Arabia and Pakistan are likely to remain close allies, and will go to considerable lengths to remain involved in each other's affairs. It is clear that both of them attach great weight to containing the crises between them and preventing disagreements from doing any substantial damage to their strategic relationship. The relations equation between the two countries is likely to continue and be based on several levels:

a. In the economic sphere: Pakistan has relied on an abundance of Saudi economic aid over the years, and Saudi Arabia is likely to expand its economic involvement in order to attempt to fortify Pakistan's dependence on it. Expanded economic ties and Saudi pressure on

Pakistan to adopt a more determined stance against Iran are on the agenda.

b. In the security sphere: In exchange for Saudi economic aid, Pakistan grants security aid to the kingdom. Pakistan has showed consistent willingness for direct military intervention in Saudi Arabia on a large scale for various purposes.
c. In the strategic sphere: Iranian advancement toward nuclear military capability will put the intimate relations between the countries and the option of redeeming the Saudi investment in Pakistan's nuclear currency to the test.

In view of the concern about Iran's regional power and the doubts concerning the reliability of American support, Riyadh is likely to expand its ties with Pakistan, and in an extreme scenario, seek to "cash its strategic check" for what it regards as an appropriate return on its economic investment over many years in Pakistan. At the same time, the continued tension between the US and Pakistan is also liable to bring Riyadh and Islamabad closer together in the security sphere. This may have implications for Israel, above all with respect to weapons proliferation, including both ground-to-ground missiles and nuclear weapons.

## Notes

1 In January 2016, during his previous visit to Pakistan, Mohammad bin Salman signed an agreement for security cooperation between the countries. No details were disclosed about the character and content of the agreement, which was signed a week after the attack on the Saudi embassy in Tehran. See also Yoel Guzansky, "Pakistan and Saudi Arabia: How Special are the "Special Relations"? *INSS Insight* No. 797, February 16, 2016.
2 Drazen Jorgic and Asif Shahzad, "Saudi Crown Prince Begins Asia Tour with $20 Billion Pakistan Investment Pledge," *Reuters*, February 19, 2019.
3 See WikiLeaks, https://wikileaks.org/plusd/cables/07RIYADH2320_a.html.
4 A group of 38 countries founded in 1989 for the purpose of combating financing of terrorism and money laundering (Israel has been a full member since December 2018).
5 In June 2018, Pakistan was finally added to the "gray list" of countries because it did not take appropriate measures against the financing of terrorism and money laundering.
6 Prime Minister Khan undertook not to leave the country in the first three months of his term, although he had previously been invited by Iranian President Hassan Rouhani.
7 Asif Shahzad, "Imran Khan Leaves for Saudi Conference Saying Pakistan 'Desperate' for Loans," *Reuters*, October 22, 2018.

8 "Saudi-Pak Ties: One of the Closest Relationships in the World," *Arab News*, February 17, 2019.

9 "10,000 Saudi Soldiers Being Trained in Pakistan," *Middle East Monitor*, February 19, 2018.

10 The order of battle and purpose of the Pakistani force in the kingdom is shrouded in secrecy. It was revealed as a result of parliamentary pressure on the government in Islamabad. In a parliamentary discussion on the subject in February 2018, the Pakistani Minister of Defense stated that he "could not say where the Pakistani soldiers were posted in Saudi Arabia." Nadir Guramani, "Gov't Refuses to Divulge 'Operational Details' of Pakistani Troops' Deployment to Saudi Arabia," *Dawn* (Pakistan), February 19, 2018.

11 The Saudi air force, for example, has always been maintained to a large extent by American (the F-15 system) and British (the Tornado system) advisors and contractors.

12 Libya under Muammar Qaddafi also gave economic aid to Pakistan for the development of its nuclear program.

13 The two countries probably signed an agreement along these lines during the visit by then-Saudi Arabian Crown Prince Abdullah to Pakistan in 2003.

14 The Baluchi is a primarily Sunni ethnic minority located on both sides of the Iranian-Pakistani border, and in smaller numbers in Saudi Arabia. Jundallah was a prominent Baluchi terrorist organization that operated in Iranian territory starting in 2003. Given Iran's success in striking at the leadership of Jundallah, another organization, Harakat Ansar Iran, began operating in Iran in 2011. This organization announced its union with a Baluchi group named Hizbul-Furqan and the founding of Ansar al-Furqan in 2013. See Ariel Koch, "Al-Qaeda in Baluchistan and its Connection to the War in Syria," Moshe Dayan Center for Middle Eastern and African Studies, November 7, 2018, https://dayan.org/content/al-qaeda-baluchistan-and-its-connection-war-syria.

