

OPINION and ANALYSIS

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**A selection of some of the more challenging and thought-provoking
local and international writings on the Middle East**

<http://www.sazionfed.co.za>

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Rebutting TIME

Ron Dermer, 18 January 2011

http://www.israelforum.com/blog_article.php?aid=3214813

Dear Mr. Stengel,

I wanted to bring to your attention a recent article in Time entitled "Israel's Rightward Lurch Scares Some Conservatives."

<http://www.varimail.com/clickthrough.asp?batchid=3862&vmail_url=http://www.time.com/time/world/article/0,8599,2041613,00.html> I hope that you will agree that the article's obvious bias and numerous distortions are not worthy of the standards of your prestigious magazine.

Israel is depicted in the article as essentially sliding towards fascism. Your correspondent refers to Israel's Shin Bet (the equivalent of the FBI) as a "secret police," claims that the Israeli government "increasingly equates dissent with disloyalty," and accuses the Prime Minister of "taking a page from neighboring authoritarian states."

The evidence offered for these outrageous allegations includes a preliminary vote in our parliament that would require naturalized citizens to make a pledge of allegiance, a proposal to strip citizenship from Israelis convicted of espionage and terrorism, a motion to investigate foreign government funding of local NGOs, calls on Jews to not rent property to Arabs, and demonstrations demanding prohibitions of Arab boys from dating Jewish girls.

But your correspondent did not find it necessary to inform your readers of a few facts.

Oaths of allegiance are commonplace in most democratic countries, including the United States. Naturalized citizens in America swear an oath to its Constitution and to defend the country against "all enemies, foreign and domestic." Israel's proposed pledge would require naturalized citizens to swear an oath to Israel as a Jewish and democratic state, words taken directly from our Declaration of Independence.

Moreover, Great Britain, France, Germany, and Italy are just some of the many countries where citizenship can be stripped for various infractions that are defined as undermining "national interests." Are these European countries not democratic?

In the United States, Senator Joe Lieberman proposed a bill last year to "add joining a foreign terrorist organization or engaging in or supporting hostilities against the United States or its allies to the list of acts for which United States nationals would lose their nationality." Is American democracy threatened by such a bill?

As for questioning the legitimacy of foreign government funding of Israeli NGOs, mentioning America's Foreign Agent Registration Act (FARA) may have presented a more balanced picture.

FARA requires that any organization engaged in lobbying in the U.S. that receives money from foreign individuals, let alone foreign governments, must among other things

register as a foreign agent with the Department of Justice and permit the Attorney General to inspect all of its activities.

It is hard to imagine any democratic country accepting foreign governments intervening in its domestic affairs by funding domestic groups engaged not merely in criticism of a particular government's policy but also attacking the very foundations of the State.

What would Britain do if the French government was actively funding a British NGO that sought to eliminate the monarchy? What would the United States do if the Iranian government was funding American NGOs pressing for a withdrawal of US forces from the Middle East?

There is a vigorous public debate in Israel, including within the Likud party, over the best means to address the problem of foreign government funding of local NGOs. Proposals range from launching a parliamentary investigation to laws banning or restricting such funding to measures to ensure full transparency. Far from being a sign of Israel's slide toward fascism, the current debate in Israel is a testament to how vibrant our democracy truly is.

Finally, contrary to the implication of your correspondent, Prime Minister Netanyahu has publicly and forcefully condemned the racist sentiments that were mentioned in the article. For example, this is what the Prime Minister said at the opening of Israel's annual Bible Quiz to an audience of mostly observant Jews a few hours after he learned of the letter calling on Jews not to rent apartments to Arabs:

There are non-Jews among the citizens of this country. How would we feel if someone said not to sell apartments to Jews? We would have been outraged, and indeed we are outraged when we hear such things in neighboring countries or anywhere else. Such statements should not be made, neither about Jews nor about Arabs. They must not be made in any democratic country, let alone a Jewish-democratic country that respects the moral values of the Jewish heritage and the Bible. Therefore, the State of Israel categorically rejects these things.

