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FOR STRATEGIC STUDIES



WHAT ARAB SPRING?

BESA Center associates discuss the rapidly changing Middle East and its ramifications for Israeli and Western policy



INSIDE

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What Arab Spring?

BESA Center experts see an increasingly difficult security environment for Israel emerging from the Arab upheavals of the past year. The Center has launched a major research project to evaluate the rapidly changing Middle East and its implications for Israeli and Western policy. The policy recommendations will soon be published as a book, generously supported by the Tikvah Fund.

2 BESA Center experts see an increasingly difficult security environment for Israel – and for Western interests – emerging from the Arab upheavals of the past year. A recent conference on "Israeli Security in a New Regional Environment" and many subsequent in-house deliberations paint a gloomy picture of the near-term future.



Uzi Dayan:
"Preserve Israel's strategic assets"

Maj. Gen. (res.) Uzi Dayan, former national security advisor to the Israeli Prime Minister, told the November 2011 BESA Center conference that upheavals in Tunisia, Libya, Egypt, Syria, Bahrain and elsewhere "prove once again that the Arab-Israeli conflict is not the central problem in this region. The implications for Israel of this unrest are manifold," he said.

"At a time of such uncertainty, Israel must preserve and secure its strategic assets. This is not the time for Israel to be taking territorial or other risks, since we don't know what is ahead. Israel must maintain defensible borders, with strategic depth, and the ability to defend ourselves against attack. In the Palestinian context, this means full demilitarization of areas under their control. Israel must guard against and prevent the emergence of *three* hostile Palestinian states – in Jordan, in the West Bank and in Gaza," Gen. Dayan said.

Dayan also called upon Israel to take the diplomatic initiative and advocate for Kurdish independence. "There are some 30 million Kurds in a clearly-defined region spread across four countries. They deserve statehood no less than the Palestinians," he declared.

Prof. Gabi Ben-Dor of Haifa University, who spoke at the conference about Arab societies, dismissed the notion that a surge of enthusiasm for Western-style democracy lay behind the recent turmoil. "Who says that protests against dictatorship necessarily lead to democracy?" he asked.



Prof. Gabi Ben-Dor:
"Did someone say Arab democracy?"

"Democracy is not what emerged from the revolution against the Tsars of Russia 100 years ago, nor has democracy emerged in many CIS states that threw off the Communist yoke. Thus there is no rational, logical or historical basis for assuming that democracy will result from the revolutions underway today in the Arab world."

Egypt has a decent chance at a long-term march towards democracy, Ben-Dor said, but only if the military maintains a degree of moderating control over the country and prevents the Islamists from exploiting the situation in order to wrest complete power.



Prof. Efraim Karsh of the Philadelphia-based Middle East Forum (and a member of the BESA Center International Academic Advisory Board) was more pessimistic. "Islam remains the strongest identity framework in Egyptian society in particular, and in Arab society generally," he said. "The Arab national dictatorships that were layered over this basic Islamic identity for the past 80 years were but a thin veneer of repression. With the fall of these dictatorships, what remain are the core Islamic underpinnings of society, and these will now come to the fore. Consequently, no democratic structures, processes or values are likely to emerge in the Arab world for many generations."



Prof. Efraim Karsh:
"Islam is the strongest identity framework in the region"

Panelists at the conference disagreed about Western reactions to the Arab upheavals. **Prof. Hillel Frisch** of the BESA Center argued that one could discern the emergence of a clear American approach to the changes in the region – a policy construct that emphasizes the promotion of democracy while underscoring the containment of the influence of Iran, Russia and China.

Prof. Karsh and **Prof. Eytan Gilboa** disagreed. "America is fumbling for responses, reacting differently in each case, without any obvious grand strategy," Karsh asserted. "Though American responses to each Middle Eastern state can individually make sense, overall strategy seems to be lacking, creating an image



Prof. Eytan Gilboa:
"America is fumbling for responses"

of a confused and untrustworthy America," said Gilboa.

The rise of Islamic groups and American indecision together create a deteriorating security situation for Israel, according to BESA Center director **Prof. Efraim Inbar**. "States like Egypt are already losing control of their own territory, and Israel can expect increased cross-border attacks and terrorism. The Turks may ignite a confrontation over energy in the eastern Mediterranean. Israel should not be cutting its defense budget now. On the contrary, Israel should be investing more in the military and in the defense industries – so that we'll be ready for challenges five years or more down the road."



Prof. Efraim Inbar:
"Israel should not cut its defense budget"

"The expectation of many in the West for a rapid Arab transition to democracy reflects ignorance of the social and political realities of North Africa and the Middle East," Inbar wrote in the spring of 2011. "Iraq is proof that transition from a dictatorial

regime is a lengthy and bloody process. Moreover, regimes with deep societal attachments to Islam will not suddenly adhere to a liberal-democratic ethos. We already see how free elections are being hijacked by the Muslim Brotherhood in Egypt."

"It is not clear that Western powers, particularly the US, are aware of the possibility of losing the eastern part of the Mediterranean Sea to radical Islam or are preparing in any way to forestall such a scenario. Foolishly, they seem to believe that the so-called Arab Spring heralds an improved political environment and that Turkey represents 'moderate Islam.' American naiveté and European gullibility could become extremely costly in strategic terms."



Dr. Max Singer:
"Islamist regimes will fail"

BESA Center senior research associate **Dr. Max Singer** adds that "it is certainly too soon to have any confidence in predictions about the outcome of the 'Arab Spring,' but the best bet, unfortunately, is that an Arab world experiment with Islamism will cause great suffering – and probably new totalitarianisms -- before it too comes to be seen as a failure and is eventually rejected by a new generation of Arabs."

"An Arab Middle East that bases itself on hard-core Islamist regimes will fail mainly because a return to Islamic Sharia law and ancient Muslim ways cannot work in today's world. The Shiite example has failed in Iran and the Sunnis will not be able to do better. However, the failure of



Islamism will have one important difference from the failure of the previous 'isms' like socialism or pan-Arabism. Ordinary Arabs had no deep personal stake in socialism or nationalism; they could be dropped with relatively little pain. But most Arabs have a strong attachment to Islam. While Islamism can be and should be sharply distinguished from Islam, the failure of Islamism will be very difficult for Muslims to absorb and to live with."



Dr. Dany Shoham:
"Watch the chemical-biological weapons stocks"

on Damascus reverberates in Tehran. The entire political structure that Iran built in Syria is in danger of collapse, endangering the logistical base for Hezbollah, Hamas and Palestinian Islamic Jihad."

