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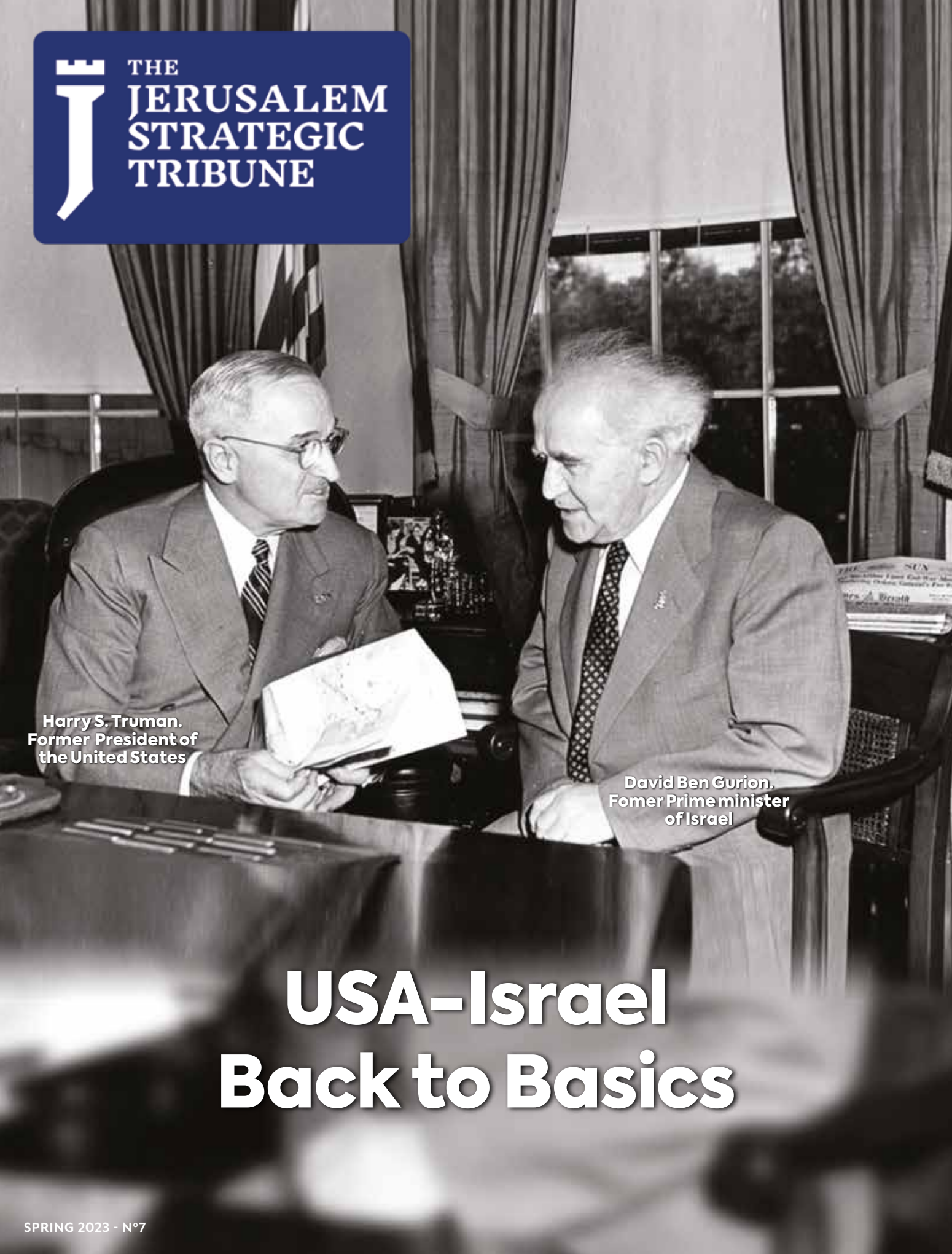

Harry S. Truman.
Former President of
the United States

David Ben Gurion.
Fomer Prime minister
of Israel

USA-Israel Back to Basics

SPRING 2023 - N°7

by Ahmed Charai

The first-ever criminal indictment of a former U.S president holds important lessons for the world and American allies.