Contrast this unequivocal condemnation by the leader of Israel to the Palestinian Authority law that mandates the death penalty for anyone who sells land to Jews. Such laws are all too common in a Middle East in which Christians are persecuted, gays are hanged in public squares and women are stoned for adultery.

Changing a Stagnant Political Order? End of Ben Ali Era in Tunisia

J.Scott Carpenter and David Schenker, PolicyWatch, 14 January 2011

<http://www.washingtoninstitute.org/templateC05.php?CID=3292>

Last week, President Zine al-Abadine Ben Ali of Tunisia stepped down after days of worsening riots and, coincidentally, one day after Secretary of State Hillary Clinton bluntly criticized Middle Eastern leaders during a speech in Qatar, where she accused them of tolerating "corrupt institutions and a stagnant political order." In Tunis, it was announced that Prime Minister Muhammad Ghannouchi has taken over as interim president. Ghannouchi said Ben Ali was "temporarily unable to exercise his duties." (Arab television stations report that he has flown abroad.) Ben Ali, who had ruled for twenty-three years, had earlier promised to step down when his term ends in 2014 and hold parliamentary elections within six months. Now the Arab world is watching to see which other regime might be vulnerable and what the U.S. response will be.

Root Causes: Tensions have been rising steadily within Tunisian society over the past decade. According to a 2009 State Department cable released by WikiLeaks and published by a British newspaper, "President Ben Ali is aging, his regime is sclerotic and there is no clear successor." Frustrations stem not only from economic malaise, but also from suffocating repression and increasingly visible kleptocracy within the ruling family. The past few years have witnessed a number of tremors that should have given the government adequate forewarning of the current political earthquake. For six months in 2008, concerted labor action froze the mining industry in Redeyef. And last year, protests forced the government to reverse a decision that appeared to benefit Tunisians close to the Ben Ali family.

These and other protests were large and well organized, but they took place on the country's geographical and political periphery, and were little noticed by the international press. Moreover, they did not connect fully with the deeper malaise in Tunisian society. In December, however, a young Tunisian man immolated himself in apparent frustration at being prevented from selling vegetables on the streets of his hometown. In death, Muhammad Bouazizi came to epitomize the humiliation and powerlessness so many Tunisians feel on a daily basis. Young Tunisians -- the vast majority of the population -- now had a symbol around which to rally and create what is fast becoming a fundamental rupture of the state.

The demonstrations have been fueled by several factors, foremost of which is the potent combination of unemployment and underemployment. Tunisian unemployment has long been fairly high -- over 13 percent in 2009 -- but it has been aggravated recently by the concentration of joblessness among the burgeoning youth population. According to the World Bank, nearly 30 percent of Tunisians age 20-24 are unemployed, while young university graduates face nearly 25 percent joblessness. Although youths are being educated at higher rates, this schooling has not translated to improved economic prospects.

Recent years have been particularly difficult for the Tunisian economy. As a result of the global economic downturn, the country faced economic contractions between 2007 and 2009. This has meant even fewer jobs, particularly in tourism,

a major sector catering to Europeans seeking cheap Mediterranean sun. Meanwhile, declines in state revenue have coincided with ongoing efforts to implement economic reforms, including an unpopular program to gradually reduce subsidies on some commodities, including food. Earlier attempts to reduce subsidies in the 1980s met with riots and were called off. The latest price hikes were implemented last summer.

Popular dissatisfaction has only been exacerbated by the authoritarian regime's excesses. Tunisians have long been aware of state repression, but lately, with the help of the internet, they are also becoming well acquainted with the voracious corruption of Ben Ali and his ruling clique. According to the previously mentioned 2009 State Department cable, "Corruption in the inner circle is growing. Even average Tunisians are now keenly aware of it, and the chorus of complaints is rising." The cable detailed how Ben Ali's daughter's household included "a large tiger, named Pasha, living in a cage, which consumes four chickens a day," reminiscent of "Uday Hussein's lion cage in Baghdad."