15 Mohammed Hassan Husseinbor, "Chabahar and Gwadar Agreements and Rivalry among Competitors in Baluchistan Region," *Journal for Iranian Studies* 1, no. 1 (December 2016): 82-99, https://bit.ly/2HCutlb.

16 Pakistan opposed such involvement even though the Pakistani government was headed by Nawaz Sharif, who has close ties with the Saudi royal family, and who was granted asylum in Saudi Arabia following the 1999 military coup in Pakistan.

17 This is based on a survey conducted by the Pew Research Center, which found that 95 percent of Pakistani citizens expressed positive views towards Riyadh. "Saudi Arabia's Image Falters among Middle East Neighbors," Pew Research Center, October 17, 2013.

18 Christopher Clary and Mara E. Karlin, "The Pak-Saudi Nuke, and How to Stop It," *American Interest* 7, no. 6 (2012), https://bit.ly/31i0hDr.

# Israel-East Africa Relations

**Yaron Salman**

Diplomatic developments over the last decade point to the strengthening of Israel's foreign relations in sub-Saharan Africa. This article focuses on the ties between Israel and East Africa and argues that Israel's goal in strengthening relations is to improve its international standing and obtain political support in the UN arena. An examination of the voting patterns of four East African countries in the General Assembly in the years 2015-2018 shows that there is indeed political benefit, albeit limited, in strengthening Israel's foreign ties. The article recommends the continued provision of technological assistance for civilian-humanitarian development in East Africa, as, taking a broad perspective, this contributes to the achievement of political support for Israel at the UN and even to the enhancement of Israel's reputation in the West, alongside economic and security benefits.

*Keywords:* Israel-East Africa ties, civilian-humanitarian aid, United Nations, General Assembly

The trend of strengthened diplomatic relations between Israel and developing countries, dubbed a diplomatic "renaissance" by Prime Minister Netanyahu, has expanded in recent years. However, as shown by Netanyahu's comment during the visit by Chad's President to Israel in November 2018 that "Israel is returning to Africa," it seems that Israel's principal diplomatic effort is focused on the Dark Continent. Against this background, the following questions arise: What is the motive today behind the strengthening of Israel-Africa relations? What tools does Israel use to promote its goals in Africa? And do its efforts yield the desired results? The article contends that in the context of Israel's attempt to influence the UN arena, it seeks to gain

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political support from African countries by strengthening relations with them. Strengthened relations is achieved through Israel's soft power, in increased use of humanitarian assistance for civilian development; strengthened relations yields positive voting patterns from Israel's perspective at the General Assembly, albeit in a limited manner.

The article first reviews Israel-Africa relations, with a focus on the eastern portion of the continent; it then discusses the motives behind the efforts to strengthen ties in Africa, and examines the political benefits of providing civilian humanitarian aid by analyzing the voting patterns of Ethiopia, South Sudan, Kenya, and Rwanda at the UN General Assembly.[1] Finally, the article will consider the implications for shaping Israel's foreign policy toward East Africa.

## Israel-Africa Relations

Israel's initial motives in relations with Africa can be divided into two categories: interests (security and political), and values that developed in light of the worsening Arab-Israeli conflict after 1948. In the early 1950s, following the isolation of Israel in a hostile Arab region, the need arose to create a sympathetic periphery, with an emphasis on non-Arab countries with a Western or Christian orientation, and inter alia, relations were established in East Africa with Ethiopia and with the Christians in southern Sudan.[2] At the same time, Israel showed an interest in other African countries that gained independence in those years and provided humanitarian assistance, reflecting the values underlying its initiatives there. Ben-Gurion and Golda Meir saw the provision of aid to African countries as a fundamental part of Israel's foreign policy in order to circumvent the Arab boycott, but also to support weak states following the end of the colonial era. The provision of aid was carried out via MASHAV – Israel's Agency for International Development Cooperation.[3]

In the late 1960s, relations began to worsen due to the results of the Six Day War, and deteriorated to a low point after the 1973 war. Under pressure from Arab states, a pan-African process commenced and eventually led to the severance of Israel-Africa ties. Beginning in the 1990s, joint security challenges, mainly due to an increase in international terrorism and the strengthening of radical Islam, led to the expansion of Israel-Africa relations to countries throughout the continent.