America has both a written and an unwritten constitution. The written constitution, adopted in 1789, is interpreted and re-interpreted by the legislative, executive, and judicial branches, with the US Supreme Court having the final word on what the written words actually mean. The unwritten constitution is a much larger set of tacit precedents, understandings and balances struck to preserve peace.

Whatever the merits of the court case against former President Trump — America's time-tested legal process will decide that — charging a former president has crossed a huge unwritten line in American politics and in American legal history.

To their credit, America's courts have long tried and convicted politicians, at all levels, for crimes. But generally, prosecutors have pursued members of the rival party only when the evidence was so compelling that few, on either side of the political divide, debated the merits of their case. They treaded carefully, lest they be accused of bias.

America's founding fathers enshrined the doctrine of "separation of powers" into the constitution. This was designed to prevent many abuses, including allowing a temporary political majority from prosecuting the minority party in the criminal courts. The customs of prosecutors emerged from the structure of the constitution itself.

President John Adams insisted that America must be "a government of laws and not of men," enshrining a principle of political neutrality of the courts.

Since the birth of the United States, successive presidents have ensured that a neutral judiciary interprets and enforces laws passed by the legislature and implemented by the executive branch.

It is this America that we love and that inspires confidence in the whole world; the principles of justice, equality and the rule of law must remain the basis of judicial action, with everyone presumed innocent until proven guilty and no one above the law.

The whole world is watching and it's a history lesson that no longer belongs to just Americans

but concerns the whole world — especially Israel at this very moment.

Now, let's consider Israel.

While the US-Israel relationship is often described as an "unbreakable bond," rarely has the tension been so palpable between the US and the Israeli governments. Of course, over the years, American presidents and Israeli prime ministers have not always seen eye-to-eye. But disagreements were usually expressed in private, because the United States considered Israel to be an exceptional ally like no other and accepted that it must remain so.

Ever since Israel's declaration of independence in 1948, all of the tenants of the White House agreed that the futures of the US and Israel are connected, interlocking, and ultimately joined up.

First, among most Americans, it is agreed that the Holocaust, with its ignored warnings and abominable extermination of millions of Jews, is a tragedy that can never be allowed to be repeated. So, at its birth, the State of Israel was recognized and supported, and America's commitment to Israel was bipartisan, continuous and enthusiastic. This commitment honors America.

Second, and this is of paramount importance, Israel was and remains the only democratic society in the region that adheres to the values claimed by the United States as it exercises leadership over the free world.

The Netanyahu government risks breaking this tacit pact.

If Netanyahu's current policy, inspired and fueled by his far-right coalition partners, buries any political solution with the Palestinians, it is not the only cause of the current crisis with the United States. Netanyahu has already followed the same policy in his previous governments and the remonstrances of American presidents—Clinton and Obama–have very rarely been aired openly.

This time, President Biden spoke publicly on a matter of Israel's domestic policy.

This is simply unprecedented in the relations between the two countries. It is a very public disagreement with an Israeli leader and it concerns a matter of its court system. Israel's proposed legislation would weaken the judiciary's independence in numerous ways, but most significantly it would reduce the Supreme Court's powers to check and balance government actions. It will threaten Israeli cohesion and national security as Israel faces significant threats from Iran and its proxies in Syria, Lebanon, Yemen, Iraq and now in North Africa.

Instead, Netanyahu must find a way forward, and he can do it by continuing down the wise trail that he himself helped blaze with his Arab neighbors–the Abraham Accords.

Returning to the spirit of these agreements, which enlivened the idea5 of shared prosperity, would unify Arab countries and break the resistance of those who were skeptical of the agreements with Israel, while nurturing an Arab public opinion favorable to Israel.

That is Netanyahu's real challenge and if he can resolve it, it would cement his historic legacy. He should not be distracted by small reforms that can destroy not only any idea of peace and prosperity in the region but also threaten the strategic relationship with the United States. ✳

AHMED CHARAI

Publisher

Ahmed Charai is the chairman and CEO of a media conglomerate and a Middle East adviser in the United States and abroad. He is on the board of numerous think tanks and NGOs, including the Atlantic Council, the International Center for Journalists, International Crisis Group, and the Jerusalem Institute for Strategy and Security. His articles have appeared in leading American and Israeli publications.