Possibilities for Regional Contagion: Tunisia's riots have coincided with civil disturbances in Algeria and Jordan, states facing similar challenges of joblessness and underemployment. With large gas and oil export revenues/reserves and low foreign debt, Algeria is in better financial condition than Tunisia. But lower global oil prices in 2009 stressed state coffers, while Algerians were affected by higher world commodity prices. Like Tunisia, Algeria is an authoritarian state, with President Abdelaziz Bouteflika's regime receiving only slightly better Freedom House ratings than Tunis. Perhaps the most important similarity, however, is that Algeria also has a very young population with bleak economic prospects. Although the country's unemployment rate has decreased from more than 15 percent in 1995 to 10 percent today, it remains a leading source of disaffection.

Jordan has seen civil unrest in recent weeks as well. Although many have likened these disturbances to those in Tunisia and Algeria, they were inspired more by tribal tensions, albeit related to economic opportunities. The kingdom is treating the antigovernment riots in Maan -- an impoverished city with a long history of protests -- with the utmost seriousness. For example, King Abdullah has announced that he will temporarily reinstate state subsidies on some basic commodities by lowering prices. Apparently, Washington is concerned as well, so much so that it increased its assistance package to Jordan by \$100 million this year -- effectively underwriting Amman's subsidies -- to help stave off discontent.

Although these are the only states that have thus far seen popular discontent, several other Arab regimes are concerned about spillover and have taken steps to insulate themselves. Libya and Morocco, like Jordan, have lowered prices on staples. And Egypt -- whose 2008 wheat crisis was so severe that the military had to be called in to bake bread for the general population -- is no doubt watching developments closely.

What Can Washington and Europe Do? The most striking aspect of Tunisia's countrywide protests has been their wholly indigenous character. President Ben Ali's assertions that the unrest was being instigated by outsiders and led by extremists has only served to reinforce public suspicions regarding how out of touch he was.

The challenge now for the United States and the European Union is to ensure a smooth transition to a new government. The United States has far less leverage over Tunis than do the EU and France. (As the leaked State Department cable put it, "By many measures, Tunisia should be a close ally. But it is not.") The United States provides no economic assistance to Tunisia, and its military financing program is paltry -- a typical complaint from Tunis. Despite this, Tunis provides important counterterrorism cooperation and was held up as a regional model during the Bush administration. It is the EU, however, which fuels Tunisia's economy through large cash infusions and has a robust trade relationship with the country.

Conclusion: The events in Tunisia demonstrate to Arabs around the region how brittle even the most advanced police state can be when resolutely confronted by its citizens. This lesson will not likely be lost on Egyptians, Jordanians, Algerians, and others. By almost all indicators, from education to economy, Tunisia ranks far ahead of other Arab nations in the region. Yet the government's failure to improve the basis of its legitimacy, ensure widespread benefits from economic reforms, and create a path to meaningful political participation has brought the country to the brink of revolution. It has also provided a dramatic and early 2011 reminder to the Obama administration that the perceived trade-off between stability and democratic reform is false and that, furthermore, what one perceives as stable can change within a matter of days.

World Leaders ignore International Law

Eli E. Hertz, Myths and Facts, 4 October 2011

http://www.mythsandfacts.com/article_view.asp?articleID=153

The U.S. Administration, the European Union, the UN and Russia's decision to rewrite history by labeling the Territories 'Occupied Territories,' the Settlements as an 'Obstacle to Peace' and 'Not Legitimate,' thus endowing them with an aura of bogus statehood and a false history. The use of these dishonest loaded terms empowers terrorism and incites Palestinian Arabs with the right to use all measures to expel Israel.

The Jewish People's right to the Land of Israel The "Mandate for Palestine" & the Law of War

UN Secretary-General Ban Ki-moon, USA Secretary of State Hillary Clinton, and the European Union Foreign Affairs Chief Catherine Ashton became victims to the 'Occupation' mantra their own organization has repeated over and over in their propaganda campaign to legitimize the Arab position.

Continuous pressure from the "Quartet" (US, the European Union, the UN and Russia) to surrender parts of the Land of Israel are contrary to international law as stated in the "Mandate for Palestine" document, that firmly call to "encourage ... close settlement by Jews on the land, including State lands and waste lands not required for public purposes." It also requires "seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of the government of any foreign power."

Any attempt to negate the Jewish people's right to Palestine - Eretz-Israel, and to deny them access and control in the area designated for the Jewish people by the League of Nations is a serious infringement of international law.

