

OPINION and ANALYSIS

Vol 1, Number 28: 30 November 2012

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

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

1. **Charles Krauthammer** **Why was there war in Gaza?**
Washington Post, 23 November 2012

What did Hamas hope to gain from this latest round of fighting, which it started with a barrage of about 150 rockets into Israel? To formally translate Hamas's recent strategic gains into a new, more favorable status quo with Israel.

2. **Guglielmo Verdirame** **Gaza crisis: the legal position of Israel and Hamas**
BBC News, 20 November 2012

Enshrined in Article 51 of the UN Charter, the right of self-defence is accepted as a fundamental principle of international law. While aspects of this principle are disputed, it is universally agreed that a state can defend itself against an armed attack.

3. **David Schenker** **Palestinian refugees languish in Lebanon**
Middle East Quarterly, Fall 2012

Palestinian refugees in Lebanon tend to point to the creation of Israel as the main reason for their unfortunate predicament though much of their suffering is readily attributable to a Lebanese legal system that systematically undermines the community's ability to sustain itself and improve its condition.

4. **Nesrine Malik** **The Arab Spring has done nothing for Gaza**
The Independent (UK), 21 November 2012

The Arab Spring has done very little to change the Arab world's utter impotence in the face of Israeli aggression ... The nascent regimes in Egypt, Tunisia, Libya and Yemen are neither going to escalate conflict with Israel, nor come up with a permanent solution for the conflict by subduing Hamas.

5. **Vincent Cooper** **Why Israel can't win this propaganda war**
The Commentator, 22 November 2012

Israel will never win this propaganda war because its people and culture are seen by a powerful opinion-forming liberal/left orthodoxy not as a people with a right to exist within secure borders but as a proxy of western interests.

6. Professor Ronnie Becker
Israeli/Palestinian Conflict
Sunday Independent, 23 November 2012

Changing the Guards in the

This article was one of two appearing on the same page side by side. Professor Becker's was headed "*Power hungry Hamas relentless in their pursuit of Palestinian Statehood*", and the other by Ali Mazui was headed "*Israel is becoming racist, disenfranchising Arabs and initiating apartheid*".

The final two sentences of Professor Becker's article were omitted by the Sunday Independent. They read, "

In addition, on the domestic front, he has out-manoeuvred all his political opponents (and supporters who are sometimes indistinguishable from opponents in Israel).

All this is, in Israel, probably enough to get him voted out of power at the forthcoming elections.

Why was there war in Gaza?

Charles Krauthammer, Washington Post, 23 November 2012

http://www.washingtonpost.com/opinions/charles-krauthammer-why-was-there-war-in-gaza/2012/11/22/c77582e8-3412-11e2-bfd5-e202b6d7b501_story.html

Why was there an Israel-Gaza war in the first place? Resistance to the occupation, say Hamas and many in the international media.

What occupation? Seven years ago, in front of the world, Israel pulled out of Gaza. It dismantled every settlement, withdrew every soldier, evacuated every Jew, leaving nothing and no one behind. Except for the greenhouses in which the settlers had grown fruit and flowers for export. These were left intact to help Gaza's economy — only to be trashed when the Palestinians took over.

Israel then declared its border with Gaza to be an international frontier, meaning that it renounced any claim to the territory and considered it an independent entity.

In effect, Israel had created the first Palestinian state ever, something never granted by fellow Muslims — neither the Ottoman Turks nor the Egyptians who brutally occupied Gaza for two decades before being driven out by Israel in the 1967 Six-Day War.

Israel wanted nothing more than to live in peace with this independent Palestinian entity. After all, the world had incessantly demanded that Israel give up land for peace.

It gave the land. It got no peace.

The Gaza Palestinians did not reciprocate. They voted in Hamas, who then took over in a military putsch and turned the newly freed Palestine into an armed camp from which to war against Israel. It has been war ever since.

Interrupted by the occasional truce, to be sure. But for Hamas a truce — *hudna* — is simply a tactic for building strength for the next round. It is never meant to be enduring, never meant to offer peace.

But why, given that there is no occupation of Gaza anymore? Because Hamas considers all of Israel occupied, illegitimate, a cancer, a crime against humanity, to quote the leaders of Iran, Hamas's chief patron and arms supplier. Hamas's objective, openly declared, is to "liberate" — i.e., destroy — Tel Aviv and the rest of pre-1967 Israel. Indeed, it is Hamas's *raison d'être*.

Hamas first killed Jews with campaigns of suicide bombings. After Israel built a nearly impenetrable fence, it went to rockets fired indiscriminately at civilians in populated areas.

What did Hamas hope to gain from this latest round of fighting, which it started with a barrage of about 150 rockets into Israel? To formally translate Hamas's recent strategic gains into a new, more favorable status quo with Israel. It works like this:

Hamas's new strength comes from two sources.

First, its new rocketry, especially the Fajr-5, smuggled in from Iran, that can now reach Tel Aviv and Jerusalem, putting 50 percent of Israel's population under its guns.

Second, Hamas has gained strategic strength from changes in the regional environment. It has acquired the patronage and protection of important Middle Eastern states as a result of the Arab Spring and the Islamist reversal in Turkey.

For 60 years, non-Arab Turkey had been a reliable ally of Israel. The vicious turnaround instituted by its Islamist prime minister, Recep Tayyip Erdogan, reached its apogee on Monday when he called Israel a terrorist state.

Egypt is now run by Hamas's own mother organization, the Muslim Brotherhood, of which Hamas is simply the Palestinian wing. And the emir of Qatar recently visited Gaza, leaving behind a

promise of a cool \$400 million.

Hamas's objective was to guarantee no further attacks on its leaders or on its weaponry, launch sites and other terror and rocket infrastructure. And the lifting of Israel's military blockade, which would allow a flood of new and even more deadly weapons. In other words, immunity and

inviolability during which time Hamas could build unmolested its arsenal of missiles — until it is ready to restart the war on more favorable terms.

