

Safeguarding Israel's Interests

Due to Israel's outdated policy, the Palestinians have mounted a systematic campaign to undermine Israeli governance in Area C of Judea and Samaria, with an eye to inflicting strategic damage on Israel, further to causing immeasurable harm to the region and its residents. It's time for a new Israeli policy.

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Judea and Samaria are the Land of Israel's historic and geographic heartland: Their central mountain ridge embraces Jerusalem. It was in Judea and Samaria that the stories of the Bible, the Jewish people's most basic national ethos, unfolded. They contain scores of sites of major sacred and historic significance, many of which have yet to be excavated and studied.

Until Israel's War of Independence, the areas known today as Judea and Samaria were never perceived as separate regions, but rather as a natural continuation of the areas adjacent to them – the Jezreel Valley, Beit Shean Valley and the Gilboa in the north; the Carmel and Ramot Menashe, the Sharon, the lowlands and coastal plain in the west; the northern Negev and Judean Desert in the south. And the central mountain ridge was of course included within the British Mandate area designated for the establishment of a national home for the Jewish People by the decision of the San Remo Conference, based on the Balfour Declaration.

Despite this, the Zionist project found itself unable to hold onto the mountain ridge, which is why the 1947 UN partition plan designated most of the mountainous areas – including the mountains of the Galilee, by the way – as part of the proposed Arab state, with the assumption that Jerusalem would be internationalized. However, the partition plan was never implemented and was never officially endorsed. What actually occurred was a different partition: Israel's War of Independence led to the establishment of the State of Israel, on the one hand, and the occupation of Judea and Samaria by the kingdom of Transjordan, on the other. The armistice line, known to this day as the "Green Line," was born at the end of that war, perceived by all sides as a temporary border.

The Kingdom of Transjordan annexed Judea and Samaria and renamed itself the Kingdom of Jordan. However, the occupation and annexation were not recognized by

the international community and Jordan itself withdrew its claim to the territory in 1988. Many forget that the Jordanian occupation was very short lived: It claimed sovereignty over Judea and Samaria for only 19 years. Let's put that in context: It has been more than 52 years since Israel returned to these territories.

During the fifty odd years that Israel has controlled the territory, it chose – for a variety of good reasons – not to annex Judea and Samaria, deciding instead to place the territory under military administration. Judea and Samaria became a political bargaining chip, whose importance increased as part of the “territory for peace” paradigm that dominated the Israeli discourse in the 1980s. Despite the temporary status of the territory – which even today is reflected in a clear administrative separation between the territories of Judea and Samaria and the rest of Israel – a ramified network of Jewish settlements developed in Judea and Samaria, starting with the return to Gush Etzion just months after the Six Day War. Israeli infrastructures also crossed the Green Line and for the network of roads, it does not exist.

All this serves as basic and necessary background to understand the implications of the Oslo Accords, especially the Oslo II Accord, for what is currently happening in Judea and Samaria. The Oslo Accords signed between Israel and the PLO in the 1990s created a new political entity – the Palestinian Authority – granting it status in parts of Judea and Samaria. The agreements assumed that peace and the end of the conflict were around the corner, and that a Palestinian state that advocated peace and cooperation would coexist alongside Israel. The architects of the accords on both sides assumed that almost all of Judea and Samaria would become the sovereign territory of the state of Palestine.

In accordance with these expectations and to ensure their gradual effectuation, the Palestinian Authority was given exclusive control over all the urban Palestinian population centers (with the exception of certain parts of Hebron), as well as a number of large areas devoid of Israeli settlements in northern Samaria, Mount Hebron, the Jericho vicinity and blocs of territory with a Palestinian majority and devoid of Israeli settlements. All these were defined as Area A. In addition, the Palestinians were given administrative control – alongside Israeli security control – of extensive rural areas along most of the mountain ridge, which were designated Area B. Areas A and B together comprise about 40% of the total area of Judea and Samaria, in fact almost all of the populated area: Some 90% of the Palestinians living in Judea and Samaria reside in these areas.

In Area A, the reality on the ground gave way to changes: The Second Intifada taught Israel a bitter lesson with regard to the transfer of that area to the Palestinians' exclusive control, and Operation Defensive Shield during Passover 2002 restored IDF security

control to Area A as well. Recent years have seen the consolidation of limited security cooperation between Palestinian and Israeli forces. Nevertheless, the Oslo Accords were not altered: The division into Areas A, B and C remained unchanged.

