

ISRAEL REPORT

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RULING: SETTLEMENTS BUILT ON PALESTINIAN-OWNED LAND CAN BE LEGALIZED (Israel Hayom 8/29/18)

Twenty years after it was founded, the outpost of Mitzpe Kramim can be legalized, the Jerusalem District Court ruled Tuesday in a precedent-setting decision.

The outpost, on a ridge in the Binyamin region overlooking the Jordan River, was built on state land with the approval of then-Prime Minister Ehud Barak and then-GOC Central Command Moshe Ya'alon. Mitzpe Kramim's zoning permit was validated by the Civil Administration, allowing residents to obtain permits from local authorities to build their homes legally and even to qualify for mortgages.

In 2011, a number of Palestinians petitioned the High Court of Justice, arguing that the outpost had been illegally constructed on their privately owned land. In 2013, the Mitzpe Kramim settlers filed a counter-petition, arguing that the land had been allocated by the government for their use.

In July, after the government laid out its arguments, Attorney General Avichai Mendelblit said the outpost must be legalized under the principle of "market regulation," a clause in an existing statute that allows the government to retroactively legalize Israeli settlements built on Palestinian-owned land if the land was purchased in good faith.

Judge Arnon Darel accepted the settlers' argument that the settlement's status could be legalized if it was proved that the land had been acquired in error because the IDF thought it was part of a land seizure order.

In his ruling, Darel said Mitzpe Kramim had been "built in good faith, on land allocated by the government," and therefore the government had a responsibility to protect the rights of the Jews living there and compensate those Palestinians who could prove ownership of the land.

In response to the ruling, Justice Minister Ayelet Shaked said, "The court has clearly said that anyone who settles with the government's permission and in good faith, will not be evacuated from his home.

"The court should not take a side in the political dispute between Right and Left. That decision must be made at the polls. Through intensive, joint work we've caused a change in the policy. ... Now that change is trickling down to district court rulings as well."

PLO: COURT-SANCTIONED SETTLER LAND SEIZURE IS A WAR CRIME (JPost 8/30/18)

The Jerusalem District Court sanctioned a war crime when it ruled that the Mitzpe Kramim outpost did not have to be razed, PLO Executive Committee member Hanan Ashrawi said on Wednesday.

She spoke just one day after an unprecedented Jerusalem District Court ruling which stated that an outpost, built without permits on private Palestinian land, was legal because it was done out of the belief that the project had been authorized.

High Court of Justice rulings have held that private Palestinian property is sacrosanct, but right-wing lawmakers want to allow for already-built homes on such property to be retroactively legalized in exchange for compensation to the land owners.

"The Israeli annexation of Palestinian territory, whether on public or private land, and its illegal settlement enterprise are an egregious violation of international law and conventions, including UN Security Council Resolution 2334; it also constitutes a war crime under the International Criminal Court and the Fourth Geneva Convention," Ashrawi said.

"This ruling must be nullified, as it makes a dangerous precedent of

retroactively whitewashing illegal outposts and encouraging further lawlessness and acts of violence by the extremist settler population that is terrorizing the Palestinian people, particularly in rural areas and remote villages," she said. "It also provides the settlers with further motivation to steal the private property of Palestinian landowners. Such a decision also exposes how Israel is distorting its own legal and judicial systems in the service of its settler colonialist expansionism."

Right-wing politicians and settlers hailed the decision as a landmark shift away from court decisions that favored Palestinians, to ones that would strengthen settlement building in Judea and Samaria.

Culture and Sports Minister Miri Regev sent out a Hebrew blessing of renewal, by way of celebrating the decision, which will likely help strengthen legislative attempts to retroactively legalize some 4,000 settler homes on private Palestinian property.

She said it was a blessing to live in a time when the Israeli courts "strengthened Jewish settlement and don't dismantle it through judicial activism that is completely contrary to the spirit of the legislature."

"I am glad that logic and justice overcame cold formalism," Regev said. "It sends a clear and unequivocal message to the Palestinians and their extreme Left-wing supporters that communities in the Land of Israel won't be uprooted or evacuated."