"In any case, Israel must be prepared for possible deterioration of the situation into regional war, and the world must be prepared to take over Syria's stores of non-conventional weapons so that they don't fall into the hands of Hezbollah or Islamic Jihad."

Prof. Hillel Frisch of the BESA Center says that Egypt, not Syria, is the key country to watch. "The Islamists and the military-backed secularists are fighting over the shape of Egypt's future constitution. While the former seemingly holds the majority public vote, the latter holds the fire power, thus evening out the political battlefield. But if the chasm between these two opposing camps continues to widen, all-out civil war could erupt. In essence, Egypt's soul and identity is at stake."

"The major restraining factor on both sides is Egypt's economic predicament. Unlike Islamic Iran, which reaps \$70 billion annually from oil and gas that it can sell under almost all political conditions, Egypt is an ecologically fragile state of 80 million people, characterized by an economy with great international exposure. Its economic prospects, therefore, are highly dependent on maintaining good political and economic relations with the US and EU and on the maintenance of regional stability. These factors are critical to its tourism industry, which makes up 12 percent of its GDP. They are similarly vital in preserving revenues from the Suez Canal, expanding industrial exports, and securing international aid. The willingness of the West to deal with the future regime will be highly



Dr. Jonathan Rynhold:
"Pragmatic Islamists are not necessarily moderate"

increased essentiality and usability. This would become especially true if Iran were to obtain nuclear weapons. Then it might feel more secure to employ sub-nuclear weapons of mass destruction such as CBW."

Dr. Mordechai Kedar of the BESA Center predicts the disintegration of Syria. "One year from now, Syria could easily be sundered into five independent states: Alawite in the west, Kurdish in the northeast, Druze in the south, Bedouin in the east, with Aleppo a separate city-state. For us, this is preferable to the continuation of the Assad regime, which has partnered with Iran, North Korea and Hezbollah. Another scenario is that Turkey occupies much of Syria and facilitates the rise to power of an Islamic regime."



Dr. Mordechai Kedar:
"Beware Syrian disintegration"

"Of course, both Saudi Arabia and Israel see the potential fall of Assad as a blow to the Iranians. The pressure

"Regarding the rise of Islamist forces in Egypt and perhaps in Syria, there is a tendency in the West to argue they will be 'pragmatic,'" says BESA Center associate **Dr. Jonathan Rynhold**. "But it is important in this contest to remember that even if some are more pragmatic than others, none of these Islamists are moderate. This is especially apparent with regard to Israel, whose destruction they support. Pragmatism is a function of power and responsibility, but the ideological commitment to radical ideals remains."

"We need to remember that Egypt, Syria and Iran all have arsenals of chemical and biological weapons (CBW). Iran probably has radiological weapons as well," says BESA Center expert **Dr. Dany Shoham**. While the likelihood of employing these weapons is low, new regimes in Egypt and Syria could be tempted to view CBW as strategic military assets of somewhat





Prof. Hillel Frisch:
"Egypt is the regional linchpin"

dependent on the Egyptian military's autonomy and power in the future regime. Thus, the Islamists might balk at an open confrontation and will be forced into compromise with the military."

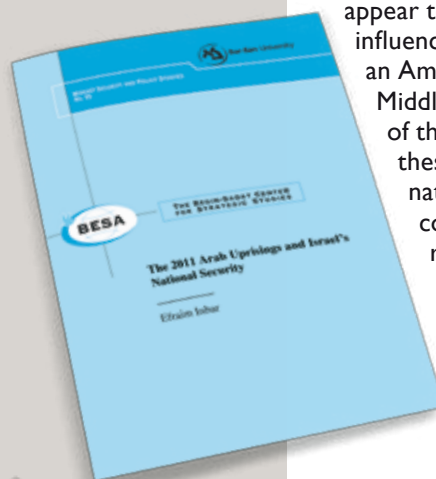
On the Palestinian front, Frisch notes the growing weakness of Hamas. "Ostensibly, the upheavals in the Arab world are good news to the Palestinians in general, and to Hamas especially. The Egyptian Muslim Brotherhood is a sister organization to Hamas. Syria could fall into the hands of the Brotherhood as well. Nevertheless, Hamas is losing steam and direction."

"First, the Palestinian issue has lost some of its salience; the Arab revolutions are a much bigger story. Second, Hamas shares the blame amongst its constituents for splitting the Palestinian people into two areas governed by two Palestinian governments. Third, Hamas has been

forced to back off from constant confrontation with Israel, following Israel's successful 2010 operation against Hamas in Gaza. Prosperity in the West Bank also has dimmed Hamas' glow."

"Now, of course, Hamas may be losing its Syrian base of operations. In Qatar or Turkey – two possible places of refuge for Hamas leadership – the organization will likely be subject to enhanced penetration by Israeli and western intelligence agencies."

The BESA Center will soon publish a major monograph supported by the Tikvah Fund. This publication will evaluate the rapidly changing Middle East and make policy recommendations for Israel and Western countries.



The 2011 Arab Uprisings and Israel's National Security

by Prof. Efraim Inbar

The first part of this February 2012 publication surveys the main elements of the changing strategic landscape around Israel: the weakening of Arab states; changes in the balance of regional power, as the radical anti-American forces in the region appear to be gaining greater influence; and what appears to be an American retreat from the Middle East. The second part of the study focuses on how these elements affect Israel's national security. Of foremost concern are the heightened risks of rapid change and strategic surprises, greater uncertainty regarding the behavior of leaders in neighboring states, increased terrorist activity, reduced deterrence, growing regional isolation, emerging threats in the eastern Mediterranean, and a continuous Iranian nuclear challenge. The third part discusses ways in which Israel must prepare itself to meet the challenges stemming from the deteriorating security environment. These include increases in defense outlays for expanding Israel's standing army, additional investments in missile defense, and research and development. In addition, Israel must insist on defensible borders, seek out new regional allies, and maintain its special relationship with the US.





BESA Center associates are leading the way forward with new strategic thinking for turbulent Mideast times

Israel is rethinking its overall security needs in the wake of the revolutions underway across the Arab Middle East. Islamists seem to be on the march – in Algeria, Egypt, Lebanon, Turkey, Tunisia and Syria. Iran continues to advance towards nuclear weapons. Israeli Prime Minister Benjamin Netanyahu has called this an "Islamic, anti-Western, anti-liberal, anti-Israeli, undemocratic wave."