Yet another hudna, this one brokered and guaranteed by Egypt and Turkey, regional powers Israel has to be careful not to offend. A respite for rebuilding, until Hamas's Gaza becomes Hezbollah South, counterpart to the terror group to Israel's north, with 50,000 Iranian- and Syrian-supplied rockets that effectively deter any Israeli preemptive attack.

With the declaration of a cease-fire Wednesday, Israel seems to have successfully resisted these demands, although there may be some cosmetic changes to the embargo. Which means that in any future fighting, Israel will retain the upper hand.

Israel has once again succeeded in defending itself. But, yet again, only until the next round, which, as the night follows the day, will come. Hamas will see to that.

Gaza crisis: the legal position of Israel and Hamas

Guglielmo Verdirame, BBC News, 20 November 2012

<http://www.bbc.co.uk/news/world-middle-east-20415886>

As in virtually every modern conflict, there is intense debate on the legality of the actions of the two sides involved here - Israel and Hamas.

Israel argues that its Operation Pillar of Defence is justified under the right of self-defence. This position has in principle been supported by various countries, including the US and EU member states.

Enshrined in Article 51 of the UN Charter, the right of self-defence is accepted as a fundamental principle of international law. While aspects of this principle are disputed, it is universally agreed that a state can defend itself against an armed attack.

There is some debate as to the intensity that an armed attack should reach before a state can lawfully resort to self-defence. Most international lawyers would agree that rockets launched against civilians that disrupt the social life of part of a country constitute an armed attack for the purposes of Article 51.

Self-defence

A case for self-defence is sometimes contested on factual grounds, for example with the argument that it was the other side that attacked first. In this case, critics of the Israeli position also advance two legal arguments.

First, they argue that the right of self-defence should be invoked only against another state, but not against a non-state entity like Gaza. State practice, especially since the attacks of 11 September 2001, militates against this interpretation of self-defence.

Attacks on civilians and civilian objects are always banned under international law

Secondly, some commentators maintain that Gaza is still subject to Israeli occupation because of the ongoing blockade, and that Israel cannot rely on self-defence in an occupied territory. Israel argues against this, pointing to its withdrawal from Gaza in 2005.

In a legal sense, "blockade" and "occupation" are concepts that have been understood in international law as distinct for some time. The conflation of the two is novel, and it runs into logical difficulties when its proponents characterise a ground operation as an "invasion".

The right of self-defence is no blank cheque. International law allows states to defend themselves only with force that is necessary and proportionate.

A common misperception is that proportionality in self-defence means an eye for an eye, a rocket for a rocket, or a casualty for a casualty. This is not so: there is no place in international law for using force in revenge.

The principle of humanity must however be balanced against the principle of military necessity"

In some cases, a necessary and proportionate response will entail the use of greater military force than was involved in the original attack; in other cases, it will be possible for a country to defend itself effectively with less force.

The principle of self-defence belongs to the body of international law that regulates resort to force or "going to war" (often referred to by the Latin term *jus ad bellum*, that is "law to war").

The other relevant body of international law regulates the conduct of hostilities once the conflict has started. It is known as the law of armed conflict (or the *jus in bello* that is "law in war").

International law maintains a strict separation between these two bodies of law.

Starting a war off on the right side of the law does not give a state more rights in the conduct of hostilities than its enemies. It is possible for a state that resorted to force lawfully to commit unlawful acts in the course of an armed conflict - and vice versa.

Humanity

The law of armed conflict also limits the amount of force that states can lawfully use.

It is not easy to establish the facts during or after an armed conflict

A key principle is that of humanity: belligerents should always avoid unnecessary suffering.

The principle of humanity must however be balanced against the principle of military necessity.

The legal manual used by the British armed forces says that military necessity allows a state to use force, unless otherwise prohibited, which is "required in order to achieve the legitimate purpose of the conflict, namely the complete or partial submission of the enemy at the earliest possible moment and with the minimum expenditure of life and resources".

The argument that the Israeli bombardments are ineffective because they have so far failed to completely stop rocket attacks can cut both ways.

Strategically, it may identify a fundamental weakness in the Israeli response and suggest the pursuit of non-forcible alternatives. But, from a military necessity angle, it may justify an escalation in the force that Israel uses so as to achieve the objective of averting the attacks.

Of course, the fact that the law authorises a certain action does not make it wise in a political or strategic sense.

International law defines military objectives as 'objects which... make an effective contribution to military action... and whose total or partial destruction... offers a definite military advantage'"

Distinction

A cornerstone in the law of armed conflict is the principle of distinction: parties to a conflict must distinguish between combatants and civilians at all times.

Various specific rules flesh out the content of this principle. Attacks on civilians and civilian objects are always banned. Attacks may be conducted against combatants or non-combatants who directly participate in hostilities, and against military objectives.

The principle of distinction also prohibits acts or threats of violence aimed at spreading terror among civilians, as well as attacks carried out with means which by their nature cannot target a specific military objective. The launching of missiles against southern Israel is said to breach distinction.

But when does an object become a legitimate military target?

International law defines military objectives as "objects which... make an effective contribution to military action... and whose total or partial destruction... offers a definite military advantage".

Rocket launchers and ammunition depots are in this category. Problems arise with so-called dual-use targets, such as the Serbian TV station bombed by Nato during the 1999 Kosovo War and the media building targeted by Israel in the course of Operation Pillar of Defence.

Proportionality

What about a building which contains a military objective, such as a rocket launcher, but which also houses civilians?