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USA: 2700 Woodley Road NW
Washington DC 20008
ISRAEL: 9 Bar Kochva St. #4
Jerusalem 978509
editor@jstribune.com

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BACK TO THE BASICS OF SHARED VALUES IN THE US-ISRAEL RELATIONSHIP

Israeli Prime Minister Benjamin Netanyahu, August 2020. Photo credit: Reuters

by Dennis Ross

Recently, I was asked whether I might consider revising the book I wrote on the US-Israeli relationship entitled Doomed to Succeed. Turmoil in Israel, the most right-wing, religious government in Israel's history, and President Biden's decision to hold off inviting Prime Minister Netanyahu to Washington led to concerns about where the relationship might be headed, and thus the suggestion to revise the book.

In Doomed, I analyzed and evaluated the key assumptions that drove policies in every American administration from Truman to Obama. The sense of irony in the title grew out of the reality that had emerged in the relationship: regardless of the mistakes either or both of us might make, the fundamentals of shared values and shared interests had come to ensure we would always find a way to right the ship and manage our ties successfully.

The American-Israeli relationship was special, but it had not always been so.

Our relations were not special until Ronald Reagan's presidency—even though John Kennedy broke the taboo on providing Israel arms in 1962 and Richard Nixon ordered a massive air and sealift of weapons to Israel during the 1973 war. Kennedy had to overcome the determined opposition of the State Department and the intelligence community, each arguing that the US would see its relations with the Arabs collapse if we provided Hawk anti-aircraft missiles to Israel. (In reality, the Arabs largely ignored the sale—with Saudi Arabia's putative leader at the time, Crown Prince Faisal, meeting Secretary of State Dean Rusk the same day the sale became known and never raising it with either Rusk or a week later in his meeting with the president. Faisal was focused instead on a pro-Nasser coup in Yemen and wanted American support, including F-5 sales.)

Nixon held off providing any arms to the Israelis for the first week of the 1973 war, in part because he was sensitive about the possible Arab response and in part because he and Henry Kissinger believed that a military stalemate would provide a basis to launch diplomacy. (He would reverse the withholding of arms eight days into the war when the Soviets and Egyptians walked back their willingness to support a UN Security Council resolution calling for a ceasefire in place—and Nixon decided that he was not going to permit Soviet arms to defeat American arms in that war.)

Mistaken assumptions guided US policies for a long time—to wit, it was assumed in much of the national security bureaucracy that distancing from Israel would produce gains with the Arabs and cooperating with Israel would cost us with them. Neither was ever true. Indeed, distancing from Israel as Dwight Eisenhower did during his administration, and especially during and after the Suez War, not only bought us little with the Arab governments but our position, as John Kennedy observed at the outset of his presidency, was worse in the Middle East after the Eisenhower Administration than before.

Similarly, Richard Nixon suspended F-4 fighters to Israel in 1970, believing this would gain favor with Egyptian President Nasser—and Nasser pocketed this and moved closer to the Soviets. (Some argue that the 1973 oil embargo was proof of the cost of supporting Israel.But the Saudis had their own reasons to gain more control over the price of oil, and in any case, they lifted it by March of 1974, even though Syria's Hafez al-Assad was asking them not to do so and even though the Saudis had said they would not lift it until Israel withdrew to the June 4, 1967 lines.)

There was one basic reason these two inter-related assumptions proved wrong: the non-radical Arab leaders were focused on their security and

US Special Envoy Dennis Ross meets with Prime Minister Netanyahu, March 1997. Photo credit: Reuters

survival and they were never going to make their relationship with us dependent on what we did with Israel. When we see Arab leaders hedging today, it is driven much more by their doubts about whether the US will be there in the crunch for them. For a long time, even quiet ties with Israel were sought because many Arab leaders felt it would help them in and with Washington.

When Doomed was published in 2015, the tensions between President Barack Obama and Prime Minister Benjamin Netanyahu may have meant Israel was no longer a good channel to the US. But Israel at that point was attractive for its own reasons, for what it could provide in security and non-security areas. The less reliable the Americans were perceived to be, the more attractive the Israelis became. But that was also a time when the Israeli focus on Iran mirrored that of many in the region—and as one Saudi official said to me, "the Israelis make the argument against the Iranians in Washington better than we do."