Consistently ahead of the curve with new strategic thinking for these turbulent times are the experts of the Begin-Sadat Center for Strategic Studies. Center associates have conducted over-the-horizon research that puts their analyses ahead of the pack. The materials published by the BESA Center have not always been politically correct or appreciated at the time by other experts or diplomats. Now, however, people are paying closer attention.

The Oslo process for comprehensive and lasting peace with the Palestinians – "two states for two peoples" – has come to a dead end. It is still hard for politicians to admit this. But more than three years ago BESA Center director **Prof. Efraim Inbar** declared the two-state paradigm passé. He bucked conventional wisdom and penned the first comprehensive study tracking the *Rise and Demise of the Two-State Solution*. This was followed

by another provocative BESA study by **Maj. Gen. (res.) Giora Eiland** entitled *Regional Alternatives to the Two-State Solution*.

Diplomats and policymakers in Israel and overseas are now going back to study these illuminating publications, in search of new thinking that might take us beyond the Palestinian-Israeli stalemate.

In 2006, **Prof. Efraim Karsh** (a member of the Center's International Academic Advisory Board) published a little-noticed BESA Center study called *The Tragedy of Arab Imperialism*. His discerning prediction was that Arab pan-nationalism and nationalist dictatorship structures were paper thin and bound to fail. He also foresaw the radical Islamist menace lurking underneath. "Islam remains the strongest identity framework in Egyptian society in particular and in Arab society generally," Karsh wrote. "The Arab national dictatorships that were layered over this basic Islamic identity for the past 80 years are but a thin veneer of repression."

In 2009, **Dr. Ehud Eilam** published an almost prophetic study on instability in the Egypt-Israel relationship. He questioned Mubarak's plan to anoint his son Gamal as his successor and

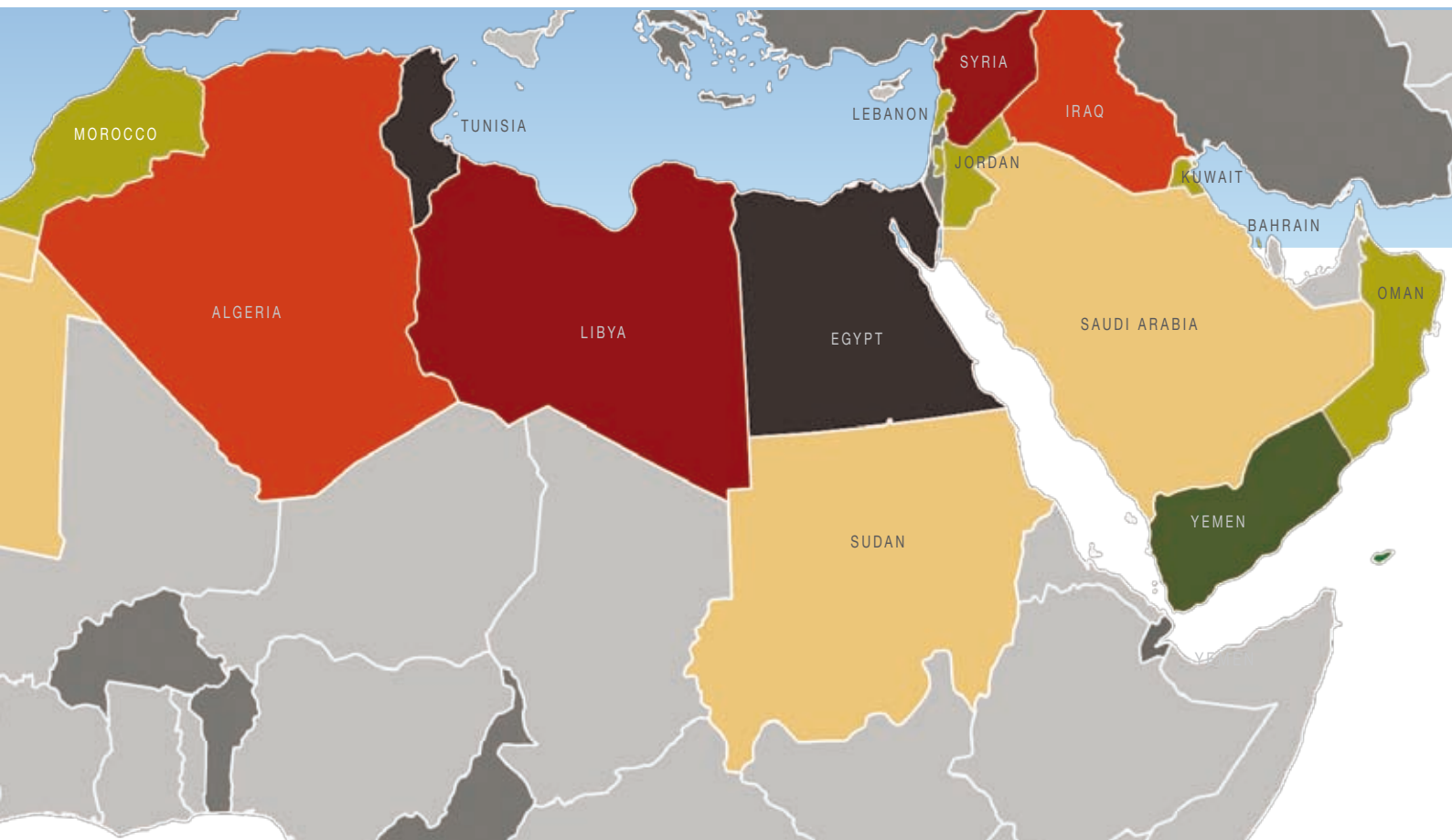
surveyed a range of scenarios that could result in the cancellation of the Egyptian-Israeli peace treaty. Eilam suggested ways in which Israel needed to prepare for such a possibility. At the time, the Egyptians howled about Israeli chutzpa in publishing the study while Israeli officialdom sought to bury it.

Just before he died in September 2010, **Prof. Joseph Kostiner** published the only study I know questioning the security and stability of the Gulf Cooperation Council states. Now look what is happening in Bahrain.

“The BESA Center: Always prescient and ahead of the game; brutally honest in its evaluations.”

Since 2007, Arrow missile project director **Uzi Rubin** has published through the BESA Center a series of in-depth studies analyzing Hamas and Hizballah rocket and missile capabilities and arguing for a significant Israeli anti-missile defense system for the Gaza perimeter and northern Israel.