An accusation levelled against Hamas is that it endangers its own civilians

This example illustrates the importance of another pillar of the law of armed conflict: the principle of proportionality. Whenever there is a risk of loss of civilian life or damage to civilian property, belligerents are required to balance the anticipated military advantage with the risks posed to civilians and their property.

In some cases this may mean - as the former president of the International Court of Justice, Judge Rosalyn Higgins, wrote in one of her judgements - that "even a legitimate target may not be attacked if the collateral civilian casualties would be disproportionate to the specific military gain from the attack".

An attacker is also under a duty to call off an attack immediately if, in the course of it, it realizes that civilians would face excessive risk.

An attacker targeting military objectives in a densely populated area like Gaza must do everything feasible to verify the nature of the targets and avoid errors.

The practice of dropping leaflets or calling residents before a bombing is presented by Israel as evidence of its efforts to comply with these rules, although critics reply that these methods are not always effective and do not in any event prevent the destruction of civilian property.

Obligations

A frequent accusation levelled against Hamas is that it deliberately endangers its own civilians by placing military objectives in their midst.

Ultimately, the legality of a particular targeting decision will often depend on who is right about what happened”

This is certainly a serious breach of the laws of armed conflict, but it does not mitigate Israel's obligation to continue to take all necessary precautions to minimise loss of civilian life.

All modern armed forces, including the Israel Defense Forces, have specialists on the law of armed conflict who are involved in the approval of targets.

Ultimately, the legality of a particular targeting decision will often depend on who is right about what happened. Was there a genuine military objective? Was it possible in the circumstances to hit that target while avoiding any loss of civilian life? What did the attacker know or should have known?

Establishing these facts during an armed conflict, or in its aftermath, is no easy feat.

However, when the attacker deliberately targets civilian objects, there is no version of the facts capable of justifying his actions under the laws of armed conflict.

The legal regulation of war is a sombre affair. This is an area of the law where starry-eyed idealism may be counterproductive.

It is better to remind ourselves that during an armed conflict, the law can at best reduce suffering but never eliminate it; and that wars, even those fought with a scrupulous observance of all the rules in the book, are always a scourge.

Palestinian refugees languish in Lebanon

David Schenker, Middle East Quarterly, Fall 2012

<http://www.meforum.org/3386/palestinian-refugees-lebanon>

"In all but name, Lebanon today is a non-country," wrote the Lebanese historian Kamal Salibi in 1989. A weak state racked with sectarian and political divisions, there is little on which Lebanese people can agree. One rare issue on which they seemed to have formed an enduring consensus, however, is that of the Palestinians. While Sunnis, Shiites, Christians, and Druze alike condemn Israel and support the "liberation" of Palestine with alacrity, few of them have historically supported expanding rights and improving the dire conditions of the estimated 400,000 Palestinian refugees within Lebanese borders. Not only is discussion of *tawtin*—or settlement—of these refugees in Lebanon a taboo, since 1990, it has also been unconstitutional. As one Palestinian wryly noted, the Lebanese "are all with Palestine, but against the Palestinians."

With few if any local advocates, Palestinian refugees in Lebanon have come to depend on the U.N. Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) as their sole source of support and protection. Unfortunately for them, UNRWA has not proved up to the task.

The Mission

Created by the U.N. in December 1949, UNRWA's mission today is to "provide assistance, protection and advocacy for some 5 million registered Palestine refugees in Jordan, Lebanon, Syria, and the occupied Palestinian territory, pending a solution to their plight."

In Lebanon, the situation for Palestinians is desperate, and as such UNRWA—whose 2011 budget was nearly \$75 million—assists with a great deal of service delivery. For example, within the twelve refugee camps in which it works, UNRWA operates twenty-nine primary health care facilities and twenty-one dental clinics, serving the 95 percent of refugees who rely on the organization for health services. It also runs seventy-four primary schools—seventeen of which educate in double shifts—and in the process, provides employment to 2,785 residents. Indeed, as of 2006, UNRWA was the largest employer of legal, skilled Palestinian labor in Lebanon. The organization also assists extensively with infrastructure and building rehabilitation, in particular, in the Nahr el Bared camp, which was largely destroyed in 2007 in a fierce battle between the Syrian-supported al-Qaeda affiliate Fatah al-Islam and the Lebanese Armed Forces.

In terms of its protection and advocacy responsibilities toward the Palestinian refugees in Lebanon, however, UNRWA's record is decidedly less successful. The organization defines protection as what it does to "safeguard and advance the rights of Palestine refugees and thereby achieve its vision of every refugee 'feeling assured that his or her rights are being protected, defended and preserved.'" In practice, according to UNRWA, this means promoting respect for Palestinian rights with the host government or authority in control by "monitoring, reporting, and intervention."

While UNRWA has issued reports about the conditions of the refugee camps, the organization's interventions with the Lebanese government—to the degree they have occurred—have not achieved many critical human rights for the refugees. Most significantly, until 2006, Palestinians' ability to work in Lebanon, an activity that the U.N.'s own Universal Declaration of Human Rights includes as a "right," was significantly curtailed.

The consequences of this failing have proved devastating. Today, according to UNRWA's own statistics, only about 53,000 of the approximately 120,000-strong Palestinian labor force are employed. In the south (i.e., Saida and Tyre), some 81 percent of all refugees live in "abject poverty." Overall, among the states in which UNRWA operates, Lebanon has the dubious distinction of having the highest number of "special-hardship cases," i.e., the poor of the poor, some 30 percent of the Palestinian population.

Alongside international criticism, UNRWA has also been the target of much local dissatisfaction. Indeed, the Palestinian terrorist organization Hamas has emerged as a leading detractor of the agency, accusing it of financial and administrative corruption and demanding that its Lebanon director, Salvatore Lombardo, be fired. According to Hamas, 60 percent of UNRWA's Lebanon budget is spent on local staff salaries, rent, security, and administrative costs, with only 40 percent of the funding actually reaching the refugees. As one Hamas official put it, "It's very dangerous, especially [because] it is the only agency responsible for Palestinians in Lebanon."