Notwithstanding the tensions in the relationship during the Obama Administration, it was Obama who would decide to renew a 10-year military assistance package to Israel totaling $38 billion. (Speaking of ironies, Donald Trump, who is seen as a great supporter of Israel, simply continued the Obama package without any additions. Meanwhile, Israel incurred greater costs operationally as Trump withdrew from the Iran nuclear deal and Israel also felt the need to blunt Iran's efforts to embed itself in Syria and provide precision guidance for the rockets it gave to Hezbollah.)

In the conclusion to Doomed, I suggested that upheaval in the Middle East would lead the US to continue to rely on Israel. Its stability was the result of being the only democracy in the region, and those who threatened Israel also threatened us. I tempered that conclusion by flagging a number of developments that could shake the relationship. If Israeli right-wing governments weakened the supreme court, passed illiberal laws, continued to build West Bank settlements outside of the bloc areas, making separation from Palestinians and two states impossible, there would be problems, especially as these raised basic questions about one of the essential pillars of the relationship—shared values. While I did not flag the problem we see today with American progressives, I did say that the US demographic changes and the rise of minorities with no history or ties to Israel meant that Israel should develop a well-designed strategy of explaining itself to these communities.

Since we are seeing some of the very problems I had flagged in 2015, am I concerned about the relationship? Should the current problems lead me to retitle the book? Of course, I have concerns, but I also see fundamental enduring strengths of the relationship because Israel is a vibrant democracy.

A large segment of Israel's public sees the attempt to reform or overhaul the judicial system as a threat to democracy. The Levin-Rothman judicial reform package has provoked a backlash that is extraordinary in no small part because Israelis perceive it as designed to end judicial independence—the only break or limitation on power in a parliamentary system where the Knesset serves as an extension of the executive branch of government, not a check on it. Polls show that 70% of the population want the Levin-Rothman legislation suspended, favor a dialogue and want a compromise.

The demonstrations have been unprecedented in size, the spectrum of who is involved, their staying power, and the public's clear determination to safeguard Israel's democracy. Those who have never demonstrated are doing so because of their perception of the stakes. Military reservists from elite combat units and the air force are protesting and saying they will not report for training. The broad consensus of Israeli leaders in business, finance, health, education, and the labor unions is unprecedented and their call for a general strike ultimately led Prime Minister Netanyahu to call a pause. If nothing else, the spontaneous response to the reported firing of Defense Minister, Yoav Gallant, because he publicly said he could not be a party to a process that was tearing the country as well as the military apart, signaled the depth of what is a grassroots movement.

Most Israelis would agree that the judicial sector is in need of reform if for no other reason that it lacks diversity, at times it has over-reached, and the wheels of justice grind far too slowly. Prime Minister Netanyahu might have avoided the upheaval and the emergence of a remarkable grassroots movement if he had announced at the beginning of his sixth term that reform was needed in the judiciary and to that end he was naming a panel of experts from every segment of society to make recommendations and those recommendations would be considered later in the year. Instead, the decision of the new government to simply press ahead and impose its version of reform produced a domestic backlash that caught the Netanyahu government by surprise.

The prime minister has now paused the legislative process, and both the government and opposition are engaging in a dialogue under the auspices of President Herzog. It is still too early to know if there will be a compromise that ends this crisis. Common sense may argue for it, but the protests took on a life of their own and it will not be so easy to calm the mood they have unleashed. Protestors are riveted not only on the judicial issue, but also on other draft laws the governing coalition are seeking to pass that they perceive as trying to impose the values of the ultra-Orthodox on Israel's secular society.

None of this is taking place in a vacuum. Hezbollah and Iran seem to read the Israeli domestic upheaval as a sign of weakness. Hassan Nasrallah is again saying Israel will not survive. And Nasrallah is not limiting himself to threatening words. He has recently pushed at least one act of terrorism in Israel which fortunately failed in its attempt to cause a mass casualty event. What if the attack had succeeded in killing many Israelis? That could have easily escalated into a conflict, and rather than deepening the domestic crisis, it might well produce a closing of the ranks in Israel at least for the time-being. Would the US not be drawn to supporting Israel? The answer is almost certainly yes.