Unfortunately, the IDF and Defense Ministry joined the game very late with the rushed and limited (albeit



Revolution
 Civil war
 Sustained civil disorder and governmental changes
 Protests and governmental changes
 Major protests
 Minor protests
 Protests outside the Arab world

successful) development of the Iron Dome system. Rubini's most recent BESA Center study, which evaluates Iron Dome, clearly shows how the defense establishment and political echelon had to be dragged kicking and screaming into late development of this important defense system.

Since 2003, the BESA Center also has been the major think-tank tracking and evaluating Turkey's strategic partnership with Israel – and its subsequent denouement. **Professors Inbar** and **Nachmani** were among the first to warn about emerging hostile Islamist sentiments in the foreign policy of Erdogan and Davutoglu, and they continue to write prodigiously on this topic.

The Golan Heights represents high strategic and moral ground for Israel, but Israel has been afraid to say this for years, instead holding out the possibility of a withdrawal from the Golan in the context of a peace agreement with Damascus. Given what is happening in Syria today, what a folly that might have been. In order

to put an end to the notion of Israeli abandonment of the Golan once and for all, Prof. Inbar has just published a detailed study which delineates the strategic, legal, moral and historical justifications for permanent Israeli sovereignty on the Golan.

Lastly, one area that has received little attention is the eastern Mediterranean basin, where elements of radical Islam could gain control. Libya, Egypt, Lebanon, Syria and Turkey show Islamist leanings, leaving Israel, Greece and Cyprus as the only Western allies. There are also major natural gas deposits in the area to protect and fight over. Two new BESA Center papers by **Efraim Inbar** and **Alexander Murinson** focus on the potential conflicts over energy resources in the region.

The Begin-Sadat Center for Strategic Studies: Always prescient and ahead of the game; brutally honest in its evaluations; worth following.



David M. Weinberg
 Editor, *The BESA Bulletin*
 and BESA Center Director
 of Public Affairs

THE GENERAL AVRAHAM ROTEM MEMORIAL CONFERENCE

Confronting the Iranian Nuclear Threat



Maj. Gen. (res.) Danny Yatom

A military strike on Iran will be less painful than the cost of living with an Iranian nuclear weapons threat – was the consensus at a November 2011 security conference.

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"As steep as the price for hitting Iran may be, a military strike on Iran will be less painful than the cost of living with an Iranian nuclear weapons threat," argued former Mossad head Maj. Gen. (res.) Danny Yatom at a November 2011 BESA Center conference on Israel's new strategic environment. "The backlash from a strike on Iran's nuclear sites will not be as bad for Israel as will an Iran armed with nuclear weapons," he said. "I don't think that those predicting apocalyptic repercussions of a strike on Tehran are correct, and even if they are, Israel can't afford to wonder if Tehran will go crazy and bomb us."

Yatom's position was diametrically opposed to that of former Mossad head Meir Dagan, who sparked significant controversy this year by stating that an attack on Iran would be a foolish move that would lead to a war with an unknown outcome.

"It is impossible to stake the nation's security on predictions by those who claim a nuclear Iran can be deterred and that the Iranian regime would not launch a nuclear attack," Yatom added. He acknowledged that rocket attacks would likely ensue from Lebanon and Gaza following a Western or Israeli

strike against Iran, but added that Israel's response would be "so painful and crushing that rockets will come to an end. Civilian facilities and infrastructure in Lebanon and Gaza will have to be hit. Innocent civilians could

The world does not have much time left to act on Iran, Yatom warned, adding, "There is an evaluation that they have crossed the red line. They have the knowledge to make the bomb. All that is needed now is the



General Rotem's photo overlooks Shmuel Sandler, Uzi Dayan, Tiki Rotem, Danny Yatom and Efraim Inbar at the memorial conference.

be hurt. But we will have to deliver a crushing blow so that the barrage of rockets against us will not continue."

decision to do it.... The world has a year in which to halt the Iranian nuclear weapons program, probably less."



Yatom also doubted that sanctions or covert operations could stop the Iranians. "We have only two options: to let Iran get the bomb, or to use military force against their military nuclear program. I think that force will have to be used. But I don't think Israel should lead. This is, after all, a global problem.... Nevertheless, should the world stand on the sidelines, Israel will be fully entitled to use its natural right to self-defense. To us, the Iranian nuclear weapons program is an existential threat."

Maj. Gen. (res.) Uzi Dayan, former head of IDF military intelligence and national security advisor to Prime Minister Ariel Sharon, agreed with Yatom that Iran's nuclear weapons program must be halted, but felt that sanctions which embargoed Iranian oil and gas and which outlawed transactions with the Iranian National Bank could dissuade the Iranians from proceeding. "While not an existential threat, Tehran's nuclear program is an unacceptable threat," he said.

The conference was held in memory of Maj. Gen. Avraham Rotem, who was a central member of the BESA Center research team. Yatom, having served under Rotem, eulogized him as "one of



The late general Maj. Gen. Avraham Rotem, who was a BESA Center senior research associate

the smartest and most capable people I ever met. He was a very demanding officer and he had a tremendous influence on me. Rotem was outspoken and intellectually fearless – a true 'General,'" he said.

The conference also hosted a lengthy discussion (summarized elsewhere in the newsletter) on the Arab upheavals, involving professors Ben-Dor, Karsh, Frisch, Gilboa, Rynhold and Inbar.



CONFERENCE

Educating the Next Generation of IDF Officers

In cooperation with the IDF Tactical Command College, the BESA Center held a conference last fall on “Military Academies and the Military Profession: Israel in Comparative Perspective.” Should IDF officers study more military history and theory and who should be teaching them?



The US has military academies at West Point and Annapolis. The British put their officers through Sandhurst. But how will the Israeli Defense Forces (IDF), a citizen army, train its officers for the 21st century? Several hundred IDF officers – scores of freshly-minted lieutenants plus a sprinkling of top brass – packed this September 2011 BESA Center conference to hear ranking commanders and scholars address this issue.

scope of what they must know keeps expanding. They must achieve mastery over ever more complicated machines of war. Doctrine must be constantly updated and disseminated, especially to reservists. Though the IDF remains primarily a people's army, the unremitting threats to the country have long demanded professional organization.

role on the 21st-century battlefield, where technological prowess can be more relevant than history or tactical studies?

IDF Maj. Gen. Yair Golan, head of the Northern Command and a plain-spoken rising military star, said the qualities he looks for in an officer are creative thinking, meticulous planning, and the ability to instill morale through personal example. For IDF Ground Forces Commander Maj. Gen. Sami Turgeman, the key to an officer's competence is in not just learning classroom doctrine but executing it under actual field

In contrast with the US model, in which officers train at dedicated military institutions and graduate with college degrees, IDF officers usually start their careers straight out of high school as conscripted privates. The road leading to a commission in the Israeli military typically begins when a private is identified as having leadership potential or some other skill and is invited to make a further service commitment by enrolling in officer candidate school – which lasts for less than six months. Cadets, no matter what their path to a commission, must go elsewhere for their undergraduate degrees and do so in fragmented fashion.