She added that she hoped it would end High Court of Justice rulings which forced the IDF to evacuate settlers from their homes, such as the evacuations from the outposts of Migron and Amona.

IDF TO BEGIN TREATING WOUNDED SOLDIERS WITHIN ENEMY LINES (YNet 8/28/18)

The IDF is embarking on a new strategy that will see medics provide

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emergency treatment to wounded soldiers inside enemy territory, in a bid to mitigate exposure of Israel Air Force (IAF) rescue helicopters to enemy fire and cut out delays caused by transporting soldiers back to Israel.

Field surgeries as well as other life-saving procedures will be held in behind enemy lines prior to the evacuation of the wounded to hospitals in Israel.

The change is gradually being implemented by the Medical Corps and the Technological and Logistics Division (TLD) through the Gideon Brigade—now active in one of the two leading mandatory service divisions. Division 36 and Division 162 will follow.

The Medical Corps data shows that 90 percent of severely wounded soldiers can be saved if their bleeding is stopped at an early stage.

To this end, more nurses will be trained as a part of an academic reserve training course as of next October. Doctors and paramedics, alongside nurses from the new program, are to be trained as a front line medical team of combatants who will serve in each battalion.

ISRAEL BUYS ROCKETS 'THAT CAN REACH ANYWHERE IN THE MIDDLE EAST' (Ha'aretz 8/28/18)

Defense Minister Avigdor Lieberman announced Monday that Israel is purchasing advanced rockets that he says can reach "anywhere in the Middle East."

The Defense Ministry signed a deal with Israel Military Industries for the purchase of the rockets, estimated to cost hundreds of millions of shekels. The new rockets have innovative technology that allow them high accuracy, the defense ministry said.

"We are making the IDF stronger and more sophisticated," Lieberman said.

This purchase is the first since Lieberman instructed the Israel Defense Forces in February to establish a new force of ground-to-ground missiles with a range of up to 300 kilometers.

THE FIGHTERS WHO DOCUMENT TERRORISTS IN REAL TIME (Arutz-7 8/28/18)

It is no secret that IDF forces carrying out tactical operations in Judea and Samaria are required almost every night to embark on activities deep inside Arab villages to arrest terror operatives.

Many times subjects are regular participants in violent disturbances against IDF forces, throwing rocks and firebombs at fighters and often leading the rioters and the conflict themselves.

The Nitzan combat battalion has special teams whose mission is to reach the most complex area hot spots, document main terror operatives and collect evidence leading to their capture. The same soldiers serve as a connecting thread from the moment the rioter throws a firebomb at our forces to the operational activity where he is detained.

"The soldiers are intel collectors for all intents and purposes, who reach points where there is highest friction with the enemy, sometimes even a few meters away," explains Nitzan Battalion Deputy Company Commander Lieutenant 'A'.

"The goal of each team is to document and close a case on those acting in a way that endangers human life," explains Lieutenant A. "As far as we're concerned, a person leading a disturbance of order and throws rocks and firebombs could also get up tomorrow morning and decide he wants to carry out a bigger attack. So any such activity is equivalent to thwarting an attack."

In order to succeed in their task and document terror operatives in the best possible manner, Lieutenant A notes several necessary steps the teams must carry out: "The fighter must document the perpetrator in the act," he said.

For this purpose, teams deploy in the area. "Some fighters are located deep in the zone of operations to identify top suspects and to photograph their faces closely," emphasizes Lieutenant A, adding that there are other teams of observers located at a more remote point, usually a nearby hill overlooking the disturbance.

"For the soldiers to accomplish the mission, we train them through special exercises, including challenging simulated enemy training that tests their photographic abilities while facing high pressure situations, as they will encounter in real time," emphasizes Lieutenant A.

"The drone revolution that has been taking place in the IDF over the past year has also reached our teams," he says. "A drone can reach hundreds of meters without being seen or heard, and is able to identify and track suspects."