East Africa is of great importance to Israel primarily because of its proximity to the Red Sea, which is Israel's conduit for trade with Asia. This

article focuses on Ethiopia, South Sudan, Kenya, and Rwanda, because of their importance in Israeli foreign policy.[4] Ben-Gurion, for example, saw Ethiopia as part of the "periphery of the Middle East" and a potential pro-Israel base on the shores of the Red Sea in a way that made it the most important of the African countries, and Israel has invested in Ethiopia more than in any other country in the world.

Other shared interests have dictated close relations. Ethiopia and Kenya's fears over the penetration of radical Islam into their territory, for example, have prompted their interest in Israeli military technology, and they have become purchasers of Israeli weapon systems. Furthermore, official diplomatic relations were established between Israel and South Sudan in 2011, in part in view of a shared sense of alienation by the Arabs and against the background of the view of Israel as the cradle of Christianity.[5] Israel's ties with Rwanda have also strengthened in recent years, seen for example in Israel's support for Rwanda's request to the United Nations to change the name of the International Day of Reflection on the 1994 Rwanda Genocide in a way that focuses on the genocide of the Tutsi.[6] Relations between the two countries have also grown stronger in recent years due to Israel's defense exports to Rwanda, subsequent economic opportunities, and attempts to reach understandings between the countries regarding the absorption of African asylum seekers in Rwanda.[7]

## Israel's Motives in Strengthening Ties with Africa

### *Humanitarian Aid*

The provision of humanitarian aid for civilian development is associated with the concept of "soft power," and is one of the important pillars of state soft power in the international arena.[8] "Power" exists in every relationship and is defined as "the ability to achieve different goals through different means and thus to influence the management of any relationship."[9] Power in international relations refers to the sum of factors that allow actors to influence the behavior of other actors, and can be divided into "hard power" and "soft power." If hard power is often based on the ability to convince actors through economic means (for example, reward for supporting actors and preventing material rewards from rogue actors) or by military means (the ability to threaten militarily to impose will), then soft power is based on a state's attempt to persuade via its ability to shape the preferences of another state by non-coercive means.[10] Soft power is the ability of a country to "attract" other countries through a variety of tools, including

culture, values, ideology, humanitarian assistance for civilian development, technology, norms, and institutions, thus enabling attainment of political goals and influencing the preferences of other countries.[11]

The ability of a state to provide humanitarian assistance for civilian needs to developing countries is an important element in its soft power that is likely to improve its standing in the international community, and various countries provide humanitarian aid as a tool to increase their soft power.[12] For example, the US aid program to fight AIDS in Africa constitutes an important measure in enhancing its soft power. The same goes for China's strengthening of ties through investment and technological assistance in Africa.[13] These cases exemplify the use made by actors, including superpowers, of civilian-humanitarian assistance as one of the foundations of their soft power, as opposed to exports and trade ties, which to a large extent constitute hard power.

For Israel, economic success and expertise in the fields of hi-tech, agriculture, medicine, and communications have helped to expand its diplomatic ties.[14] Israel's technological capabilities were recognized by Portland Communications, which in 2015 ranked Israel 26 in its global "Soft Power 30" rankings of the world's top soft power nations. Israel's technological capabilities were also reflected in its integration into the Horizon 2020 project for research, innovation, and technological and scientific cooperation, and those capabilities constitute the infrastructure for extending technological assistance for humanitarian, agricultural, and civilian uses.[15]

Strengthened relations is achieved through Israel's soft power, in increased use of humanitarian assistance for civilian development; strengthened relations yields positive voting patterns from Israel's perspective at the General Assembly, albeit in a limited manner.