As the IDF seeks to professionalize its officer training, what qualities should a fine officer possess? Does character and theoretical knowledge still play a



IDF Maj. Gen. Yair Golan, head of the Northern Command

Israeli warriors have little time for the extended breaks needed for an ideal career education, but the



IDF Ground Forces Commander Maj. Gen. Sami Turgeman





conditions: "Even when you know what needs to be done, applying it is the hard part." He emphasized that good officers must be good builders. They know that they have to work 365 days a year to prepare their forces for war and that continuing military education is essential.

Turgeman said that he would act to maintain and protect the army's training budget from any budget cuts.

BESA Center senior research associate Prof. Stuart Cohen, Israel's top expert on civil-military relations and the changing nature of the IDF, organized the conference together with IDF Tactical Command College and its commander Col. Gideon Sharav. Cohen posed a series of questions: Where should IDF officers be studying – at universities or in military colleges? Who should be teaching them – professors or tacticians? What should they be studying?

Prof. Avi Kober, a BESA research associate and former editor of the IDF's military and strategic affairs journal, argued that officers need to study much more military history and theory and read military classics including the writings of Clausewitz, Liddlehart, Jomini and others. He attributed the failures of Israel's 2006 campaign against Hizballah in part to the fact that IDF officers at that time had no background in broader military thinking.



Prof. Stuart Cohen

Col. (ret.) Dr. Hanan Shay of Ashkelon Academic College and Bar-Ilan University agreed with Kober. Shay has been a key figure in moving the IDF into broader academic education for its officers and pioneered a reform in officer education over a decade ago. "IDF officers need to know how to think," Shay said, "not only how to lead."



Prof. Christopher Coker

Prof. Christopher Coker of the London School of Economics challenged the military audience to consider how waging war at computer consoles – for example, sending remotely-piloted drone aircraft on targeted killing missions – might affect their ethos as combatants. "Cyber warfare may remove soldiers from immediate danger, but they must struggle not to let technology diminish their humanity. The precision of machines cannot substitute for instilling values. Human behavior is invariably inconsistent and dependent on circumstances, so individual character-building and collective esprit de corps continue to matter."

Prof. Eliot Cohen of the School for Advanced International Studies at Johns Hopkins University (and a member of the BESA Center's international academic advisory board) said that officers have to consider the larger issue of military-civilian relations. Officers have to know how to give advice to politicians, but there is no

straightforward training for the role; this is an expertise developed mostly through self-education. Cohen, who was Counselor to the US State Department under Secretary of State Condoleezza Rice, noted that "advice is a dangerous gift even when given from the wise to the wise."

Cohen explained that wars are constantly and rapidly evolving situations in which officer-advisors need to ask themselves and others, "What are we trying to do?" "What are our priorities?" "Why do we think this will succeed?" "What else is happening in the political and security environment?" "How will we define victory?" Most of the time, they will not get satisfactory answers, he said, which is precisely why they must ask the questions again and again.

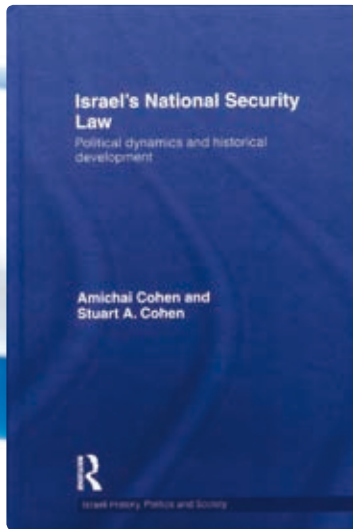


Prof. Eliot Cohen

Also addressing the conference were Dr. Eitan Shamir (BESA Center and Ben-Gurion U.); Col. Prof. Cindy Jebb (US Military Academy at West Point); Prof. Alon Kadish (Hebrew U. and Head of the IDF History Department); Dr. Yossi Hochbaum (IDF General Staff Training Division); Dr. Eado Hecht (IDF Command and Staff College); Col. Dr. Meir Finkel (Head of Concept Development and Doctrine Department, IDF Ground Forces); Maj. Dr. Uzi Ben-Shalom (IDF Ground Forces College); Dr. Yuval Tsur (Sapir College); and Maj. Yael Bareket (IDF General Staff Training Division).

CONFERENCE

The Legal Dimension of National Security



Supreme Court Justice Elyakim Rubinstein headlined a BESA Center conference in December 2011 that marked the publication of an important book by Amichai Cohen and Stuart Cohen, *Israel's National Security Law: Political Dynamics and Historical Development*.

12 How did Israeli national security become so dominated by lawyers and the Supreme Court? After all, David Ben-Gurion would never have dreamed of court intervention in military issues. Yet today, the Israeli courts and international legal actors intervene in everything from army tactics and targeting calculations to the demarcation of security fences and the tonnage of humanitarian supply convoys even in the midst of military operations.

A new book by Prof. Stuart Cohen of the BESA Center and his son Prof. Amichai Cohen of Ono Academic College takes a close look at these issues. The BESA Center held a one-day conference in December 2011 to mark the publication and to analyze the issues arising from this pioneering study of what has become a central dimension in Israel's national security thinking.

Opening the conference, Stuart Cohen argued that the Israeli Supreme Court has become overactive with regards to military human rights matters, yet underactive or insufficiently active with regards to the division of powers between

military and civilian/political officials. Amichai Cohen analyzed the processes by which international law has become Israeli law, and the limitations this places on IDF activities.

Also addressing the conference were Dr. Yehuda Ben Meir (INSS) on civil-

military relations; Prof. Oren Gross (U. of Minnesota) on the behavior of democracies in emergency security situations; Prof. Daphna Barak-Erez (Tel Aviv U.; newly-appointed Supreme Court Justice) on distributive justice and national security; Prof. Gad Barzilai (U. of Washington and Haifa) on national

security law; and Prof. Avi Bell (Bar-Ilan U.) on 'lawfare' against Israel. Justice Elyakim Rubinstein of the Israeli Supreme Court gave the keynote address, in which he related at length to the "necessity, value and wisdom" of Supreme Court intervention in Israeli military and intelligence matters, including the way in which the IDF administers the post-1967 territories. He said that court involvement in national security decision-making had become a "critical necessity" and that this was good for the military as well as Israeli democracy.