After documentation is achieved, the teams collect the evidence into a dossier containing all the target's actions, including soldier's testimony about what happened on the ground. "The dossiers are passed on to the intelligence agencies, who work to close the circle on the suspect's location, and only then do we send arrest warrants and initiate operational activity to catch them."

Lieutenant A says the data prove the teams' activities and successful arrests of hundreds of rioters over the years significantly improve the ability to cope with terror challenges in Judea and Samaria.

"In the last half-year we discussed arrests of about 130 terror operatives, and in every such summary the number only rises," the company Deputy Commander emphasizes. "We learn from the data on sectors where more targeted disturbances break out simultaneously, so we know how to best invest our resources and photographers," he said.

"The teams are undoubtedly our key in the daily war against terror in Judea and Samaria," he declares. "The math is simple: a fighting force coming to stop a disturbance may succeed in stopping it, but tomorrow it may be renewed. However, as soon as our fighters document the ringleaders and bring about their arrest, there will be no-one left to lead the confrontations, and the participants will understand what happens to those who act against us and prefer not to confront the forces."

"Friction and confrontation spots will always exist," he notes and concludes: "At the end of the day, if we arrest the right people, we'll succeed in striking a significant blow to the terror infrastructure in the region and lower the flames of terrorism."

NETANYAHU SAYS LIKUD PARTY AIMING FOR 40 KNESSET SEATS IN NEXT ELECTION (Israel Hayom 8/28/18)

The Likud party has set its sights on winning 40 seats in the next Knesset election, Prime Minister Benjamin Netanyahu said Monday at a conference of Likud mayors and local council heads held in Ramat Gan, in central Israel.

"In the upcoming municipal elections [on Oct. 30] we'll bolster the Likud nationwide. We'll do it thanks to the enormous support of the Israeli public, which sees our great achievements in the general [Knesset] election," Netanyahu said.

When asked about the status of the next Knesset election, currently scheduled to be held on Nov. 5, 2019, the prime minister said, "I don't know exactly when it will take place. Thirty-five seats is a reasonable number, [but] our goal is 40 – that's where we're aiming."

"God willing and with your help, the Likud faction will go sky-high. Good luck in the upcoming elections – we'll support you and help you. Let's see a big victory!"

The Likud has been the clear frontrunner in recent polls, which predict the party winning 30 to 33 seats. Polls conducted by the Likud party show it winning a higher number of seats.

Some political insiders have claimed that Netanyahu made his remarks, which were the opposite of the line he took in the previous election, warning that the Likud could lose control of the government, to send a signal to the coalition partners that he is not worried at the prospect of an early election that an early election could be prevented through a consensus agreement on the volatile issue of haredi military conscription.

In recent weeks, Netanyahu has been letting heads of coalition parties know that while he wants the next Knesset election to be held as close as possible

to its scheduled date next November, he will not go into an election having failed to pass the haredi conscription bill. Therefore, he is asking the coalition partners to reach agreements on the issue during the upcoming recess, before the Knesset's winter session launches after the High Holidays.

'KLAL YISRAEL' LIST TO RUN IN BNEI BRAK (Arutz-7 8/30/18)

For the first time, a "Klal Yisrael" party combining haredi, national religious, and secular members is expected to run for city council in the haredi city of Bnei Brak, after years in which United Torah Judaism and Shas divided between themselves the seats on the council.

The man who worked to consolidate the list is Yaakov Vidar, the chairman of Likud in Bnei Brak, who has been working for years to help the Zionist minority in the city have a voice. Among others things, he initiated a memorial service for IDF soldiers buried in Bnei Brak and succeeded, together with the members of the list, to prevent the closure of the national religious "Tzvia" Ulpana in Bnei Brak that the city's leaders wanted to close.

"There are 27 members of the city council - who among them represents the public?" Vider asked. "Nobody."

"In the last Knesset elections, some 10,000 Bnei Brak residents voted for the Zionist parties, and I am sure that everyone will understand the importance and come to vote, because it is us or them."