Lebanese Legal Framework

Nowadays, Palestinian refugees in Lebanon tend to point to the creation of Israel as the main reason for their unfortunate predicament though much of their suffering is readily attributable to a Lebanese legal system that systematically undermines the community's ability to sustain itself

and improve its condition. Unlike Syria and Jordan, for example, Lebanon has extreme religiously-based demographic sensitivities: The jockeying for power between the various confessional groups has resulted in a legal framework that has ensured that Palestinians are not counted among their Sunni coreligionists in any meaningful fashion.

The root of the problem can be traced to Lebanese labor laws and, in particular, how Palestinians in Lebanon have been characterized by the government bureaucracy. Although they are long-term residents of Lebanon, Palestinian workers have traditionally been treated as foreigners. In 1964, for example, the Ministry of Labor instituted a policy under Ministerial Decree No. 17561 whereby professions in Lebanon could be limited to Lebanese citizens. The regulations prohibited Palestinians from working in some seventy job categories.

Meanwhile, other professions—lawyers, doctors, engineers—excluded Palestinians via their syndicate bylaws. Worse still, Palestinians were for years required to obtain work permits, like other foreign workers, costing up to \$1,200; 75 percent of those fees were to be paid by the employer, creating a further disincentive. And even if Palestinians managed to obtain a work permit and make contributions to the Lebanese social security system, they were, by law, ineligible to collect benefits. This last provision is, in fact, in contravention of U.N. conventions: The U.N. Economic and Social Council holds that when non-nationals have "contributed to a social security scheme, they should be able to benefit from that contribution."

Recent regulations target Palestinians more specifically. In 2001, the Lebanese parliament amended a 1969 decree that allowed limited foreign ownership of real estate but prohibited "any person who is not a national of a recognized state or any one whose ownership of property is contrary to the provisions of the Constitution relating to *tawtin* (settlement) to acquire real estate of any kind." With a single stroke of the pen, refugees could no longer purchase land, transfer property, or will real estate to a relative.

These regulations changed in 2005 after then-prime minister Fouad Siniora established the Lebanese-Palestinian Dialogue Committee (LPDC), a ministerial-level group working in collaboration with UNRWA, which was tasked with discussing and coordinating government policy on the Palestinian residents. That year, the minister of Labor issued a memorandum opening up some seventy job categories to Palestinians, including a broad range of administrative, mechanical, commercial, and teaching-related positions. In 2010, the Lebanese government adopted a decree that marginally eased the work permit requirement and made Palestinians eligible for social security benefits. These acts generated much good will but do not appear to have ameliorated conditions on the ground. According to a 2010 working paper by the LPDC, in 2008—three years after the ministry changed the regulations—just one Palestinian requested a new work permit; in 2009, there were no requests. Apparently, in those intervening years, Beirut had done little to execute the edict.

A Weak Advocate

During a June 2010 meeting of the LPDC, the director of UNRWA affairs in Lebanon, Salvatore Lombardo, spelled out the organization's goals vis-à-vis the Palestinians there. Pending a "just solution" to the refugee issues, he said, UNRWA is "simply trying to help them live a dignified life," including, among other things, having "the ability to provide for one's family ... [which] is considered a universal human right." He then added, "I should highlight that UNRWA continues to entrust the particularities on how those rights will be granted to the hands of the Lebanese government and its parliament."

Lombardo's statement was stunning. Just months earlier, when asked why the situation of Palestinians in Lebanon was so much worse than in other host countries, he himself pointed to "their lack of access to socioeconomic rights, the right to work especially" as the leading cause.

Indeed, the consensus view of the nongovernmental organization (NGO) community—quietly shared by UNRWA as Lombardo implies—is that Lebanese government policies have contributed to the atrocious situation. Consider the 2012 report of Human Rights Watch:

Palestinian refugees in Lebanon live in appalling social and economic conditions. 2011 saw no improvement in their access to the labor market, despite a labor law amendment in 2010 that was supposed to ease such access. The main reason was the government's failure to implement the amendment. Lebanese laws and decrees still bar Palestinians from working in at least 25 professions requiring syndicate membership, including law, medicine, and engineering. Palestinian refugees are still subject to a discriminatory law introduced in 2001 preventing them from registering property.

UNRWA, then, considers the government of Lebanon to be both the problem and the solution to the refugees' plight. At the same time, the organization has been oddly reluctant to press Beirut publicly to change the laws or even to push for the implementation of Lebanese laws already on the books. This hands-off approach is particularly surprising since UNRWA describes its role as "encompass[ing] assistance, protection, and global advocacy for Palestine refugees." In fact, UNRWA articulates for itself a lobbying role—"engaging directly or indirectly with relevant statutory authorities to further advocate for the rights of Palestine refugees"—in Lebanon.

This advocacy role is particularly important in Lebanon where laws stipulate that all NGOs should be headed by Lebanese citizens and that an NGO cannot initiate a legal case on behalf of a refugee or a community. Yet there is little or no evidence to suggest that UNRWA has exercised this role on behalf of the constituents it was charged to protect. Indeed, according to Ziad Sayegh, the former policy advisor to the LPDC president from 2005 to 2009, UNRWA does not lobby. "It's not there to advocate for Palestinian refugees," he says.

Former UNRWA commissioner-general Karen AbuZayd agrees and justifies her organization's policy of not speaking more forcefully on behalf of Palestinian refugees in Lebanon as being purely pragmatic. "We should leave those political things to the politicians," she said in 2008, "because if we step over the line too far, we will be prevented from doing our work." AbuZayd is no doubt correct in pointing out the attendant risks of moving beyond purely humanitarian relief efforts into the highly charged topic of Palestinians in the Lebanese body politic. Given the government's role in the humanitarian crisis, however, the two issues are inextricably linked.