The remaining territory, that part that remained under Israel's exclusive control, is called Area C (which is how it will be referred to hereinafter, along with Areas A and B), and it constitutes about 60% of the territory of Judea and Samaria. While it constitutes a majority of the geographical territory, it should be borne in mind that Area C includes the Judean Desert, the Samaritan Desert and most of the Jordan Valley – fairly large areas that are sparsely populated if at all due to their harsh terrain, which is unsuitable for settlement. These areas serve mostly as grazing lands, nature reserves or fire zones. A small part of Area C contains Israeli settlements along with most of the roads and highways in Judea and Samaria. The Oslo Accords left Area C under exclusive Israeli control until the agreement could be further advanced, giving Israel control of a large number of crucial strategic assets, especially the eastern border on the Jordan River and its bridge crossings, necessary strategic depth, the traffic arteries leading to the eastern border and a strategic envelope for Jerusalem's defense.

Seemingly, the Oslo Accords did not effectively undermine Israel's sovereignty in Area C. However, the very fact that these territories were designated by a Latin letter as part of the Oslo Accords created a dynamic that over the years eroded Israel's control over them. When Areas A, B and C were defined in the Oslo Accords, the working assumption was that this would be a temporary arrangement for just a few years – and that there was a reliable, viable partner on the other side to the agreements with Israel. As a result, no tools were embedded into the security or legal systems to secure Israeli interests in these territories, and no systemic thought was given to its defense. However, since nature abhors a vacuum, Israel's irresolution regarding its effective sovereignty in Area C has led to vigorous and systematic action on the part of the Palestinians, who wish to take over the area and thwart Israeli policy – as will be described in detail in the next section.

The settlements in Judea and Samaria are a subject of extensive and spirited debate in Israel. The topic is a politically charged one, and construction and demolition are issues that frequently feature on the public agenda. But focusing on the future of the settlement project and its horizons of growth creates – even among its supporters – an optical illusion that obfuscates the bigger picture. The Israeli communities in Judea and Samaria take up only a tiny proportion of Area C, and the events occurring in the greater area impact the settlements and other Israeli interests far more than the approval of this or that local construction plan. It goes without saying that there has been a significant lessening of pressure from the American administration regarding construction

approvals, and the term of this administration should of course be used to advance, augment and formalize the existing settlements.

The Palestinians never entirely relinquished their commitment to the violent struggle against Israel, but their defeat in Operation Defensive Shield led their leadership to strategically adopt “non-violent” measures to fight Israel, and this includes a focus on seizing parts of Area C. In the absence of negotiations, a situation for which the Palestinians themselves are responsible, they defined Area C as an area of interest for the establishment of a Palestinian state in Judea and Samaria, and are acting accordingly. In the past few years, the Palestinians have been systematically and methodically violating the agreements consolidated in the annexes of the Oslo II Accords with respect to Area C. More on their methods will be presented below.

Many Israelis are unaware of this. Others know about the problem but relate to it with equanimity. However, the loss or erosion of Israeli governance in Area C as a whole is harmful to these areas in many ways , as well as to their Jewish and Arab residents, the environment, planning, development – and perforce, to those areas inside the Green Line that adjoin them. In terms of strategic thinking, this primarily undermines long-term Israeli interests in the areas whose future is as yet undecided: It of course negates the possibility that they will become, in whole or in part, part of the State of Israel in the future – and at the same time precludes the possibility of using them as a powerful bargaining chip with the PA and the international community in any future negotiations.

Facts on the Ground

In 2008, Regavim, an NGO devoted to ensuring the responsible, legal, accountable and environmentally friendly use of Israel’s national lands, petitioned the Supreme Court against the illegal construction being carried out in a Bedouin encampment along Highway 1, the Jerusalem-Dead Sea road. These Bedouins arrived in the area in the 1970s and have since increasingly entrenched themselves there. Soon after the submission of the petition (the first of four), European organizations and especially the government of Italy began to openly support this illegal Bedouin encampment, including by moving the residents from tents to new structures, installing solar panels, water tankers and the like. Furthermore, a school was also built on this particular site for all the Bedouins of the Jahalin (Abu Dahuk) tribe located in the vicinity. The school, built from tires, clay and panels, branded itself an ecological school (or the Italian Eco-School).