The former deputy minister of education, Udi Tene, a resident of Bnei Brak, who is expected to be second place on the list, said that "This is a holiday on which all the Zionist streams unite together. Black kippah alongside Zionist knitted kippah will work together, with the help of Hashem, in the city council to fight for the needs of the religious-haredi-Israeli-traditional-secular public in the city. This is an exciting union that is expected to spark a revolution awaited in the city for years."

NIKKI HALEY CALLS FOR EXAMINATION ON PALESTINIAN RIGHT OF RETURN (JPost 8/29/18)

US President Donald Trump's ambassador to the United Nations questioned on Tuesday the credibility of Palestinian claims to a "right of return" to lands in modern-day Israel, touching on one of the most sensitive topics in the Israeli-Palestinian conflict.

Accepting an honor at the Foundation for Defense of Democracies, Nikki Haley was repeatedly asked by Clifford May, the organization's president, to comment on reports that the administration will soon target the United Nations Relief and Works Agency, a body which treats the descendants of refugees from 1940s Mandate Palestine as refugees themselves, by cutting the rest of its funding to the body and challenging its qualifications for refugee status.

The Trump administration has already cut much of its funding to UNRWA, and Haley's response suggests a complete cut is in the offing.

"You're looking at the fact that, yes, there's an endless number of refugees that continue to get assistance," she said. But she said the issue was "bigger" than that. "The Palestinians continue to bash America," she said, while "they have their hand out wanting UNRWA money."

"UNRWA can stay there, and we can be a donor if they reform," Haley continued, declining to endorse a proposal to wrap UNRWA – a refugee body devoted exclusively to the Palestinian cause – into the United Nations High Commissioner for Refugees, or UNHCR. "We will look back at partnering them."

She called on specific countries – Saudi Arabia, the United Arab Emirates and Kuwait, among others – to contribute to UNRWA, noting that the US remains its primary benefactor.

"I absolutely think we have to look at right of return," she added.

Trump administration officials have declined to comment or push back against reports that they will soon roll out their position on a "right of return," long criticized by the Israeli government as an attempt by Palestinians to undermine the Jewish nature of the state.

The US has long supported a two-state solution that results in "two states for two peoples" – one Jewish state of Israel, and one Arab state of Palestine. The Trump administration has been working on a plan for peace talks but has not yet endorsed the two-state solution outright.

The Palestinian Authority cut off contact with the White House after it recognized Jerusalem as Israel's capital last year, and moved the US Embassy there from Tel Aviv in May.

Haley said the PA would need to reengage for there to be serious peace talks – and that the White House would need the help of regional allies to get the Palestinians there.

"We have to have them come to the table for a peace agreement," she said, and "that's only going to happen if the region pushes them for that to happen."

UNESCO: ISRAEL 2ND IN GLOBAL R&D SPENDING AS PERCENTAGE OF GDP (Israel Hayom 8/29/18)

The United Nations Educational, Scientific and Cultural Organization has ranked Israel's spending on global research and development as second in the world in terms of percentage of the country's gross domestic product.

"According to UNESCO, Israel ranks second in global R&D spending as a % of GDP! This investment is necessary to promote the U.N.'s Global Sustainable Development Goals, and achieving progress," Israeli Ambassador to the U.N. Danny Danon tweeted Tuesday.

Israel was topped only by South Korea, and was ahead of Japan, Finland, Switzerland, Sweden, Austria, Denmark, Germany and the United States.

Israel's relations with the U.N.'s cultural agency have deteriorated in recent years following a serious of anti-Israel resolutions questioning, among other things, the Jewish link to Jerusalem.

Israel suspended its membership in UNESCO in December, as did the United States, which maintains observer status.

108,000 PASSENGERS PASS THROUGH BEN GURION AIRPORT IN 1 DAY (YNet 8/26/18)

A record-breaking 108,000 passengers passed through the Ben Gurion Airport last Thursday, the Israel Airports Authority said.