A number of prominent projects illustrate Israeli humanitarian aid in South Sudan, Kenya, Ethiopia, and Rwanda. Israel assists South Sudan in the development of water systems, infrastructure, and technologies. Joint projects include agriculture, natural resource development, infrastructure, science and technology, education, and defense. Israel was one of the first countries to extend assistance to the young state through the transfer of knowledge and resources. Inter alia, it promoted the establishment of a model agricultural farm in East Equatoria, the renovation of the emergency and trauma ward at the main hospital in Juba, and university cooperation across the country. Speaking about the relations between Israel and South Sudan, the American

ambassador said: "This is a country that loves us and you too, but loves you a little more."[16]

In addition to more than 1,000 eye surgeries performed in Kenya in 2016 by Israeli doctors, and in light of the Kenyan request to learn from Israel agricultural development and receive assistance in the establishment of a scientific, technological, and agricultural park, MASHAV promoted additional civilian-humanitarian projects in the country, such as women's economic empowerment, education on sustainable development, provision of water supply for agriculture, and the eradication of poverty in the Lake Victoria area.[17] In Rwanda, Israel is particularly prominent in assisting in the development of agriculture in a variety of aspects – entrepreneurship, technology, and trade.[18] In Ethiopia, MASHAV, together with the UN Development Agency, launched a project for innovation and technological know-how in the fields of agriculture, entrepreneurship, private sector development, and gender integration.[19] A broader view of Israeli aid in Africa points to many directions. For example, as part of an ophthalmic medicine project run in several countries on the continent, hundreds of thousands of people were examined and tens of thousands underwent surgery. Another Israeli medical project has succeeded in reducing the mortality rate among AIDS orphans in Ethiopia from 25 percent a year to almost zero. Israel has also provided training courses for hundreds of African medical professionals.[20]

***Influence in International Forums***

Beyond security needs and the attempt to curb Iran's influence in various arenas and reduce its ability to supply weapons to Hamas, and beyond the realization of economic opportunities in the strengthening of ties with many of the 54 African countries, attainment of political support in the UN arena is another motive for strengthening relations, given the Palestinians' growing use of voting procedures in the UN to promote their political goals.[21] Therefore, alongside American support, Israel is working to broaden support from other UN member states, and in contrast to the few attempts to influence the UN arena in the past on the grounds of an inherent bias against it, Israel has recently stepped up its activity to influence UN decisions.[22] A statement by Prime Minister Netanyahu during a meeting with Israeli ambassadors to African countries in February 2017 supports this argument: "There are 54 countries in Africa. If you change the voting pattern of a majority of them, you at once change the balance

of votes against us at the UN."[23] Another statement by Netanyahu from that meeting leaves no room for doubt regarding Israel's motive in Africa:

> When I look at the pyramid of our foreign policy interests, Africa is very high up ...I want to say what our interest is. The first interest is to dramatically change the situation regarding African votes at the UN and other international bodies from opposition to support...This is the first goal. I am purposely defining it because while there are many other goals it outweighs them all... Whether in the end or at the outset, our goal is to change their voting patterns.[24]

Statements made by MASHAV officials and the Israeli diplomatic corps also serve as evidence. MASHAV head Gil Haskel claimed that "when important, significant UN operational resolutions are reached, we see a direct link between our investments and the behavior of those states. If they don't vote with us, they abstain, or leave the room...in all the countries I mentioned, and in others, we have been active for many years and we can see results."[25] Arye Oded, a former Israeli ambassador to several African countries, said with regard to Netanyahu's visit to Africa: "One of the goals of the visit is to change the situation, so that they will not vote automatically against us...that they at least abstain from voting."[26] Israel's ambassador to Rwanda, Ron Adam, said: "Our obligation as part of the Western world is to help others as well, when we invest more in foreign aid, we will have greater legitimacy in the world, and then we will be stronger politically."[27]

## The Political Benefits of Israel-East Africa Relations

In order to evaluate the political benefits of Israel's East Africa policy, the voting patterns of Ethiopia, Kenya, South Sudan, and Rwanda in votes on resolutions concerning Israel at the General Assembly in 2015-2018 were examined. During this time frame, relations between Israel and Africa strengthened – in particular, relations between Israel, Rwanda, and South Sudan flourished – and important resolutions concerning Israel were presented to the General Assembly, including the decision to move the American Embassy to Jerusalem. This review was based on the United Nations, United States State Department, and UN Watch databases, and analyzed 76 General Assembly resolutions concerning Israel: 18 in 2015, 18 in 2016, 21 in 2017, and 19 in 2018.[28] The votes were divided into four categories – against (against Israel), pro (for Israel), abstentions, and absences. The analysis focused on the General Assembly, since of the African countries,

only Ethiopia served as a member of the Security Council in 2017-2018; in addition, the goal is to avoid bias given the veto power of the United States at the Security Council and in view of the fact that all votes are equal at the General Assembly. Alongside the main analysis, voting patterns were also examined in a number of major votes concerning Israel in 2014, prior to the period under study.