Similarly, with Ramadan and Passover converging this year, what happens if Palestinian acts of terror—promoted by Hamas, Islamic Jihad and Iran—increase while Israeli security interventions lead to increasing Palestinians deaths? Will there be an explosion of violence? How will that affect the current turmoil in Israel? Military reservists raised their concerns about the government after Finance Minister Bezalel Smotrich called for the Palestinian village of Huwara in the West Bank to be erased after two Israelis were killed as they drove through the town. His subsequent apology rang hollow for many, especially after he said in a subsequent speech that there was no such thing as a Palestinian people.

American and Israeli flags during a demonstration in front of the US Embassy Branch Office in Tel Aviv, Israel, March 30, 2023. Photo credit: Reuters/Ronen Zvulun

The Palestinian issue has the potential to create fissures between the US and Israel. A majority of Americans still favor Israel but the younger demographic, especially among Democrats, takes a more critical view of Israel and sees the Palestinians as victims. The Palestinians surely are victims, but that should not excuse the Palestinian leaders' own contributions to this status: rejecting credible offers that would have produced a Palestinian state such as the Clinton parameters; delivering very poor governance whether in the Palestinian Authority or under Hamas in Gaza; and furthering corruption and division that also robs the Palestinian Authority of basic legitimacy.

For Israel's part, policies that look like annexation will cost it with us and with those Arab countries that are part of the Abraham Accords. Netanyahu wants a breakthrough with Saudi Arabia and a deepening of the Abraham Accords; he will probably need American help with both and it may be forthcoming if his policies toward the Palestinians are designed to keep the possibility of two states alive. Already he is finding that the language of his far-right coalition partners is producing a go-slow approach of the Abraham Accord countries—they won't walk away from their peace agreements but they will do little to advance them as well. The Arab states also count on Israel to be stable, and signs that it may not be so also give them a reason to hedge bets.

Ultimately, the problem for the prime minister is that his main foreign policy objectives on Iran, Saudi Arabia, and deepening and expanding the Abraham Accords require smart management of the Palestinian issue and a posture that does not preclude two states later on. He has coalition partners who make that difficult and seem to have a different agenda. They may also pose another problem for him: they raise the very issue of shared values which has been and will remain the essential pillar of the US-Israel relationship. ✳

DENNIS ROSS

Dennis Ross is the Counselor at the Washington Institute for Near East Policy and teaches at Georgetown University. He served as a Middle East envoy and in other senior national security positions for Presidents Reagan, Bush 41, Clinton, and Obama. He has written five books, including *Doomed to Succeed: The US-Israeli Relationship from Truman to Obama*.

ISRAELI SOVEREIGNTY AND AMERICAN INTERVENTION

Demonstrators in Tel Aviv, Israel show support for US President Biden, for not inviting Israeli Prime Minister Netanyahu to the White House, March 30, 2023. Photo credit: Reuters

by Elliott Abrams

The streets are seething. Police have clashed with demonstrators and there have been not only arrests but some violence. Hundreds of thousands and likely millions have protested proposed government actions. Unions have called for nationwide strikes. Government reactions have elicited even more fierce opposition.

Israel? No, France. Most recently, protests have intensified when the government completely bypassed the parliament to push through by decree a broadly unpopular provision raising the retirement age. In response, President Biden has said exactly nothing, and other figures in his administration–the U.S. Ambassador to France, the Secretary of State, the Vice President—have been equally quiet.

"We remain deeply concerned by recent developments, which further underscore the need in our view for compromise," National Security Council spokesman John Kirby said on March 27. Why was he talking about Jerusalem and not Paris?