This Thursday, which was the last "big" weekend for this summer's holiday season, some 105,000 people were scheduled to fly on thousands of international flights in and out of the airport.

While the first days of September are expected to be less busy, September 6 is expected to see the airport packed once again as some 105,000 people fly in and out of Israel ahead of Rosh HaShana.

According to the Israel Airports Authority, over the course of the summer, about 5 million passengers will have passed through the airport—around 300,000 more than the same period last year.

Last July, a 10.6 percent passenger increase was registered in Ben Gurion Airport in comparison to July 2017.

In order to ease the burden on passport control facilities when passengers exit Israel, the Administration of Border Crossings, Population and Immigration allows travellers to use the biometric "Kiosks", that can now also read regular, non biometric passports by scanning a code and photographing the passport's front page.

This arrangement is, however, only available for Israeli passport holders, since tourists are also questioned when passing through passport control.

HAVING THEIR CAKE AND EATING IT, TOO (Gideon Allon, Israel Hayom 8/28/18)

Joint Arab List MKs' diligent anti-Israel activity abroad is intended to slander the nation and taint it in every international forum. Now they are eyeing the U.N. in an attempt to have Israel condemned over the nation-state law.

On Sunday, the heads of the Zionist parties in Israel – both coalition and opposition, aside from Meretz – condemned those MKs' conduct. They

excoriated Joint Arab List Chairman Ayman Odeh, MK Ahmad Tibi, and their colleagues for wanting to have their cake and eat it, too – enjoy the wealth of privileges given to legislators (broad immunity for anything they do as part of their public service; a high salary; a car and three aides; total freedom of expression, including denunciation of the police and the IDF and its soldiers; visits abroad as part of delegations) while also openly working to undermine the state.

The Joint Arab List members are furious that the Arabs in Israel are treated as second-class citizens, but they declare that they belong to the Palestinian people and embrace the Arab residents of Judea, Samaria, and Gaza as their brothers, including Hamas – which controls the Gaza Strip and tries daily to carry out terrorist attacks against Israel, and until very recently were setting fire to tens of thousands of acres of Israeli farmland, forests, and nature preserves.

The Arab MKs freely admit that they do not feel the Israeli flag or national anthem represent them. MK Yousef Jabareen said last week that "the state symbols – the menorah and the flag – are religious, Zionist symbols that are exclusive to the majority, and the State of Israel has failed for 70 years to adopt symbols that represent all its citizens." MK Jamal Zahalka called the Israeli flag "less [significant] than a rag."

When these Arab MKs were elected, they took a public oath of loyalty to the State of Israel and to faithfully fulfill their roles in the Knesset. Is that obligation meaningless? Are the Arab MKs' words devoid of meaning?

Knesset Speaker Yuli Edelstein was right when he said on Sunday that these MKs "are undermining the state; although they receive a salary from the government and enjoy all the parliamentary tools, they have the audacity to slander our name in the world. Anyone who collaborates with the Palestinian Authority against Israel should ask himself whether he belongs in the Palestinian or the Israeli parliament."

Sadly, even the Israeli media, at least some of it, indirectly assists the Joint Arab List's hostile activity against the state by giving it disproportionate coverage. We saw a clear example of that on Sunday when the Hadashot News broadcast opened with the sensationalist item that Arabs MKs were pushing the U.N. to pass a condemnation of Israel that would embarrass the nation.

It might have been justifiable to highlight the report if it had been anything new, but in the weeks since the nation-state bill passed into law, the Arab MKs haven't stopped reporting on their own widespread cooperation with European entities hostile to Europe (such as the European Union) against Israel, trumpeting that next Monday, representatives of the Joint Arab List are slated to meet with European Union Foreign Policy Chief Federica Mogherini in Brussels.

The main question is how, if at all, to handle this embarrassing phenomenon. No one is considering placing limits on the Arab MKs' parliamentary immunity or their freedom of expression, which they sometimes give completely free reign. It's doubtful whether a proposal by Knesset House Committee chairman MK Yoav Kisch to amend the ethics rules to allow any MK who acts against Israel or cooperates with action against Israel in the international arena to be punished will be adopted. Is it likely that the Arab MKs themselves, most of whom are intelligent, educated individuals, will realize that they are going too far and that, rather than inciting hatred and undermining the government, it's time they behaved with the self-restraint we should expect from elected officials?