The US opposed all the resolutions on the grounds that they were anti-Israel. Regarding Africa, Table 1 points to a link between the strengthening of Israel-East Africa ties and the trend of voting patterns at the United Nations of some of the countries in favor of Israel.

**Table 1**. Voting Patterns of 4 African States on Resolutions concerning Israel, 2015-2018

| | Ethiopia | | | | South Sudan | | | | Kenya | | | | Rwanda | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Against | For | Abstain | Absent | Against | For | Abstain | Absent | Against | For | Abstain | Absent | Against | For | Abstain | Absent |
| **2015** | 16 | – | 2 | – | 2 | – | 8 | 8 | 18 | – | – | – | 1 | – | 1 | 16 |
| **2016** | 16 | – | 2 | – | 1 | 2 | 9 | 6 | 18 | – | – | – | – | – | – | 18 |
| **2017** | 17 | – | 4 | – | – | 2 | 14 | 5 | 18 | 1 | 1 | 1 | 4 | 1 | 7 | 9 |
| **2018** | 17 | – | 2 | – | 2 | – | 6 | 11 | 19 | – | – | – | 3 | – | 15 | 1 |

The analysis did not find a clear pattern of voting in favor of Israel, but the tendency to abstain or even to be absent from anti-Israel votes demonstrates a consistent positive trend in the votes of South Sudan and Rwanda. In addition, during the term of Rwanda as a member of the Security Council in 2013-2014, a prominent Jordanian resolution in December 2014 called in part for the establishment of a Palestinian state, but was not accepted as it did not gain the required nine votes – Rwanda was among the countries to abstain.[29] The pro-Israel line in the votes of South Sudan and Rwanda was also reflected in the draft resolution A/ES-10/L.22 of December 21, 2017, which was brought before the General Assembly by Yemen and Turkey to protest the American recognition of Jerusalem as the capital of Israel and was supported by 128 countries. On the other hand, 9 countries voted against, 35 abstained – among them, South Sudan and Rwanda – and Kenya was among the 21 no-shows.[30] Taking a broader perspective, among the countries that consistently voted alongside the United States in

favor of Israel in all 76 votes were Australia, Canada, the Marshall Islands, Micronesia, Nauru, and Palau, although the votes of the small island states result more from their dependency on the United States and less on their relations with Jerusalem. The positive votes of Britain and Germany are also significant, albeit in a more limited fashion. These findings suggest a relationship that must be maintained at least as much, if not more so than the attempt to strengthen ties in Africa.

On the other hand, Ethiopia voted against 66 times, and as a member of the Security Council in 2017-2018 in two prominent draft resolutions in which the United States imposed a veto to prevent their adoption, it voted once in favor and abstained once, partly because of its desire to draw closer to Arab states and maintain a neutral image.[31] Kenya also voted against in 73 of 76 resolutions.

In addition, there were two major draft resolutions at the General Assembly in 2018. The first was in June, dealing with the dispatch of an international defense force to the Gaza Strip against the background of clashes on the border fence, and was adopted by a majority of 120 countries in favor and eight against. South Sudan was among the 45 countries that abstained, while Rwanda was among the 20 no-shows. A second draft resolution from December dealt with an American proposal to condemn Hamas. Among the countries supporting the resolution were Rwanda, South Sudan, and Eritrea, while Ethiopia, Kenya, and Uganda were among the countries that abstained. The draft resolution did not pass, but it was supported by 87 countries (and 33 abstentions).[32]

## Policy Implications

The article points to a positive but limited connection between foreign relations and policy benefits reflected in UN voting patterns and recommends expanding civilian-humanitarian assistance in light of expected benefits for Israel.

*Political benefits*: First, in light of the reduction in Israel's foreign aid budget today, certainly in relation to the budget in the 1950s and 1960s, and in relation to OECD requirements, the foreign aid budget, which stands at just 0.1 percent of GDP,[33] should be increased. Second, Israel should continue to promote the use of its technological capabilities for development in Africa. For example, climate change is gaining a central place on the agenda of the United Nations, the European Union, and the African Union. In view of the UN's humanitarian development goals, the

OECD requirement that its members allocate a portion of their budgets for humanitarian aid, and in view of the importance of *tikkun olam* (repairing the world) in Israel's foreign policy as far back as the early 1950s, it is desirable that Israel too join this international effort, both from its experience as a country affected by direct and regional implications of climate change, and through its technological capabilities relating to climate change, focusing on agriculture, drip irrigation systems, water saving, water purification and recycling, solar energy development, and economical and efficient management of resources. These are examples of what Israel can contribute in light of its own challenges in the face of harsh climatic conditions, drought, and desertification.