The requests for support and a permanent presence at this specific site – which became known as Khan al-Ahmar – were led by the Palestinians, based on an awareness of its strategic importance: The site is located right next to Highway 1, a strategic traffic artery of the first order, as well as adjacent to an area known as E1, which was long ago established as a land reserve to connect Maaleh Edumim to Jerusalem. The Palestinian struggle under the cover of the Bedouins at this precise location, and the flat rejection of any alternative offered to the Bedouins in the context of long and drawn-out negotiations, shines a powerful spotlight on the involvement of the Palestinians in seizing territory of vital strategic importance to Israel – right in the heart of Area C.

Another case involves the Palestinian takeover of Nawaja, an area situated between the Jewish settlement of Susya and the archaeological site preserving the ancient Jewish town of the same name. Palestinian villagers with permanent homes in nearby villages would come over the years to cultivate their lands in the area and even sleep in tents and the surrounding caves during the high agricultural seasons. In recent years, this temporary arrangement underwent a process of becoming permanent – backed by support from international bodies mediated through the PA. Here too, the structures involve light-wall construction, the installation of solar panels, the creation of facts on the ground with water tankers, etc. Once again, this is no innocent local conflict: What is involved is open area, part of which is an enclave of Area C wedged between various parts of Area B, and consequently represents to the PA an area that offers natural potential for expansion and effective annexation. The Palestinians are also the driving force motivating international entities to petition against Israel to formalize their settlement on the site – a phenomenon well-known from fire zones in the Judean Desert (Areas 917 and 918) and in the Jordan Valley.

These are only two well-known examples. The Palestinians have been employing diverse tactics and strategies in an effort to take over parts of Area C and have established a designated government ministry to oversee these efforts. They have reestablished the project to register lands according to the Jordanian system, which Israel discontinued in 1967 when just one-third of the land was formally registered in the Jordanian land registry. They are encouraging Bedouins to settle in permanent housing in the area, and employ a wide range of incentives to encourage Palestinians to settle in Area C, including tax exemptions, discounts for vehicle registration, jobs for those who settle and so on. They systematically impede the sale of land to Israelis, and use violence to do so when necessary. They engage in large-scale road building and paving projects, launch large-scale agricultural projects with the aim of taking over state land and lands that have the potential to become state land (“survey lands”), initiate construction projects aimed at occupying lands and have undertaken a large-

scale public diplomacy campaign aimed at cementing the idea that Israeli control over Area C is illegitimate.

This is an organized and systematic initiative aimed at creating contiguous settled territory between areas under the control of the PA in order to undermine Israeli governance in Area C and deny Israel its bargaining chip in any future negotiations between the sides. The process is simple: First, they build illegal structures in an area in which they have a particular interest, challenging the Israeli enforcement authorities. This is followed by extensive use of legal means to prevent or delay demolition, as they employ the media and public opinion to portray the demolition efforts as a violation of human rights. Finally, the illegal construction is legitimized by means of civic planning processes.

It is enough to consider Palestinian construction in previously unsettled areas of interest, such as the Judean Desert and the Jordan Valley, to gain an insight into the extent of the Palestinians' determination to create a presence in the area and disrupt Israel's connection to these places. These Palestinian efforts are bearing fruit: Area C is currently populated by tens of thousands of illegal Palestinian structures, a large proportion of which are designated as housing for residences. With an average enforcement rate of about 40% according to figures from the Civil Administration, it would be an understatement to say that Israeli enforcement in this matter is inadequate. Unsurprisingly, the number of illegal buildings in Area C increases by about 10,000 units every ten years, a trend capable of establishing **irreversible** facts on the ground.

All these efforts are accompanied by an envelope of activity that gives it further power: legal action and international aid. The Palestinians are pursuing a campaign aimed at the legal attrition of Israel's democracy as a means of obstructing the mechanisms of inspection and enforcement (which ultimately seeks to serve the meta-goal of restricting and undermining Israeli settlement). This *lawfare* campaign is massively led by international entities and NGOs, supported by a great deal of money – hundreds of millions – flowing in from these sources. A case in point is the Society of St. Yves – Catholic Center for Human Rights, which has underwritten 125 Palestinian petitions to Israel's High Court of Justice.

Various international entities, in cooperation with Palestinian institutions, are intensively involved in “regional planning” for the Palestinians in Area C. These entities include the EU and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the UN Community Resilience and Development Program (CRDP), the British Department for International Development (DFID), the government of France, as well as many other governments and organizations. Strangely enough, these international development efforts are aimed at developing frontier areas

and rural expanses rather than – as we normally see in current global trends – at developing sustainable urban economies.