Moreover, UNRWA's aversion to advocacy and controversy vis-à-vis the Palestinians in Lebanon does not seem to be operative when the entity being criticized is Israel. Back in 1982, for example, UNRWA showed little compunction in advocating on behalf of Palestinians during the Israeli invasion. Not only did it discuss with the U.N. Security Council and Israeli authorities steps to protect Palestinian refugees in south Lebanon, the organization made public statements expressing concerns. That year, in fact, the U.N. secretary-general, in consultation with UNRWA, was asked "to undertake effective measures to guarantee the safety and security and the legal and human rights of the Palestinian refugees in the occupied territories [i.e., those parts of Lebanon occupied at the time by Israeli forces]."

Years later, UNRWA adopted a similarly forward-leaning approach during the first Palestinian *intifada* when the organization deployed workers—called "operations support officers"—in the West Bank and Gaza charged with protecting refugees' human rights. More recently, UNRWA has mostly confined its advocacy to rhetoric, condemning Israel for "disproportionate, indiscriminate, and excessive use of force," calling periodically for international intervention to protect Palestinians; and describing Israeli policy in Gaza as a "medieval siege."

UNRWA's advocacy on behalf of Palestinian refugees in the West Bank and Gaza also contrasts sharply to its muted response to the ill-treatment of Palestinians by the Bashar al-Assad regime in

Syria. In August 2011, for example, the organization merely urged Damascus to "exercise utmost restraint" when the Assad regime deployed naval warships to shell a Palestinian refugee camp near Latakia, resulting in four deaths and a mass exodus from the camp. Two months earlier when Assad provoked a violent incident by dispatching some forty buses of Palestinians to the border with Israel on the Golan Heights with the express purpose of trying to cross over by force, UNRWA did not condemn the regime, but instead "appeal[ed] for calm and restraint on all sides."

UNRWA support staff have been stationed in Lebanon since 2009, but their duties have been significantly less confrontational, confined to programming, project design, and service delivery.

To be fair, even if UNRWA became an effective advocate for Palestinians in Lebanon—by convincing the government to change disadvantageous legislation and to begin to implement revised labor laws uniformly—it is far from certain that the refugees' situation would change dramatically anytime soon. Low education levels—only 5 percent of the refugees are university graduates—put them at a distinct disadvantage vis-à-vis their Lebanese hosts while limited opportunities at home have encouraged more than 100,000 of these Lebanese graduates to work abroad. Likewise, compared to other Arab states, the cost of living in Lebanon is high.

Given the milieu, as one expert on Palestinian refugees in Lebanon noted, "If you give Palestinians the right to work in all fields, they will still be poor." Clearly, without the ability to own property, it will be difficult to improve the refugees' standard of living. But education is also a significant barrier to advancement. Because UNRWA does not run kindergartens in Lebanon, Palestinian children start out behind, and the gap widens as they spend less hours in class in double-shift schools. As of 2008, the pass rate of Palestinian students in UNRWA classes was only 53 percent—10 percent less than their Lebanese counterparts in state schools. This education deficit alone limits the opportunities of Palestinians in Lebanon.

While UNRWA is by far the largest organization assisting the Palestinians in Lebanon, some twenty other Western NGOs today provide humanitarian assistance to this population. And not all of these organizations share UNRWA's aversion to advocating on behalf of Palestinian rights with the Lebanese government. Norwegian People's Aid (NPA), for example, implements health, youth, disability, and women's programs that provide support to some 25,000 Palestinian inhabitants. Unlike UNRWA, however, NPA lobbies for the rights of these refugees in Lebanon.

Conclusion

In the West Bank and Gaza, UNRWA has been a tireless crusader on behalf of Palestinians, pillorying Israel for any alleged ill-treatment of the "refugee" community. But in the more challenging environment of Lebanon, the organization has been quietist, avoiding the minefield of politics in favor of relief work.

In Lebanon and throughout the region, UNRWA has fallen short on a broad range of issues. These inadequacies have been discussed in great detail in James Lindsay's authoritative 2009 study of the organization in which he argued that UNRWA was neither integrating Palestinian refugees into the economy nor allowing Palestinians to "take responsibility for their future." This is certainly the case regarding the agency's stance on labor laws in Lebanon. But Lindsay's critique also arguably applies to UNRWA's biggest project ever: the rebuilding of the Nahr el Bared refugee camp in north Lebanon.

Figures vary on how many Palestinians were actually present in Nahr el Bared in 2007 when the fighting started, but according to UNRWA, there were more than 36,000 registered refugees in the camp as of June 2011. UNRWA is currently managing the reconstruction of the camp with a project slated to cost nearly \$350 million. No doubt, the displaced refugees need shelter, but the wisdom of rebuilding a refugee camp (i.e., a small city) established in 1949 for Palestinians

who—according to current Lebanese law—will never be granted permanent residence there seems absurd. Given its mandate, it is not clear why UNRWA did not at least quietly float the idea of temporarily resettling these refugees elsewhere inside Lebanon where UNRWA was already paying rental allowances for persons rendered homeless, or more appropriately (and controversially), permanently in the Palestinian Authority.

There was some discreet sympathy for the idea among senior U.S. and Lebanese officials for at least a partial resettlement of these refugees in the West Bank. There is no record of UNRWA suggesting this tack, however. The proposal for even a small handful of extremely-well vetted Palestinians to move to the Palestinian Authority may not have worked out in the end; Israeli security concerns about an influx of historically well-armed and somewhat radicalized refugees may have preempted this particular creative solution. But it would have at least evoked an image of an UNRWA that was interested in being part of a solution to the Palestinian refugee problem.