Book authors, the father-son duo, Dr. Amichai Cohen (left) and Prof. Stuart Cohen.



In particular, Rubinstein pointed to the changes in the structure and operations of the General Security Services (or 'Shin Bet') that had been mandated by the Supreme Court following scandals that rocked the security agency in the 1990s.



Prof. Daphna Barak-Erez of Tel Aviv U (newly appointed to the Supreme Court)

"We successfully imposed greater transparency and accountability on the Shin Bet, and I think that the Mossad (Israel's foreign intelligence agency) is overdue for such changes as well," he said.

Rubinstein repeatedly referred to Supreme Court oversight of military operations as a "cleansing filter" that encourages careful thinking and self-criticism in the army. "Not every military commander's plan is sacrosanct. Human dignity is as important a value as personal and national security," he said. "Often our role as Supreme Court judges is simply to force the military into dialogue, from which more reasonable decisions emerge without the court having to formally rule. In a way, we act as babysitters for Israeli democracy. Our judicial review ensures adherence to Israeli and international law."

Justice Rubinstein also related to conservative criticism of Supreme Court activism. "I reject the wild political attacks on the court that were heard in the winter session of the Knesset. Of course, the court isn't immune from criticism. But in my opinion, the court has acted with balance and honesty – in the civil, criminal, diplomatic and security fields. We have been cautious, not imperialistic."



Justice Elyakim Rubinstein of the Israeli Supreme Court

Myths and Facts in Israeli-Palestinian Water Conflict



Prof. Haim Gvirtzman

This important new study by Prof. Haim Gvirtzman, based on previously classified data, refutes Palestinian claims that Israel is denying West Bank Palestinians water rights negotiated under the Oslo Accords. The study also proposes a practical plan for Israeli-Palestinian water sharing in the future.

In this BESA Center study, hydrologist Prof. Haim Gvirtzman of the Institute of Earth Sciences at the Hebrew University examines Palestinian water claims against Israel by presenting detailed information about water supply systems presently serving Israelis and Palestinians. He also discusses international law and shows that the Palestinians have little basis for their water demands.

Gvirtzman relies on previously classified data, recently released for publication by the Israeli Water Authority – 15 years after the signing of the Israeli-Palestinian Interim Agreement. The data shows that currently there is almost no difference in per-capita consumption of natural water between Israelis and Palestinians.

Nevertheless, the Palestinian Authority claims that it suffers from water shortages in its towns and

villages due to the Israeli occupation and it cites international law in support of its claims. These claims amount to more than 700 million cubic meters of water per year, including rights over the groundwater reservoir of the Mountain Aquifer, the Gaza Strip Coastal Aquifer and the Jordan River. These demands amount to more than 50 percent of the total natural water available between the Mediterranean Sea and the Jordan River.

But contrary to Palestinian claims, Gvirtzman demonstrates that Israel has fulfilled all of its obligations according to the agreements it signed in 1995 with the Palestinian Authority, and in fact has exceeded them. The PA currently consumes 200 MCM of water every year (with Israel providing about 50 MCM of this) – which, under the accords, is more than Israel supposed to provide a full-fledged Palestinian state under a final settlement arrangement!

Gvirtzman shows that the large difference in water usage that existed in 1967, when the administration of Judea and Samaria was handed over from Jordan to Israel, has been reduced over the last 40 years and is now negligible. As well, the per capita domestic water consumption of the Palestinians is significantly higher than the minimum human needs defined by the World Health Organization.

In contrast, the Palestinians have violated their part of the agreement by drilling over 250 unauthorized wells, which draw about 15 MCM a year of water, and connecting these pirate wells to its electricity grid. Moreover, the PA has illegally and surreptitiously connected itself in many places to the water lines of Israel's Mekorot National Water Company – stealing Israel's water.

Palestinian farmers also routinely overwater their crops through old-





fashioned, wasteful flooding methods. Gvartzman says that at least one-third of the water being pumped out of the ground by the Palestinians (again, in violation of their accords with Israel) is wasted through leakage and mismanagement. No recycling of water takes place and no treated water is used for agriculture.

In fact, 95 percent of the 56 million cubic meters of sewage produced by the Palestinians each year is not treated at all. Only one sewage plant has been built in the West Bank in the last 15 years, despite there being a \$500 million international donor fund available for this purpose. "The Palestinians refuse to build sewage treatment plants," Gvartzman says. "The PA is neither judicious nor neighborly in its water usage and sewage management."

Gvartzman further shows that the Palestinians have little basis for their water demands according to international legal norms. First, the

signed water agreement overrules all other parameters. Second, Israel's historical possession of the Mountain Aquifer was established in the 1940s. Third, the Palestinians should not exploit groundwater from the Western Aquifer, which is fully utilized by Israel, before first exploiting groundwater from the non-utilized Eastern Aquifer. Finally, the Palestinians should be preventing leaks in domestic pipelines, implementing conservative irrigation techniques, and reusing sewage water as irrigation.

The fact that the Palestinians have taken none of these steps and have not adopted any sustainable development practices precludes their demands for additional water from Israel, writes Gvartzman.

Israel believes that the water issue could be transformed from a source of controversy and tension to a source of understanding and cooperation. Gvartzman's study suggests a plan that can efficiently and quickly solve the current and future water shortages on both sides. The plan, based on sustainable development and advanced technologies, would supply the sufficient quantity of water needed at least until 2030 and still leave some reserves.

Prof. Gvartzman's BESA Center study has been translated into French and German, and been circulated globally by the Israel Ministry of Foreign Affairs and the Ministry of National Infrastructures.



The Threat of Agro-Terrorism

Prof. Gvartzman's study on water issues was first presented as part of a fall 2011 BESA Center conference on the "Threat of Agro-Terrorism," held in cooperation with the Counter Agro-Terrorism Research Center (CATRC) of Israel. Col. (res.) Gil Erez and Saar Dickman of CATRC lectured on the significance of the threat, along with the BESA Center's Dr. Dany Shoham. They emphasized the ease with which food chains can be contaminated and the need for an international system for profiling the biological-security risk of major food shipments.