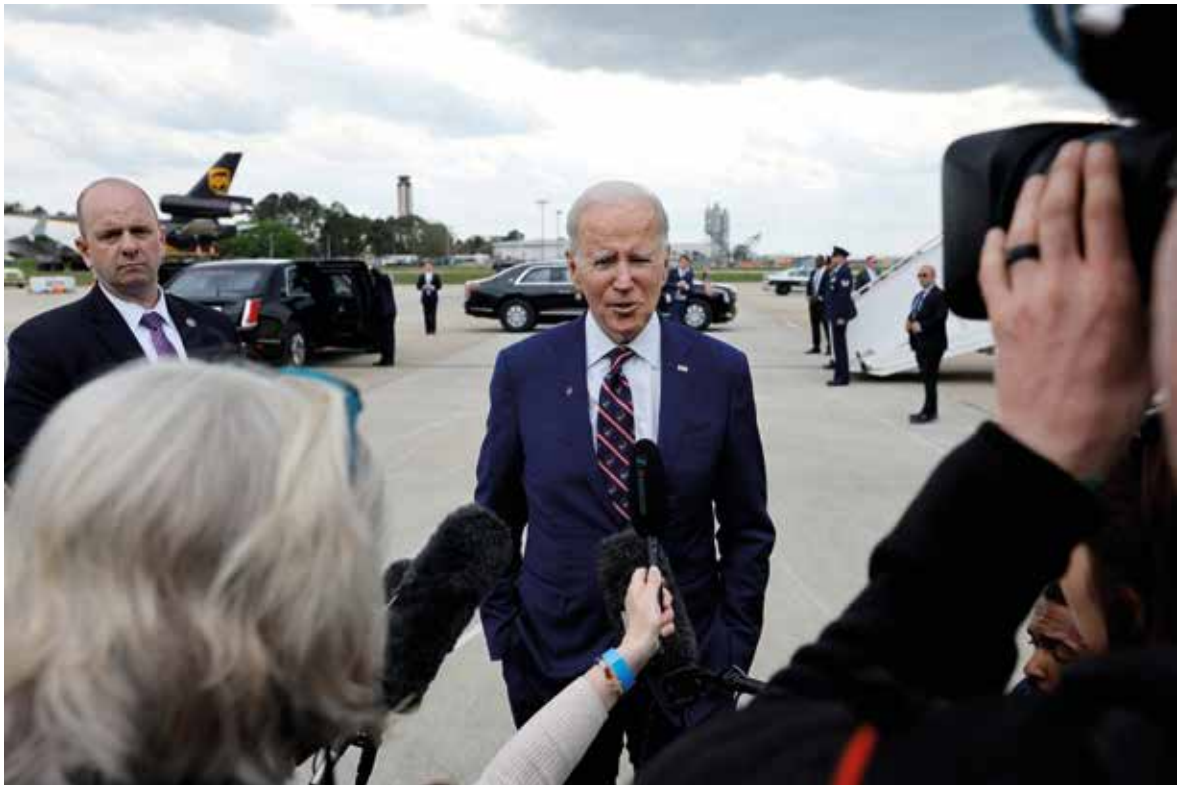
What explains the Biden administration's intervention in Israeli politics, where in fact the officials mentioned above (ambassador, secretary of state, vice president, president) have all jumped in? It cannot be the facts of the situation. In Israel, the government has in fact done nothing yet about judicial reform, while in France President Macron simply blasted through the protests to have his way.

THERE ARE FOUR EXPLANATIONS, ALL POLITICAL AND ALL WORRYING.

First, this dispute in Israel is in significant ways a contest between conservative, more religious parts of the society and leftist, more secular ones. That is obviously a generalization but it isn't an accident that the chairman of the Knesset law and judiciary committee pushing the reforms is from the Religious Zionist Party. And neither is it an accident nor a surprise that a Democratic Party administration in the United States should be backing the secular left over the religious right. That is its position, and in some ways its raison d'être.

Nor is it an accident or a surprise that the main media supporters of the Biden administration, such as CNN, The Washington Post, and The New York Times share those views and indeed push the administration into voicing them. Writers like Thomas Friedman have been vicious in attacking the governing coalition in Israel, and they have influence with administration officials.

One aspect of the judicial reform struggle in Israel is a kulturkampf between "advanced" sectors of society and those they see as backwards. In American terms, Hillary Clinton in 2016 insulted the "deplorables" and Barack



US President Joe Biden speaks with reporters before boarding Air Force One on March 28, 2023.
Photo credit: Reuters

Obama talked in 2008 of people who "cling to guns or religion or antipathy to people who aren't like them." Rightly or wrongly, Americans on the left see the Israeli debate in similar terms and they know whose side they are on. It was predictable then that on March 9th, 92 Democrats in the House of Representatives wrote to Biden to demand that he "use all diplomatic tools available to prevent Israel's government from further damaging the nation's democratic institutions...."

Second and similarly, it should not be surprising that a Democratic Party administration will criticize what it views as right-wing governments and leaders in other countries. There has been plenty of official criticism of the Polish and Hungarian governments, and criticism from the liberal media of Prime Minister Modi in India. Meloni's victory in Italy was received on the American left as a dangerous move back to fascism, but leftist rulers like Petro in Colombia or Lula in Brazil don't evoke any alarm. Boris Johnson never got very sweet treatment from Biden, because he was on the right. As Politico put it, "Johnson was unlikely to find much comfort from Biden. The two men in the past had differences over both style and substance."