International Law - The "Mandate for Palestine"

The "Mandate for Palestine" an historical League of Nations document, laid down the Jewish legal right under international law to settle anywhere in western Palestine, the area between the Jordan River and the Mediterranean Sea, an entitlement unaltered in international law. Fifty-one member countries - the entire League of Nations - unanimously declared on July 24, 1922:

"Whereas recognition has been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country."

On June 30, 1922, a joint resolution of both Houses of Congress of the USA unanimously endorsed the "Mandate for Palestine":

"Favoring the establishment in Palestine of a national home for the Jewish people.

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the United States of America favors the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which should prejudice the civil and religious rights of Christian and all other non-Jewish communities in Palestine, and that the holy places and religious buildings and sites in Palestine shall be adequately protected." [italics in the original]

Law of War - Arab unlawful acts of aggression in 1948

Six months before the War of Independence in 1948, Palestinian Arabs launched a series of riots, pillaging, and bloodletting. Then came the invasion of seven Arab armies from neighboring states attempting to prevent the establishment of a Jewish state in accordance with the UN's 1947 recommendation to Partition Palestine, a plan the Arabs rejected.

The Jewish state not only survived, it came into possession of territories - land from which its adversaries launched their first attempt to destroy the newly created State of Israel.

Israel's citizens understood that defeat meant the end of their Jewish state before it could even get off the ground. In the first critical weeks of battle, and against all odds, Israel prevailed on several fronts.

The metaphor of *Israel having her back to the sea* reflected the image crafted by Arab political and religious leaders' rhetoric and incitement. Already in 1948 several car bombs had killed Jews, and massacres of Jewish civilians underscored Arab determination to wipe out the Jews and their state.

6,000 Israelis died as a result of that war, in a population of 600,000. One percent of the Jewish population was gone. In American terms, the equivalent is 3 million American civilians and soldiers killed over an 18-month period.

Israel's War of Independence in 1948 was considered lawful and in self-defence as may be reflected in UN resolutions naming Israel a "peace loving State" when it applied for membership at the United Nations. Both the Security Council (4 March, 1949, S/RES/69) and the UN General Assembly (11 May, 1949, (A/RES/273 (III)) declared:

"[Security Council] Decides in its judgment that Israel is a peace-loving State and is able and willing to carry out the obligations contained in the Charter ..."

Arab unlawful acts of aggression in 1967

In June 1967, the combined armies of Egypt, Syria, and Jordan attacked Israel with the clear purpose expressed by Egypt's President: "Destruction of Israel." At the end of what is now known as the Six-Day War, Israel, against all odds, was victorious and in

possession of the territories of Judea and Samaria [E.H., The West Bank], Sinai and the Golan Heights.

International law makes a clear distinction between defensive wars and wars of aggression. More than half a century after the 1948 War, and more than four decades since the 1967 Six-Day War, it is hard to imagine the dire circumstances Israel faced and the price it paid to fend off its neighbors' attacks.

Who starts wars does matter

Professor, Judge Stephen M. Schwebel, past President of the International Court of Justice (ICJ) states the following facts:

"The facts of the June 1967 'Six Day War' demonstrate that Israel reacted defensively against the threat and use of force against her by her Arab neighbors. This is indicated by the fact that Israel responded to Egypt's prior closure of the Straits of Tiran, its proclamation of a blockade of the Israeli port of Eilat, and the manifest threat of the UAR's [The state formed by the union of the republics of Egypt and Syria in 1958] use of force inherent in its massing of troops in Sinai, coupled with its ejection of UNEF.

"It is indicated by the fact that, upon Israeli responsive action against the UAR, Jordan initiated hostilities against Israel. It is suggested as well by the fact that, despite the most intense efforts by the Arab States and their supporters, led by the Premier of the Soviet Union, to gain condemnation of Israel as an aggressor by the hospitable organs of the United Nations, those efforts were decisively defeated.

"The conclusion to which these facts lead is that the Israeli conquest of Arab and Arab-held territory was defensive rather than aggressive conquest."