In Africa, the entire continent is directly and negatively affected by climate change, which together with population growth may lead to challenges that will have an impact beyond Africa in the international arena in areas such as migration, economic crisis, terrorism, instability, and human suffering.[34] Israel's contribution in its technological solutions to global humanitarian problems related to phenomena such as desertification, drought, hunger, agricultural development, and humanitarian civilian development may accelerate consolidation of its status in African countries, especially in Ethiopia, which has tackled climate change phenomena in recent years. It may also contribute to raising Israel's prestige in international institutions and in the West.

In other words, in places where Israel uses soft power by positioning itself as a source of knowledge and expertise for humanitarian development, it may gain – beyond Africa – support, for example, at various UN bodies. One example was the acceptance by the General Assembly of an Israeli initiative on Third World entrepreneurship and development that was supported by 129 countries.[35] This is reflected in Haim Koren's statement that South Sudan is one of Israel's most consistent supporters in international forums, including in the UN arena. According to Koren, the esteem Israel receives for its involvement in the development of Africa gives it the reputation of a country that wants to help, and "one that knows how to do it."[36]

*Economic-security benefits*: Israel's foreign policy achievements in Africa are limited, given the attempt by the African countries to display neutrality and "enjoy the best of both worlds." In other words, on the one hand, their membership in the African Union requires them to show solidarity and not deviate from the anti-Israel line led by the African-Muslim countries in the organization, but on the other hand, ties with Israel are important to them

from business-economics, humanitarian-civilian, and security aspects. Thus, the ability to translate Israel's civilian-humanitarian assistance and even its defense, trade, and economic into political support is limited.

Nonetheless, alongside civilian-humanitarian assistance, the article recommends a comprehensive effort, to expand economic exports, not only in light of the economic benefits to Israel (according to the Israel Export Institute in 2018, exports to sub-Saharan countries stood at $725 million)[37] but also in view of the political and security benefits that may result. From the security perspective, strengthening Israel's relations with East Africa through civilian-humanitarian aid and economic-defense exports could ultimately contribute to Israel's security, inter alia, by reducing Iran's influence in the region and thwarting its initiatives to assist terrorist organizations in the Gaza Strip by smuggling weapons from the Red Sea, Sudan, and the Sinai Peninsula and promoting intelligence cooperation. The proximity of Ethiopia and Kenya to Somalia may also serve as a buffer to the possible influence of radical Somali Islamic groups on the terrorist organizations in the Gaza Strip. This constitutes a common Israeli, Ethiopian, and Kenyan interest, because they also fear the possible influence of radical Islam in their territory.

## Notes

1 Although located in central Africa, Rwanda is included in the analysis here in view of the importance allocated to it by MASHAV (in the Foreign Ministry), which sees it as among its Priority Countries, inter alia, given the many similarities between it and Israel, and because it is among the highest growth countries on the continent. See "MASHAV – Israel's Agency for International Development Cooperation," Ministry of Foreign Affairs, https://mfa.gov.il/MFA/mashav/Where_We_Work/Pages/Africa.aspx.

2 Yossi Alpher, *A Lonely Country* (Tel Aviv: Matar, 2015) [in Hebrew]; Yoel Guzansky and Gallia Lindenstrauss, "Revival of the Periphery Concept in Israel's Foreign Policy? *Strategic Assessment* 15, no. 2 (2012): 27-40, https://www.inss.org.il/wp-content/uploads/2017/02/FILE1345031866-1.pdf; Shabtai Shavit, *Head of the Mossad* (Rishon Le-Zion: Yediot Ahronot, 2018), p. 95 [in Hebrew]; Michael Bar Zohar, "David Ben-Gurion and the Policy of the Periphery 1958: Analysis," in *Israel in the Middle East: Documents and Readings on Society, Politics and Foreign Relations, pre-1948 to the Present*, eds. Itamar Rabinovich and Jehuda Reinharz (Waltham, Mass: Brandeis University Press, 2008), pp. 191-97.