A Different Policy

There is a reason for Israel's weakness and the lack of awareness among the Israeli public of the Palestinians' expansionist moves: Among the main agencies in charge of the staff work in Israel's governmental, legal and security systems, the conception that Area C will sooner or later be handed over to the Palestinians and that Israel consequently bears only temporary responsibility for administering it in the meantime has taken root. It is noteworthy that this position is proof of the Palestinian victory in the war over the hearts and minds regarding Area C.

However, the idea that we do not have to make a real effort to protect our interests in the territory even if we are no more than temporary caretakers is a grave conceptual error. As long as the territory is under Israel's effective sovereignty, it must be administered at a high level of governance – most certainly when the “temporary situation” has been going on for decades, and no one knows when it will end. The erosion of Israel's status in the territory undermines the very feasibility of a future political settlement – along with Israel's ability to use control of these areas as a factor that can impact negotiations. Furthermore, there is always a possibility that some or all of Area C will become part of the State of Israel, whether as part of a negotiated settlement or a unilateral move. It has been 20 years since the Oslo II Accords. The temporary arrangement has been repeatedly extended and no partner to an agreement can be seen on the horizon. The dream of a utopian peace with the Palestinians has long since dissipated in the eyes of most Israelis, and that is a good thing. However, leaving the option open means that Israel must strictly safeguard its interests on the ground and prevent creeping Palestinian annexation.

Israeli policy must therefore transition from passive acceptance of the situation to proactive initiative and enforcement in the areas under its control. This does not necessarily mean that Israel should strive to annex these areas. Although annexation sounds like a solution that can guarantee proper governance and the protection of Israeli interests, it is an idea that is not feasible given the current conditions on the ground. Since it is impossible to build a geographical barrier between Areas C and B, any intention on Israel's part to annex Area C would cause Palestinians to flock from Areas A and B to Area C. Israel would find it difficult to come up with practicable and acceptable means to prevent this. On the other hand, bolstering Israel's effective governance in the territory without altering its legal or international status will better serve Israel's interests.

Further to the desire to enable the continued development of Jewish settlement, Israeli control of Area C is important for numerous other reasons, with the security issue one of the most important. The creeping takeover of Area C poses a danger to freedom of movement and action in the Israeli expanse. As shown above, Area C contains the main road networks and all the roads that lead to Israeli communities in Judea and Samaria. Keeping the area around these traffic arteries free of unregulated construction is vital for the freedom of movement of people along the roads in the area as well as for the free movement of Israeli security forces. Additionally, the Arab seizure of key areas in Area C threatens Israel's hold on the Jordan Valley as a buffer zone between it and Jordan. Another vital aspect is the strategic-diplomatic dimension. As noted, a Palestinian takeover of Area C could lead to the creation of Palestinian territorial contiguity and thus deny us our most powerful bargaining chip in any future negotiations.

In order to understand that the creeping Palestinian takeover of Area C is far from inevitable, it's important to provide some background data. Approximately 200,000 Palestinians live in Area C in about 25 formalized villages, in addition to hundreds of illegal construction clusters scattered around the area. The Palestinian built-up area amounts to about 8% of Area C, and the total cultivated Palestinian area represents about 25%. By contrast, no fewer than 440,000 Israelis reside in these areas. The built-up areas in Israeli settlements represent 2.5% of Area C. The total area planned for Israeli settlement and other Israeli use (including army bases) represents only 8%. These data show that the two populations together control 42% of Area C via construction and agriculture. In other words, about 2 million dunams out of 3.5 million are still open area.

Unlike the systematic Palestinian efforts, the Israeli response, i.e. enforcement activities and efforts to prevent illegal Palestinian construction, have not consolidated thus far into an overall, coherent strategy. On the contrary, for some of the Israeli officials working in the area, the illegal Palestinian construction is not perceived as a national threat, and is dealt with as no more than a local issue to be addressed through the existing bureaucratic channels. This local response is ineffective in preventing the Palestinian efforts to take over Area C.