Judge Sir Elihu Lauterpacht wrote in 1968, one year after the 1967 Six-Day War:

"On 5th June, 1967, Jordan deliberately overthrew the Armistice Agreement by attacking the Israeli-held part of Jerusalem. There was no question of this Jordanian action being a reaction to any Israeli attack. It took place notwithstanding explicit Israeli assurances, conveyed to King Hussein through the U.N. Commander, that if Jordan did not attack Israel, Israel would not attack Jordan.

"Although the charge of aggression is freely made against Israel in relation to the Six-Days War the fact remains that the two attempts made in the General Assembly in June-July 1967 to secure the condemnation of Israel as an aggressor failed. A clear and striking majority of the members of the U.N. voted against the proposition that Israel was an aggressor."

Israel has the better title to the territory of what was Palestine, including all of Jerusalem

International law makes it clear: All of Israel's wars with its Arab neighbors were in self-defence.

Professor, Judge Schwebel, wrote in *What Weight to Conquest*:

"(a) a state [Israel] acting in lawful exercise of its right of self-defense may seize and occupy foreign territory as long as such seizure and occupation are necessary to its self-defense;

"(b) as a condition of its withdrawal from such territory, that State may require the institution of security measures reasonably designed to ensure that that territory shall not again be used to mount a threat or use of force against it of such a nature as to justify exercise of self-defense;

"(c) Where the prior holder of territory had seized that territory unlawfully, the state which subsequently takes that territory in the lawful exercise of self-defense has, against that prior holder, better title.

"... as between Israel, acting defensively in 1948 and 1967, on the one hand, and her Arab neighbors, acting aggressively, in 1948 and 1967, on the other, Israel has the better title in the territory of what was Palestine, including the whole of Jerusalem, than do Jordan and Egypt."

"No legal right shall spring from a wrong"

Professor Schwebel explains that the principle of "acquisition of territory by war is inadmissible" *must be read together with other principles*:

"... namely, that no legal right shall spring from a wrong, and the Charter principle that the Members of the United Nations shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State."

Simply stated: Arab illegal aggression against the territorial integrity and political independence of Israel, cannot and should not be rewarded.

Professor Julius Stone, a leading authority on the Law of Nations, stated:

"Territorial Rights Under International Law.... By their [Arab countries] armed attacks against the State of Israel in 1948, 1967, and 1973, and by various acts of belligerency throughout this period, these Arab states flouted their basic obligations as UN members to refrain from threat or use of force against Israel's territorial integrity and political independence. These acts were in flagrant violation *inter alia* of Article 2(4) and paragraphs (1), (2), and (3) of the same article."

Thus, under international law Israel acted lawfully by exercising its right to self-defence when it redeemed and legally reoccupied Judea and Samaria, known also as the West Bank.

Legalities aside, before 1967 there were no Jewish settlements in the West Bank, and for the first ten years of so-called occupation there were almost no Jewish settlers in the

West Bank. And still there was no peace with the Palestinians. The notion that Jewish communities pose an obstacle to peace is a red herring designed to blame Israel for lack of progress in the 'Peace Process' and enable Palestinian leadership to continue to reject any form of compromise and reconciliation with Israel as a Jewish state.

Bits and Pieces
elsewhere

Clips from various media in the Middle East and

JTA, 24 January 2011: The Israeli commission of inquiry into the Israeli Navy's interception of a Gaza-bound flotilla led by the Mavi Marmara last year found that the naval blockade of Gaza does not break international law.

Imra.org, 24 January 2011: The Iranian Navy plans to send a fleet of warships, including a home-made destroyer, to the Red Sea and the Mediterranean Sea in the near future. During the mission, the fleet of warships will enter the waters of the Red Sea and then will be dispatched to the Mediterranean Sea. Iran's measure to dispatch the 10th fleet of warships to the Gulf of Aden will boost Navy's operational range in international waters since the Iranian Navy is considered as a strategic regional force with a long operational range.

Imra.org, 25 January 2011: It is virtually impossible for Israel to reach a viable peace agreement with legitimate and credible representatives of the Palestinians for the simple reasons that any Palestinian leader who accepts the elements that are a necessary condition for a viable agreement cannot retain their own legitimacy or credibility.