3 MASHAV – Israel's Agency for International Development Cooperation, founded in 1958, was motivated by interests and moral considerations. Golda Meir put it well when as Foreign Minister she said: "Did we go into

Africa because we wanted votes in the UN? Yes, of course that was one of our motives....But it was far from being the most important motive...The main reason for our African 'adventure' was that we had something we wanted to pass on to nations that were even younger and less experienced than ourselves." See Golda Meir, *My Life* (New York: Putnam, 1975).

4 On the importance of the horn of Africa, see note 1. MASHAV lists these countries among its priority countries.

5 Guzansky and Lindenstrauss, "Revival of the Periphery Concept in Israel's Foreign Policy?"

6 Noa Landau, "Amid Deportation Deal, Israel Backs Rwanda's UN Move to Rename 1994 Genocide," *Haaretz*, January 29, 2018, https://bit.ly/2J979Ml.

7 Herb Keinon, "Kagame to 'Post': Israel Helping Rwanda Defeat Jihadist Threats," *Jerusalem Post*, July 11, 2017, https://bit.ly/30aNG3r; Ilan Lior, "Rwanda Denies Signing 'Secret Deal with Israel' to Accept Deported Asylum Seekers," *Haaretz*, January 23, 2018, https://bit.ly/2E0fFJj.

8 The article does not discuss Israel's defense-economic exports.

9 Shmuel Tzabag, *Power in International Relations* (Tel Aviv: Open University, 1997), p. 5 [in Hebrew].

10 Joseph S. Nye, *Soft Power: The Means to Success in World Politics* (New York: Public Affairs, 2004), pp. 1-32.

11 Joseph S. Nye, *Bound to Lead: The Changing Nature of American Power (*New York, Basic Books, 1990); Nye, *Soft Power: The Means to Success in World Politics.*

12 Carol Lancaster, "Redesigning Foreign Aid," *Foreign Affairs* 79, no. 5 (2000): 74-88.

13 Joseph S. Nye, "Rice Must Deploy More 'Soft Power,'" Belfer Center for Science and International Affairs, January 25, 2005, https://www.belfercenter.org/publication/rice-must-deploy-more-soft-power; Drew Thompson, "China's Soft Power in Africa: From the 'Beijing Consensus' to Health Diplomacy," *Jamestown Foundation China Brief* 5, no. 21, October 13, 2005.

14 Efraim Inbar, "Israel Is Not Isolated," Begin-Sadat Center for Strategic Studies, *Mideast Security and Policy Studies* No. 99, 2013.

15 Mark Jones, "Which Countries Come Top for 'Soft Power'?" World Economic Forum, July 17, 2015. Israel was not included in the "Soft Power 30" rankings in 2016-2018.

16 Haim Koren, "How Do You Establish Diplomatic Relations with a Country that Was Just Born?" *The Arena*, No. 3, January 7, 2019 [in Hebrew].

17 "Israel in Africa: Kenya," Ministry of Foreign Affairs, July 5, 2016, https://bit.ly/2Jmp7K3 [in Hebrew].

18 "Israel in Africa: Rwanda," Ministry of Foreign Affairs, July 4, 2016, https://bit.ly/2Ly7BW3 [in Hebrew].

19 "MASHAV and UNDP for Ethiopia Sign Cooperation Agreement," Ministry of Foreign Affairs, October 30, 2014, https://bit.ly/2J6RBbV [in Hebrew].

20 Tamar Dressler, "The Aid Changes Israel's Global Image," *Ynet*, November 8, 2011, https://www.ynet.co.il/articles/0,7340,L-3981367,00.html [in Hebrew].

21 Haim Koren, "Israel and Egypt: A Strategic Axis in the Regional Web?" *Mitvim*, https://bit.ly/2XLtbwx [in Hebrew]; Moshe Terdiman, "The Israeli Return to Africa," *Ynetnews.com,* December 9, 2016, https://www.ynetnews.com/articles/0,7340,L-4853614,00.html; Amir Sabhat, "Is Israel Missing Out on the African Economy," *Calcalist*, July 20, 2018, https://www.calcalist.co.il/local/articles/0,7340,L-3742663,00.html [in Hebrew].

22 In twelve cases between 2001 and 2018, the United States blocked a draft resolution against Israel at the Security Council. See "Security Council – Veto List" at http://research.un.org/en/docs/sc/quick/veto; Yaron Salman, "Peace Missions in the 21st Century," *Politika: Israeli Journal of Political Science and International Relations* 27 (2018): 51-66 [in Hebrew]; Yaron Salman, "Bypass Surgery: How to Overcome the Paralysis in the Security Council," *The Arena*, No. 3, January 7, 2019 [in Hebrew]. This is also reflected in Israel's announcement of its withdrawal from UNESCO in December 2017.