Today, the rebuilding of Nahr el Bared stands as a sorry symbol of all that is wrong with UNRWA in Lebanon. The project, while important, is yet another short-term fix for a seemingly interminable problem. Much like the humanitarian assistance provided to these Palestinians over the past sixty years—during which time UNRWA did little or nothing to help them secure fundamental rights that would have allowed for an improvement to their situation—Nahr el Bared's reconstruction perpetuates, rather than facilitates, a resolution to the Palestinian refugee problem.

The Arab Spring has done nothing for Gaza

Nesrine Malik, The Independent (UK), 21 November 2012

<http://www.independent.co.uk/voices/comment/the-arab-spring-has-done-nothing-for-gaza-8340832.html?origin=internalSearch>

Since the Israeli assault on Gaza began, the refrain has been that the terrain in the Arab World has changed, that the “political furniture” has been rearranged, that Hamas is no longer without allies, and that Gaza is no longer alone.

But 46 Gazans were already dead before the Arab League meeting to address the Gaza situation had even begun. It took the organisation three days to hold an “emergency” meeting. And it made for painful viewing. As Arab political representatives read statement after statement of empty rhetoric and then issued yet another concluding statement, it became clear they were stuck in a different era. It was even more apparent that the Arab Spring had done very little to change the Arab World's utter impotence in the face of Israeli aggression.

Where is the “Arab Street” you may well ask? The street that felt its governments did not give enough support to the Palestinians and were the West's lackeys in the region. The Palestinian “case”, is one that is fed to Arabs with their mother's milk, and the plaintive cry over the past three decades has been that if only a government that could really represent its people came to power, then Israel's impunity would come into serious question. It was a grievance inextricably tied to the perception that Arabs were weak, subjugated, a motif for a region brought to its knees by corrupt dictators in the pay of the West. But de-coupled from that scenario, Arab anger is far less potent, and far more fragmented, focused more on the performance of its fledgling governments and the instability in the region as a whole.

Palestine was an open wound that opposition parties could easily employ to galvanise the people, and that governments could use to whip up passions and deflect attention from internal failures. But now the naivety of that view is being exposed. These opposition parties are in power, and the constraints of realpolitik are becoming apparent.

Since the attack on Gaza began, the new Egyptian president Mohammed Morsi has done very little that Hosni Mubarak has not, or would not have done. Mubarak regularly recalled the Egyptian ambassador to Israel, and sent strongly worded letters to Israeli officials. The new changes are cosmetic, with an eye on the electorate back home. The Egyptian prime minister arrived in Gaza and carried injured children to hospital, the Tunisians are sending a delegation, and a convoy of Egyptian politicians and activists crossed into Gaza on Sunday to show support to the Palestinians. This is enough of a break with tradition to give the impression that there is a more strident, less cowering solidarity, mollifying the electorate. But it is not one muscular enough to advocate for anything that Israel's agenda will not accommodate.

If anything, once it became clear that the Muslim Brotherhood was tempered by the realities of power and was not going to fulfil the West's nightmare of suicidally escalating enmity with Israel, the closer links between Hamas and the Egyptian Muslim Brotherhood began to put undue pressure and expectation on the latter to convince Hamas to climb down and adopt a more malleable position. Thus all the onus was placed on the victims, and not the perpetrator: an impossible situation which leaves the impetus for a truce dependent on the more powerful party's dictates. On Tuesday, Israel did not respond to an Egypt mediated ceasefire proposal accepted by Hamas. By Wednesday morning there were fresh strikes on Gaza and an attack on a bus in Tel Aviv. Even the truce apparently reached last night looked tenuous.

The Egyptian novelist Ahdaf Soueif, in an article headlined "Gaza is no longer alone", wrote: "We are heading for true representation of the people's will in the region and, in the coming years, governments will need to follow the road shown to them by their people." But what is this road? Israel is in a sufficiently superior military position to use war to boost political popularity but this is not a risk that Arab governments can take. Besides, apart from Egypt and Tunisia, the rest of the Arab World (particularly the Gulf), as evidenced by the damp squib that the Arab League continues to be, is still firmly non-committal to any action of solidarity short of issuing statements, or to any tangible political pressure on Israel's allies. When Anwar el-Sadat signed a peace treaty with Israel in 1979, he said: "I will take on Israel, on my own, but I will not take on America."

Attention needs to be refocused on Israel and its influential Western sponsors to stop the assault. The nascent regimes in Egypt, Tunisia, Libya and Yemen are neither going to escalate conflict with Israel, nor come up with a permanent solution for the conflict by subduing Hamas. The Arab Spring is a diversion and the political environment, with Syria, Lebanon and now Jordan succumbing to internal troubles, remains in flux. Gaza is still alone.

Why Israel can't win this propaganda war

Vincent Cooper, The Commentator, 22 November 2012

http://www.thecommentator.com/article/2115/why_israel_can_t_win_this_propaganda_war#.ULDTghxjMhc.facebook

Ceasefire or no ceasefire, there is no way Israel can win this war – the propaganda war, that is. Israel may well put a stop (temporarily) to Hamas terrorists lobbing missiles onto Israeli women and children but it will never, ever win the moral argument in the West. Why is that?

Mainly because Israel – its people and culture – is seen by a powerful, opinion-forming liberal/left orthodoxy not as a people with a right to exist within secure boundaries but as a proxy of western interests.

To the left-wing intellectual, Israel equals the West equals imperialism. You can find many versions of this tired old left-wing trope expressed every day in the *Guardian* and *Independent* newspapers where western interests are routinely portrayed as voracious destroyers of the weak and the vulnerable.

The blue-collar class of the industrial cities used to be the object of this left-wing patronising. Now it's the Third World, but particularly the Palestinians with the Goliath of Israel exploiting and dehumanising the little David of Hamas.