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Saar Dickman of CATRC

NEW BESA CENTER STUDY

Why Israel Must Maintain Control of the Golan Heights



Prof. Efraim Inbar

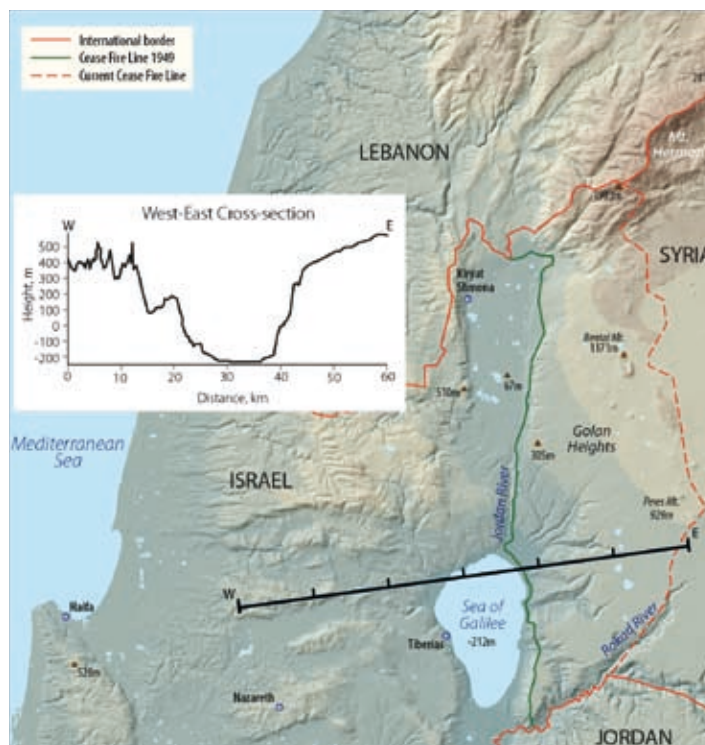


Expectations of the international community for peace between Israel and its Arab neighbors are almost universally based on the “Land for Peace” formula, which in the Israeli-Syrian context links withdrawal from the strategic Golan Heights to a peace agreement. However, this formula does not serve Israel's interests, according to Prof. Efraim Inbar's new BESA Center study. Moreover, Israel has greater moral and historical rights to the Golan than does Syria, he says.

This major new study, replete with newly-commissioned maps, argues that the status quo situation between Israel and Syria with regards to the Golan Heights is both sustainable and preferable to any alternative. Even without taking into consideration current political volatility in the region, retaining the Golan and maintaining secure borders is more important than a peace treaty, says author, Prof. Efraim Inbar, director of the BESA Center.

“Designing borders in accordance with current but changing military technology and transient political circumstances is strategically foolish,” writes Inbar. “Thus the Golan plateau is simply Israel's best defense against potential Syrian aggression. Moreover, the expected political returns for Israel from a peace treaty with Syria are meager. Syria is unlikely to align itself with pro-Western Arab states and abandon its Islamic regional alliances. Moreover, Syria has little to offer Israel in economic or cultural terms. This calculus is not affected by the prospects of a change in Syria's leadership.”

“Since retaining the Golan is more important for Israel than reaching



a peace treaty with Syria in the foreseeable future, Israel should insist on a new paradigm, ‘Peace for Peace,’ based on the principle of defensible borders. The demand for secure borders seems reasonable and is rooted in international resolutions such as UNSC Resolution 242. The political unrest and volatility in the

region, including questions about the foreign policies of Israel's neighbors, similarly prescribe against taking any significant security risks by ceding the Golan to Syria.”

Inbar also argues that Israel should augment its claims for defensible borders on the Golan Heights with normative, legal and historic arguments.

“A return to the 1967 border would be morally repugnant because it implies that the aggressor of 1967, Syria, should not pay any price for its flagrant violation of international norms. Israel should also emphasize its historic rights to this piece of territory and point out that these claims were

NEW BESA CENTER STUDY

The Strategic and Economic Role of Israeli Defense Industries



accepted in the 20th century in internationally recognized documents. It should use these historical and legal arguments to bolster its claim of sovereignty over the Golan Heights.”

“Israel must regain the moral high ground in order to show that it is demanding land that is part of its historic patrimony – not land that was conquered by force. A discourse rooted in normative, historic and legal considerations is important in this quest. Such a discourse will buttress realpolitik imperatives that dictate Israeli control of the Golan Heights.”



Dr. Yaacov Lifshitz

BESA Center senior research associate Dr. Yaacov Lifshitz has served as the director general of the Israel Ministry of Finance and chief economist of the Israel Ministry of Defense. This unique study (February 2012, Hebrew) draws on his unparalleled and deep familiarity with the interface between the military and Israel’s defense industries. Lifshitz finds that Israeli arms and defense technology industries have become so export-oriented that they are failing to sufficiently meet the needs of the Israel Defense Forces. Lifshitz calls for clear Israeli government policy that would redefine the balance between the defense industry’s dependence on export sales and its critical role in servicing the R&D and equipment needs of the IDF.

The first part of the study sums up the strategic advantages of Israel’s control over the Golan Heights, which would be forfeited by a withdrawal from this area. The second part explores the limited value to Israel of a peace treaty with Syria, emphasizing that the security disadvantages of transferring the Golan Heights to Syria in the framework of a peace treaty far outweigh the limited political advantages. The third part analyzes the long-term viability of the status quo and suggests that Israeli military superiority and determination to keep the Golan Heights is important in deterring the Alawite regime or possible successor regimes in Damascus from challenging the status quo.

The fourth part of the study surveys the political history of the Golan Heights and demonstrates that Israel has a legitimate historical claim over this territory. The fifth part examines the legal status of this disputed territory and indicates that Israel has a valid legal claim to the plateau. The concluding section of the study offers policy recommendations.

DIPLOMATIC BRIEFING

Several dozen ambassadors resident in Israel participated in the BESA Center’s annual security briefing for diplomats. Prof. Yehezkel Dror (author of the BESA Center book *Israeli Statecraft: National Security Challenges and Responses*) and Maj. Gen. (res.) Uzi Dayan (former chairman of the Israel National Security Council) addressed the ambassadors.



Uzi Dayan (left) and Yehezkel Dror (right) with BIU Rector Prof. Haim Teitlebaum





BESA PERSPECTIVES PAPERS

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HALTING THE EGYPTIAN DRIFT

Jagdish N. Singh

Developments in post-Mubarak Egypt are beginning to mirror the process of Islamization that took place in Iran following the 1979 revolution. The Muslim Brotherhood is gaining support, while progressive forces – those that hoped to bring democracy to Egypt – have fallen silent.