23 Ariel Kahana, "The Ambassadors to Netanyahu: This Way Will Not Change the Majority in the UN," *NRG*, February 8, 2017, https://www.makorrishon.co.il/nrg/online/1/ART2/862/702.html [in Hebrew].

24 "PM Netanyahu Meets with Israeli Ambassadors to Africa," Press release from the Prime Minister's Office, February 8, 2017, https://bit.ly/2FNqoc0 [in Hebrew].

25 Ariel Kahana, "Senior Foreign Ministry Official: Israel Does Not Have a True Survey of its Global Status," *Makor Rishon*, July 5, 2018, https://www.makorrishon.co.il/news/44277/ [in Hebrew].

26 Shimon Cohen, "Europe is Hostile? Israel Returns to Africa," *Arutz Sheva*, July 4, 2016, https://www.inn.co.il/News/News.aspx/325294 [in Hebrew].

27 Amir Levy, "Rwanda is the Most Successful Country in Africa, You Feel the Love for Israel" *Mida*, April 6, 2019, https://bit.ly/2G2SVuF [in Hebrew].

28 General Assembly, Voting Records, https://www.un.org/en/ga/documents/voting.asp; U.S. Department of state, Voting Practices in the United Nations, https://www.state.gov/voting-practices-in-the-united-nations-2017/; UN Watch, https://unwatch.org/en/.

29 UNSC doc, s/2014/916, 30 December 2014; UNSC Official Records, 2016, *Resolutions and Decisions of the Security Council 2014-2015*, United Nations Publications.

30 Tal Shalev and Omri Nahmias, "With the Support of 128 States: UN Passes Resolution against Recognition of Jerusalem," *Walla*, December 22, 2017, https://news.walla.co.il/item/3121287 [in Hebrew].

31 See S/2017/1060 on the transfer of the United States Embassy to Jerusalem; S/2018/516 on the dispatch of an international force to the Gaza Strip.

32 Itamar Eichner, "Close Vote: The States that Blocked the Condemnation of Hamas," *Ynet*, December 9, 2017, https://www.ynet.co.il/articles/0,7340,L-5422256,00.html [in Hebrew]; Itamar Eichner, "A Majority in the UN was

Not Enough for Condemnation," *Ynet*, December 7, 2017, https://www.ynet.co.il/articles/0,7340,L-5421267,00.html [in Hebrew]; Barak Ravid, "UN General Assembly Votes to Condemn Israel," *News 13*, June 14, 2018, https://13news.co.il/10news/news/165573 [in Hebrew].

33 In 2017 Israel's foreign aid budget amounted to $319 million. See Leah Landman, "Left Behind: Who Will Assist Israeli Foreign Aid?" *The Arena*, No. 1, May 27, 2018 [in Hebrew]. On the MASHAV Budget in the 1950s and 1960s, see Moshe Decter, *To Serve, To Teach, To Leave – The Story of Israel's Development Assistance Program in Black Africa*, American Jewish Congress, 1977; Joel Peters, *Israel and Africa: The Problematic Friendship* (London: British Academic Press, 1992). The OECD requires spending of 0.7% of GNP in favor of foreign aid. See the OECD website, http://www.oecd.org/dac/stats/the07odagnitarget-ahistory.htm. For Israel's spending in relation to other OECD donors, see https://data.oecd.org/oda/net-oda.htm.

34 Gideon Bachar, "The Diplomacy of Climate Change," *Zavit*, November 13, 2017 [in Hebrew].

35 UN General Assembly Resolution, adopted on December 21, 2012, at https://undocs.org/en/A/RES/67/202; "Amb Prosor on UN Resolution 'Entrepreneurship for Development,'" Ministry of Foreign Affairs, https://mfa.gov.il/MFA/InternatlOrgs/Speeches/Pages/UNGA_adopts_Israeli_resolution_Entrepreneurship_Development_8-Dec-2012.aspx.

36 Koren, "How Do You Establish Diplomatic Relations with a Country that Was Just Born?"

37 "Export Trends: Israel and Sub-Sahara Africa" Israel Export Institute, https://www.export.gov.il/economicreviews/article/megamotsubsaharaisrael19 [in Hebrew].