It's time that Israel established a clear and unambiguous alternative to safeguard Area C as our national interests demand. We have to throw a wrench into the illegal Palestinian construction machine and stop making do with sporadic and targeted enforcement. We ought to draw an analogy from Israel's successful war on terror. Terror cannot be defeated by confronting it at its end point, after a network of terror cells already exists and terrorists are already on their way to attack Israeli population centers. The Israeli war on terror involved systematic efforts to uproot terror groups

where they were being formed, weaken the envelope of support around them, prevent terror organizations from gaining achievements in the international arena and so on – together with a systematic and orderly effort to ensure normal day-to-day life for the general population in the area. We need to operate similarly against the underlying factors leading to the creeping Palestinian annexation of land in Area C and not make do with merely treating the symptoms. If Israel limits its enforcement to the end points of the Palestinian efforts, it is unlikely to succeed. Israel needs to thwart these efforts at a much earlier stage. Steps of this kind would include not only a vigorous campaign against the funding and planning infrastructures operated by the PA, but also efforts to identify and map out the Palestinian endeavors, damage their underpinnings and block the involvement of hostile international parties.

What Israel Needs to do

First, Israel must **define the strategic importance of Area C** for Israel's national security and act accordingly. It must make clear that nothing assures that these areas will in the future fall under Palestinian control. It must be understood that Israel is committed to the Oslo Accords, which determine that the fate of Area C will be decided exclusively in direct negotiations between the parties, and that the results of these negotiations cannot be foreseen in advance. Accordingly, Israel must declare that it will thwart any Palestinian attempt to establish facts on the ground – meaning that it will act vigorously against any Palestinian attempts at de facto annexation.

In this context, the needed crucial change, one that can completely transform the situation, is a renewal of the land registry, which was discontinued (or rather suspended) in 1967 when IDF forces entered the area. After the State of Israel proactively resumes the judicious administration of the land registry, most of the lands currently considered open territory will be officially registered as state lands in the land registry. This is a final and irreversible registration of rights, contrary to the reversible “declaration” method in use today. Doing this will put an end to the situation whereby ownership rights can be acquired following cultivation of the land for ten years (Section 78 of the Ottoman Law). Even if this process takes a few years and requires resources, it can fundamentally alter the situation on the ground. The illegal unilateral actions taken by the Palestinians to register land serve as a clear justification for this change in the Israeli position.

Second, Israel must formulate a **comprehensive regional plan** for all of Judea and Samaria that properly addresses the needs of the Palestinian population, especially in terms of master plans for Palestinian cities and large towns. This would pull the rug out from under the stock Palestinian claim that the illegal construction is a legitimate

response to the population's housing needs. Further to this, Israel should determine an agreed upon order of priorities for Israel's areas of Israeli interest in the region. It must distinguish between key areas that are vital for security needs and settlement and areas that do not meet these criteria. In those areas defined as Israeli areas of interest, Israel must step up enforcement and take any steps necessary to prevent illegal construction and agricultural takeover, whereas in the areas where Israel's interest is less crucial, existing illegal construction may be formalized and future plans approved. The importance of this point cannot be understated, because when everything is forbidden, the result is that everything is permitted. Israel needs to address the population's legitimate needs, and enforce the law uncompromisingly against irregularities that overreach these needs.

Accordingly, it is important to distinguish between areas of illegal construction whose formalization can be weighed and those areas that cannot be formalized. Based on a rough estimate and taking into account various data such as proximity to Area A and B and the status of the land on which the construction is located, it appears that close to one-third of the illegal Palestinian construction can be formalized. On the other hand, when state land is involved or when the construction clusters are situated next to major traffic arteries and Israeli settlements, or when they are located in areas that dominate the topography, strategic areas, nature reserves, archaeological sites and certainly in fire zones – they must not be formalized.

The primary aim must be the prudent advancement of Palestinian construction plans in a manner that complies with both Israel's national interest and the needs of the population. To that end, a clear legal basis for formalization and enforcement must be set down that will for the first time establish clearly defined criteria to designate illegal construction – both Israeli and Palestinian – making it clear in which cases the construction may be formalized and in which cases it should be slated for demolition.

A striking example of this is the approval of the plans for Qalqilya. Qalqilya, a medium-sized Palestinian city with a population of about 45,000, is surrounded on three sides by the security fence, and thus can expand and develop only on its eastern side, on lands located in Area C, almost all of which are cultivated by Palestinians, and have been cultivated by them continuously in the past. This area has seen the construction of hundreds of illegal buildings adjacent to the edge of the city over the years, most of them light-wall industrial structures and greenhouses. The state could profit doubly from formalizing/legalizing these structures, which in any case have been a very low enforcement priority, and even plan another 3,000 (mostly one-story and a few multi-story) structures for the next 30 years. As part of the plan, the state can define an eastern boundary that must not be crossed and effectively enforce this rule against anyone who violates it and builds there. In fact, the Defense Ministry strove to obtain approval for

exactly this plan but unfortunately, when the plan was made public, it was misrepresented as a project for the construction of 15,000 housing units in Qalqilya. The large number sparked intense opposition and the plan was not approved. An opportunity was missed for a formalization that was consistent with Israel's interests.