Depending on where the leftist intellectual stands on the anti-Israel spectrum, Israel may be seen as a Middle-Eastern outpost of western imperialism (I heard Tony Benn say that many years ago) or as a dumping ground for displaced Jews after the Second World War (the Palestinians paying the price for the Holocaust). In either case, the Palestinians are just more victims in the long history of western imperialist aggression.

And in their defence of the victims of 'western imperialism', the leftist intelligentsia naturally and always stake the high moral ground – that powerful sense of the Rococo Marxist's moral indignation. As the American satirist Tom Wolfe puts it: "the intellectual – was inseparable from his *necessary* indignation. It was his indignation that elevated him to a plateau of moral superiority."

Moral superiority, that's the key to understanding the left's support for Hamas.

Here, for example, is the British *moral* philosopher Ted Honderich, in all his moral rectitude, defending Palestinian terrorism:

"I myself have no serious doubt – that the Palestinians have exercised a moral right in their terrorism against the Israelis. They have had a moral right to terrorism as certain as was the moral right, say, of the African people of South Africa against their white captors and the apartheid state. Those Palestinians who have resorted to necessary killing have been right to try to free their people." (Ted Honderich, *After the Terror*)

This is fascinating stuff. Blowing up women and children on a bus in Tel Aviv is morally necessary killing! I think only a western moral philosopher could say such a thing, particularly one sitting in the bourgeois comfort and safety of England – although he was lucky not to have been on the London Underground on the 7th July 2005 when anti-Israeli Islamic terrorists did some "necessary killing".

Of course, this Western Leftist sympathy for Hamas does not, in the long run, help the Palestinians. Whatever the historical facts may be about the founding and subsequent history of the Israeli state – and no doubt there are bloody hands on both sides – the facts of Israel today dictate that a pragmatic solution, one that unconditionally guarantees Israel's security, is the only sane response for any Palestinian.

Yet Hamas, with the full ideological support of Western Leftists, insist on an armed struggle to bring an end to the Israeli state. No compromise, no quarter. Of course the message tactically varies. Sometimes Hamas simply calls for Israel to return to earlier borders. But Israel has been there before; it has been at those earlier borders and has buried its dead within them.

For the truth is that the present day borders of Israel are the result, not of land-grabbing but of military solutions to armed aggression. The Palestinians, years ago, could have secured a good settlement for themselves if they had been reasonable. They could now have an up-and-running, economically viable state – Israel, after all, is a successful, free-enterprise economy and would have greatly benefited any Palestinian settlement.

But then, it often seems that Israel's very success is what Hamas really hates. Indeed, economic success is one of the reasons the left here in the West hate Israel. If Israel were still a socialist kibbutz settlement the left would have a schizophrenia problem.

Western Leftists don't have to live with the consequences of their support for aggression in the Middle East. But the sad truth is that the Palestinians are paying a heavy price for their failure to face up to *realpolitik*.

Changing the Guards in the Israeli/Palestinian Conflict

Professor Ronnie Becker, Sunday Independent, 23 November 2012

http://www.ornico.co.za/editorialstream/OwnMediaAttachments/2012_11_25_793589.pdf

During 2011, 627 rockets from Gaza landed in Israel. By the start of November 2012 the number had reached about 750 (now well over 2 per day on average). Recent months showed an escalation. Hamas had replenished its arsenal including Fajr-5 rockets from Iran capable of hitting Tel Aviv. To understand the recent mini-war, we need firstly to look at the possible motivations of each side.

Hamas, until recently, was a client state of Iran and the ideological interest of Iran has been to get rid of Israel, while the more practical interest has been to have a near neighbour of Israel capable of inflicting chaos in case of an attempt by Israel to thwart physically its nuclear adventurism. Hamas has had its own interests apart from these, in that, as Khalid Meshaal told Amanpour recently, they would go along with receiving a state within the 1967 borders including Jerusalem but would still regard the whole of Israel/Palestine as the patrimony of the Palestinian people – presumably to be fought for after obtaining a “partial” state. It does not wish Israel to rest easy until they achieve this (as has also been recently mentioned by the Fatah “moderate” Hannan Ashrawi). In addition, it would like to force Israel to loosen border curbs so that it can import what it likes (and, in view of the above, we can easily guess what that could be) and have more freedom of movement. Finally, it wishes to maintain its dominance in the Palestinian eyes over Fatah, and if Abbas does achieve what he wants from the UN, this dominance would come under threat – this should be subverted, by militance towards Israel if necessary.

Israel wishes to settle the Palestinian issue by agreeing on the boundaries of a state which would be final and not subject to dispute. This is the stated policy of the current government as well as of several previous governments. It does not wish to do so if its security situation will be weakened by the settlement. Israel sees itself as expanding economically in the future, to the benefit of its citizens and of the nations in the region, due to its strong industrial and scientific infrastructure, as well as to the large energy finds which will in a few years make it an energy exporter. Israel has twice made offers of a two part, but otherwise contiguous, state on very nearly all of the 1967 land (with a few swaps), excluding the old city of Jerusalem and including compensation to those who were on the land before 1948 but no right of return. Most recently (2008), then Prime Minister Olmert took out his pen after negotiating a document, which improved on the Clinton plan of 2000, and said to Abbas that he should sign as he would never get a better offer – he did not hear from Abbas again. Israel is not interested in having continual thorns in its side and if it has to deal militarily with Iran, a contingency which it is trying to avoid, it does not

want a rocket arsenal on its side. Until recently, the chief of these problems was Hamas, to which its backers, Iran, gave a free hand at disruption. After the Arab spring, Hamas, a child of the Moslem Brotherhood which sees itself as controlling the entire Middle East within 10 years, opted to return to the fold (as evidenced by the recent rapprochements with other Brotherhood states and by the admissions by Meshaal on Amanpour) – it had been anathema to Egypt, among other Sunnis, for all of its existence for its alliance with Shiite Iran. However, as yet Hamas had no new (partial) masters which could put a brake on its excesses and irredentist activities.