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GET TOUGH WITH TURKEY

Prof. Efraim Inbar

Turkish demands are unreasonable and an apology will not change the anti-Israeli policy of an increasingly authoritarian and Islamist Turkey. Israel's reluctance to criticize Erdogan's government is construed as weakness and Jerusalem should take off its gloves in dealing with Ankara.

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EMPTY WORDS: SAUDI BLUSTERING AND US-SAUDI REALITIES

Dr. Joshua Teitelbaum

The Saudis are all bark and no bite. Despite occasional public "outrage" from Saudi officials about US policy regarding the Arab unrest, Israel, Iraq, Iran, or Afghanistan, Riyadh and Washington are still very distant from the parting of ways threatened by some Saudi officials.

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AFTER SEPTEMBER COMES OCTOBER

Prof. Efraim Inbar

The UN is not going to bring the Palestinians closer to the establishment of a state. It is a morally bankrupt institution, totally ineffective in curing the dysfunctional Palestinian national movement.

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NEEDED: A LEADER IN THE WHITE HOUSE

Prof. Eytan Gilboa

The lack of leadership and clear policy principles evinced by the Obama White House have severely weakened America's position in the Middle East, leaving a void to be filled by hostile regional powers such as Iran.

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TWO STEPS FORWARD, ONE STEP BACK: WOMEN'S SUFFRAGE IN SAUDI ARABIA

Dr. Joshua Teitelbaum

King Abdullah says that women will be appointed to the Consultative Council and be allowed to vote and run for municipal councils. Is this a significant advancement for Saudi women's rights, or just another instance of the kingdom's "two steps forward, one step back" reform policy?

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IRON DOME IN ACTION: A PRELIMINARY EVALUATION

Uzi Rubin

The Iron Dome missile defense system has succeeded in saving lives and reducing damages, thus providing more flexibility to the political leadership for containing the fighting with the Hamas government in Gaza.

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WHY THE SCHALIT DECISION MAKES MILITARY SENSE

Prof. Stuart A. Cohen

The Schalit prisoner exchange was a rational and sensible recognition of the need to reaffirm society's commitment to the welfare of its soldiers. The obligation of the state is even more pronounced in Israel's case, as the IDF is a conscript army, in which far from all draft-age youngsters in fact serve.

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SAUDI SUCCESSION AND STABILITY

Dr. Joshua Teitelbaum

The process of balancing and satisfying Saudi royal factions depends on patience and conservatism within royal circles. It also requires quiet in the streets of Riyadh and Jeddah. Thus far, there are no signs of the so-called 'Arab Spring' spreading to Saudi Arabia.





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Prof. Efraim Inbar

A US strike on Iranian nuclear infrastructure is not only necessary, it is also the only course of action that can prevent the impending American retreat from Iraq and Afghanistan from signaling the denouement of US clout in the Middle East.

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EGYPT'S CONSTITUTIONAL CRISIS: THE MILITARY VERSUS THE ISLAMISTS

Prof. Hillel Frisch

Who will shape Egypt's constitution – the Islamists or the military-backed secularists? While the former seemingly holds the majority public vote, the latter holds the fire power, thus evening out the political battlefield.

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THE THREATS IN THE EASTERN MEDITERRANEAN SEA

Prof. Efraim Inbar

In the eastern Mediterranean basin elements of radical Islam could gain control. In this region, Libya, Egypt, Lebanon, Syria and Turkey display Islamist tendencies, leaving Israel and Greece as the only Western allies.

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PALESTINIANS: INVENTED PEOPLE

Prof. Michael Curtis

Both historically and in contemporary times, the Arabs living in the area now known as Palestine were regarded both by outsiders and by their own spokespeople as members of the greater Arab population, without a separate or distinct identity. Today, however, it is clear that Palestinian nationalism has emerged and become a political factor.

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THE PALESTINIANS ARE PART OF THE OLD ARAB ORDER

Prof. Hillel Frisch

The Palestinians are part of the old Arab order because time and time again they have aligned themselves with the worst dictators of the Arab world, and their own governments in the West Bank and Gaza are cut from the same cloth as the regimes of the old Arab order.

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STRATEGIC REALIGNMENT AND ENERGY SECURITY IN THE EASTERN MEDITERRANEAN

Dr. Alexander Murinson

The recent discovery of substantial natural gas fields in Israeli and Cypriot territorial waters challenge Turkey's claim as the central energy hub for Europe. Greece, Israel and Cyprus should increase their strategic cooperation in order to counter Turkish hostility.

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THE IRANIAN NUCLEAR THREAT TO ISRAEL: LEGAL REMEDIES AND REMAINING OPTIONS

Dr. Louis René Beres

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THE AMMAN TALKS: ANOTHER EXERCISE IN FUTILE DIPLOMACY

Prof. Efraim Inbar

The recent Israeli-Palestinian "pre-negotiations" in Amman mark another ineffectual endeavor to bridge the wide gap between the two sides.

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MISSILE WARFARE: A REALISTIC ASSESSMENT

Haim Rosenberg

The threat to Israel of missile warfare is somewhat exaggerated and public discourse on this issue should reflect realistic assessments. Missile attacks would be able to inflict only limited physical damage on Israel.

STRATEGIC OUTREACH TO GREECE, INDIA AND KOREA

Continuing a tradition that dates back more than a decade, BESA Center associates participated in strategic dialogues this past winter with colleagues at the Indian Institute for Defence Studies and Analyses (IDSA) in New Delhi; with South Korean colleagues at the Sejong Institute; with Greek colleagues from the Department of International and European Studies at the University of Piraeus in Greece. Talks focused on missile and naval defense, intelligence cooperation, nuclear challenges, terrorism, the Arab upheavals and other issues of shared concern.



Professors Inbar, Gilboa and Rubin with South Korean colleagues at military intelligence headquarters in Seoul.

The BESA Center

The Begin-Sadat Center for Strategic Studies at Bar-Ilan University seeks to contribute to the advancement of Middle East peace and security by conducting policy-relevant research on strategic subjects, particularly as they relate to the national security and foreign policy of Israel. Founded by Thomas O. Hecht, a Canadian Jewish community leader, the Center is a non-partisan and independent institute dedicated to the memory of the late Israeli prime minister Menachem Begin and the late Egyptian president Anwar Sadat.

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NEW PUBLICATION

Indo-Israeli Defense Cooperation in the Twenty-First Century

This new publication by Efraim Inbar and Alvirte Singh Ningthoujam suggests that India and Israel step up their cooperation on counterterrorism measures and on the joint development of defense systems. Israel and India must enhance their political engagement as well, write the authors, since defense ties alone cannot bind a bilateral relationship.