Legal-administrative changes are also needed: We need to create **effective legal tools** to enable quick enforcement and prevent the legal war of attrition being waged on Israel's legal system. In the absence of such tools, governance is ineffective. It is beyond the scope of this article to specify all the changes required in this area, but I will note as a case in point the new order handed down by the IDF commander of Judea and Samaria (*tzav aluf*) regarding enforcement of new permanent construction. This order resembles a relatively successful and older order regarding moveable structures, which allows for enforcement within 60 days of the illegal erection of the moveable structure. Further to this, we need to bring forward orders to demarcate problematic Palestinian sites, because the drawing of a clear line defining the reality on the ground will make an important contribution to moving from statistical enforcement to effective enforcement – and as noted, to define enforcement in open areas as more important than enforcement in built-up areas. An important step, which has already started, is the rerouting of petitions related to construction in Judea and Samaria to the Jerusalem District Court rather than to the High Court of Justice, which will reduce the existing burden on the Supreme Court, and what is most important for our purposes – will handle Palestinian petitions more effectively than the High Court of Justice, given that these petitions have become a weapon in the war against Israel's ability to govern in Area C.

In addition to all of the above, we must **decrease international involvement** in the service of the Palestinian cause. The legitimacy of these efforts must be compromised, the efforts delayed and restricted, for example by means of levying fines, denying visas and imposing sanctions on international bodies. At the same time, we need to conduct an extensive diplomatic campaign in the EU and European countries to explain the illegitimacy of the Palestinians' unilateral moves and send the message that support for these actions will prevent those countries from serving as honest brokers in future negotiations.

No less important than all of the above, which are essentially reactive responses to Palestinian activity: Israel must **encourage the presence of Israeli citizens** in those areas that have been defined as areas of national interest. This can be done by means of massive development of civil infrastructures (roads, water, sewage, energy, etc.), the encouragement and development of industrial and commercial zones, tourism the preservation of natural resources, allocation of lands for agricultural initiatives including grazing, etc. All of this is important – but the emphasis, in my view, should be placed on the development of infrastructures, which is a crucial part of Israeli

governance, including a significant upgrading of the major roads and crossings in the area.

Israel must reshape Area C in a manner that will provide security and appropriately address the needs of both the Jewish and Palestinian populations. It must act systematically and systemically to thwart Palestinian efforts to undermine the status granted these areas in the Oslo Accords. We, as the government of Israel, must wake up and use all the tools at our disposal to turn the tide in Area C. The term of the current American administration is an opportunity we must not waste.

Test Case: Khan al-Ahmar

We noted the case of Khan al-Ahmar at the beginning of this article as the most striking example of a Palestinian takeover of a strategic site in the heart of Area C. It is also a striking example of European involvement in support of the creeping Palestinian takeover, expressed in massive financial support after the first petitions to demolish the site were submitted in 2009. In fact, this is more than a mere example – it is the very essence of the matter: a strategic location, international involvement, longstanding Israeli inaction, ramified legal activity. However, the Khan al-Ahmar affair is primarily a striking example of Israel's failure to confront actions that so clearly run counter to its own interests.

The Civil Administration issued demolition orders for Khan al-Ahmar already in 2009. Ten years have since passed. During this period, various parties have tried to appeal the decision – and the evacuation was repeatedly postponed. The court addressed the issue a number of times, and each time, stated in no uncertain terms that the demolition orders were justified. In April 2018, the final decision was handed down by the Supreme Court by a panel of three judges, confirming the reasonability and legality of the demolition orders. A further appeal by the Palestinian residents was rejected by yet another panel of three judges in August of that year.

The delay in the execution of the verdict stood and continues to stand in diametric opposition to the strategy I have outlined in this article and which Avigdor Liberman started to promote as Defense Minister. This goes far beyond the damage caused to the credibility of the Prime Minister and then Defense Minister, or inaction that undermines public faith in the Civil Administration, which appears to be selectively enforcing the law. It involves damage to the interests of the State of Israel in Area C and gives a shot in the arm to those parties seeking to weaken Israel prior to any negotiations, and undermine Israel's ability to implement a consistent and just policy that is crucial for the future of us all.