Israel's objectives, then, would be to stop and eliminate the rockets which actually and potentially are aimed directly at innocent civilians in Israel, to stop the inflow of military equipment to Gaza and to have some other state(s), whose interests are peace and stability, take over the tutelage of Hamas and see to it that they cease to be international pariahs and become a movement that they can deal with. If these objectives are met, then after a long period of peace and increasing cooperation, Israel may not feel so threatened that a state will arise under the control of a savage clique that will attempt to inflict maximum damage and revenge (as they would see it) on Israel. These considerations are sufficient for any state to mount an operation. It has also been suggested (by many who should have the sense to analyse properly rather than have a knee-jerk superficial kick at Israel) that the coming Israeli elections are an incentive for an operation. Nothing would seem to be further from the interests of the ruling party. The party is well ahead in the polls and the opposition is in despair at making substantial inroads. Starting a mini-war, which in the past has led to the entry of ground troops, to an unacceptable death toll of opponents and to considerable international complications, and which has had little tangible success in making progress towards its objectives, would seem to be a huge risk and would be the last thing a government would want to take a chance on at this time for short term dubious gain.

November was a suitable time for several reasons – things could not be allowed to go on for much longer, next year thoughts would need to turn to Iran's nuclear capability, it was inappropriate during an American election campaign and now was a lull in the Obama program and he could perhaps be made to direct his attention to the Middle East for a while now but not later. Still, it was a big risk – what could a war achieve now that it could not do in the past? The answer, as we have learnt, would seem to be that it might be possible to install the more moderate Arab states as Hamas' new masters. The operation was carried out with great precision, almost faultless. An initial impetus of a sudden strike on an architect of the current situation, who in any event was destined for retribution because of his role in the cruel and unlawful kidnapping in Israel and holding in solitary of soldier Gilad Shalit. A devastating 8-day attack destroying significant weaponry and infrastructure and decimating the Hamas leadership. The moving up of a huge army to the Gaza borders (probably never intending its use but putting pressure on the outside world to force a settlement), the pre-preparation and enlistment of the entire western world in making hugely supportive statements in favour of Israel's right to self-defence, the eventual drawing in of Obama and Clinton to having a foreign policy success in the Middle east (for a change), the visits of Egypt, Turkey, Qatar and others to support Hamas but also subtly taking control, and finally the cherry on the top – the persuasion of Morsi to guarantee the process. Morsi was really caught in a bind – he could not allow a ground war which could have serious consequences for his control of Egypt, he needed \$5 billion from the IMF to start improving the lives of the 55 million impoverished Egyptians and so he had little choice but to bow to subtle pressure from all sides. The consequence is that this time if Hamas breaks the peace it will rebound as a failure onto Morsi (even though it would surely be portrayed as Israel's fault)! Morsi also has an interest in controlling inflow to Gaza through the Rafa crossing as this is weakening its hold on the Sinai.

This was a really impressive performance on the part of the Israeli political leadership, one that has taken years for them to come up with. It signals a sea change in the Israeli military thinking in that the necessity of ground attack, a feature of all past military campaigns, has been heavily down-graded and instead we have seen the stunning success of Iron Dome, the partial success of war by social media which will surely be expanded in future, and other less aggressive and more defensive tactics. That does not necessarily mean that the current campaign will be

successful - there are still many possible pitfalls – but this was about as good an immediate outcome as could have been hoped for. It might even see Bibi coming back into the Obama and Clinton fold now that he has given the Americans something to crow about and enabled them to start to enlist Morsi. Perhaps they will even consider holding onto Israel as a client even after they depart to Asia in a few short years leaving the Middle East to those who desperately require the oil they will no longer need – China and India initially, but the ME will soon be looking back fondly to the days when the Americans, who can easily be manipulated with human rights talk, looked after the region.

What about the overall assessment of the Netanyahu government over its 4 years of existence? I consider the first Netanyahu period of government in the 90's as a disaster but the recent spell of this cautious man at the helm is, I think, one worthy of an important Israeli statesman. He has negotiated with Syria, reportedly, and could have had a success there but for external events; he has managed to withstand 2 serious missteps by President Obama and emerge almost unscathed; he has almost single-handedly forced the Iran nuclear issue onto the world stage to be dealt with; he has come out in favour of a 2-state solution in the Israeli-Palestinian conflict; he has offered to begin unconditional talks with the PA and Abbas, even offering the release of 120 long-serving Palestinian prisoners (refused, reportedly, by Abbas on the grounds that the offer was release over a 6 month period and this was not quick enough for Abbas!); he has, with his two colleagues, Barak and Lieberman, handled a mini-war with a consummate skill which brought back all its old allies and did not for once alienate them later – they will be much more willing to lend their support in future now that they may not feel they will be embarrassed later because of unacceptable losses on the Palestinian side; he has helped America push Hamas into the fold of the more moderate portions of the Moslem Brotherhood and succeeded in getting one such power to put their prestige on the line as guarantor – in future excesses by Hamas will also partly be seen as excesses of Egypt, Turkey and Qatar. In addition, on the domestic front, he has out-manoeuvred all his political opponents (and supporters who are sometimes indistinguishable from opponents in Israel).

All this is, in Israel, probably enough to get him voted out of power at the forthcoming elections.

NOTE: The views expressed in certain articles are not necessarily those of the SAZF

South African Zionist Federation
Tel : (011) 645-2505
Fax: (011) 640-6758
E-mail: froma@beyachad.co.za
Website: <http://sazionfed.co.za>

PBO NUMBER: 930014277