LET THE PALESTINIANS MAKE LEMONADE OF TRUMP'S LEMONS (Ron Ben-Yishai, YNet 8/28/18)

Cutting aid to the Palestinians, cutting funding to UNRWA, and the Trump administration's declaration that it does not recognize the Palestinian "right of return," are all welcomed steps, because they will force the Palestinian Authority, Hamas and other factions in the PLO to adopt a more practical view on a permanent resolution to the conflict. Perhaps these moves could

even cause the Palestinians to recalculate their own steps and come back to the negotiating table with a paradigm that would be closer to something Israel would consider acceptable.

But alongside the possibilities in these moves by Washington, we must first recognize the risks. The economic pressure, which is the result of cutting UNRWA's funding, will almost certainly cause a very serious and very real humanitarian crisis in Gaza, and to a lesser degree in Judea and Samaria as well.

In addition, the Palestinian leadership's response to Trump's declaration, which pulls the rug out from under the international legitimacy for the Palestinian "right of return" demand, will almost certainly spark violence on Gaza and West Bank streets, mostly on the backdrop of the battle over the PA leadership in the wake of Abbas's departure.

Therefore, if the US, Israel—and perhaps also the Quartet—want to leverage the funding cuts and the canceling the recognition for the Palestinian "right of return" in order to achieve a groundbreaking positive result, this process must be done gradually and be accompanied by supplementary economic moves. Washington needs to gradually cut the funds the Palestinians receive either directly or through UNRWA over 3-4 years in a way that allows the supplementary economic moves to be implemented on the ground, giving the Palestinians in Gaza and in Judea and Samaria alternative sources of income and employment. Otherwise, cutting the funding will, in short order, bring to a humanitarian crisis in the strip that Israel has a supreme political and security interest in preventing. Such a crisis will lead to security tensions that Hamas would either initiate or be dragged into—and the rest is known.

A similar conflict could develop in Judea and Samaria as well. There won't be a humanitarian crisis, but the worsening unemployment situation will serve as another incentive for unrest, which has been bubbling under the surface anyway. It will start with street protests—and the rest is known here as well. It could end with another mini-intifada, or perhaps even a full-blown intifada.

All of this could be avoided if the Trump administration announces a gradual reduction of funding, which will be done in tandem with a plan for economic investments and projects to establish electricity, water, health and education infrastructures in the strip and in Judea and Samaria, in order to replace the donations the Palestinians receive through UNRWA and other international bodies. Indirectly, such a "Marshall Plan" for Gaza and the West Bank could increase Palestinian motivation to reach a peaceful resolution to the conflict, and create internal processes within Palestinian society to allow this. On such a backdrop, the US withdrawing its recognition of the Palestinian "right of return" won't lead to such serious unrest.

The Gaza donor countries convened in Brussels Tuesday. This is an excellent opportunity to establish an international consortium—including Arab states—that would also supervise and ensure the economic investments are not funneled by Hamas to its military wing and that the Palestinian education system doesn't teach incitement.

Israel would be an active partner in such a consortium, but not as a regular member, rather a "facilitator." Meaning, the Israeli government won't fund or directly carry out the moves, but will do everything in its power to ensure the implementation of these moves will be done quickly through our ports and the border crossings under our control. Professional, engineering and mostly security consultation to the international consortium is necessary not just for effective implementation, but also to maintain our vital national security interests.

We can talk and bargain over everything else after there's a calm in the Gaza Strip (a return to the post-Protective Edge understandings), which will allow this process to begin. Calm currently prevails in the West Bank, where this process can start immediately. Then, when this process is already underway, serious negotiations could start over the captives and the bodies of the soldiers that need to be returned home, as well as all kinds of "arrangements."