We've seen this movie before when it comes to Democrats and Israel. Jimmy Carter despised Menachem Begin. In 1996 and 1999, the Clinton administration intervened in

Israeli elections to support Shimon Peres against Benjamin Netanyahu.

Asked in a 2018 interview whether it would be fair to say that he tried to help Peres win the election, Clinton replied: "That would be fair to say. I tried to do it in a way that didn't overtly involve me." In 2015, Foreign Policy magazine carried a story with the headline "Obama is Pursuing Regime Change in Israel." That time, it was an effort to back Labor Party leader (and now president) Isaac Herzog against Netanyahu, and the article concluded that "Both Obama and Kerry would love to see Netanyahu out and Labor's duo of Herzog and Tzipi Livni in. And they're doing everything they reasonably can — short of running campaign ads — to bring that about."

And that time, just like now, Netanyahu was denied a White House meeting while top officials met with Herzog. As The New York Times said on March 29 of Biden and Netanyahu, "There is no love lost between the two leaders...." When asked whether Mr. Netanyahu would be invited to the White House, the president replied sharply "No. Not in the near term."

Third, the issue of the supreme court is especially neuralgic for Americans on the left. The US Supreme Court has long been a liberal icon in the United States, idealized by Democrats for decades because it was controlled by an activist majority. Democrats applauded decisions on such matters as abortion and gay marriage that gave victories the Democrats could not win at the ballot box. More recently, Democrats have attacked the Court because it now has a conservative majority. Democrats see that Israel's supreme court is activist and hands down "progressive" rulings, so they believe it must be supported. They sympathize entirely with the political forces that wish to protect Israel's court from Israel's voters and elected leaders. They are unconcerned that the Israeli supreme court can largely select its own members or at least veto those who are not members of the elite club.

Finally, it must be said that American intervention has been invited by many Israelis fighting against the judicial reform. They've invited it through their rhetoric, by saying that this American friend and ally was on the verge of fascism.

When President Isaac Herzog proposed a compromise, Ehud Barak infamously tweeted the old photo of Hitler and Neville Chamberlain with Herzog's face substituted for Chamberlain's. Ehud Olmert and a thousand other commentators used the word "coup" while yet more spoke of a "blitzkrieg." Opposition leader Yair Lapid spoke of a "journey towards destroying Israeli democracy." All of them spoke in English to US audiences, and in the demonstrations in Israel many signs were in English as well—all to appeal for the intervention of American Jews and the United States government. In private, numerous Israeli leaders and commentators explicitly asked for American intervention, arguing that Israelis had reached a dead end and had to be saved from themselves. Such conversations, and the picture of an Israel about to collapse into a dark tyranny, no doubt had their effect on Biden and his administration.

And those invitations fell on fertile American ground for all the reasons mentioned previously. Take for example the words of Rabbi Eric Yoffie, long-time leader of the Reform movement. Writing in Haaretz on March 2, he said "I have never once lobbied against an Israeli government. But Netanyahu's judicial coup, his offensive against democracy, must be stopped. That means U.S. Jews must do the unthinkable, and urge a strong American hand with Israel."

This is a dangerous precedent. When Clinton intervened (twice) in Israeli elections he tried to hide his actions; he knew they were indefensible if exposed. Now there's a new model that justifies and indeed idealizes foreign interference—demanding that the United States intervene in domestic matters in Israel

in a way that never happens with respect to any other democracy.

Those on the left—whether Israelis opposing the judicial reforms or Americans wanting to throw Washington's weight around because their side didn't win Israel's most recent elections—should realize first that two can play the same game. It isn't hard to imagine a conservative Republican president in the United States and a left-of-center prime minister in Israel serving at the same time. Will conservative Americans henceforth demand intervention in Knesset votes, or in Israeli elections, because some proposed policies are strongly opposed on the right?

Judicial reform is about the most "domestic" or "internal" issue one can imagine. If outside interference is legitimate on that issue, are there any issues where foreign intervention, whether by diaspora communities or foreign governments, should be considered illegitimate?

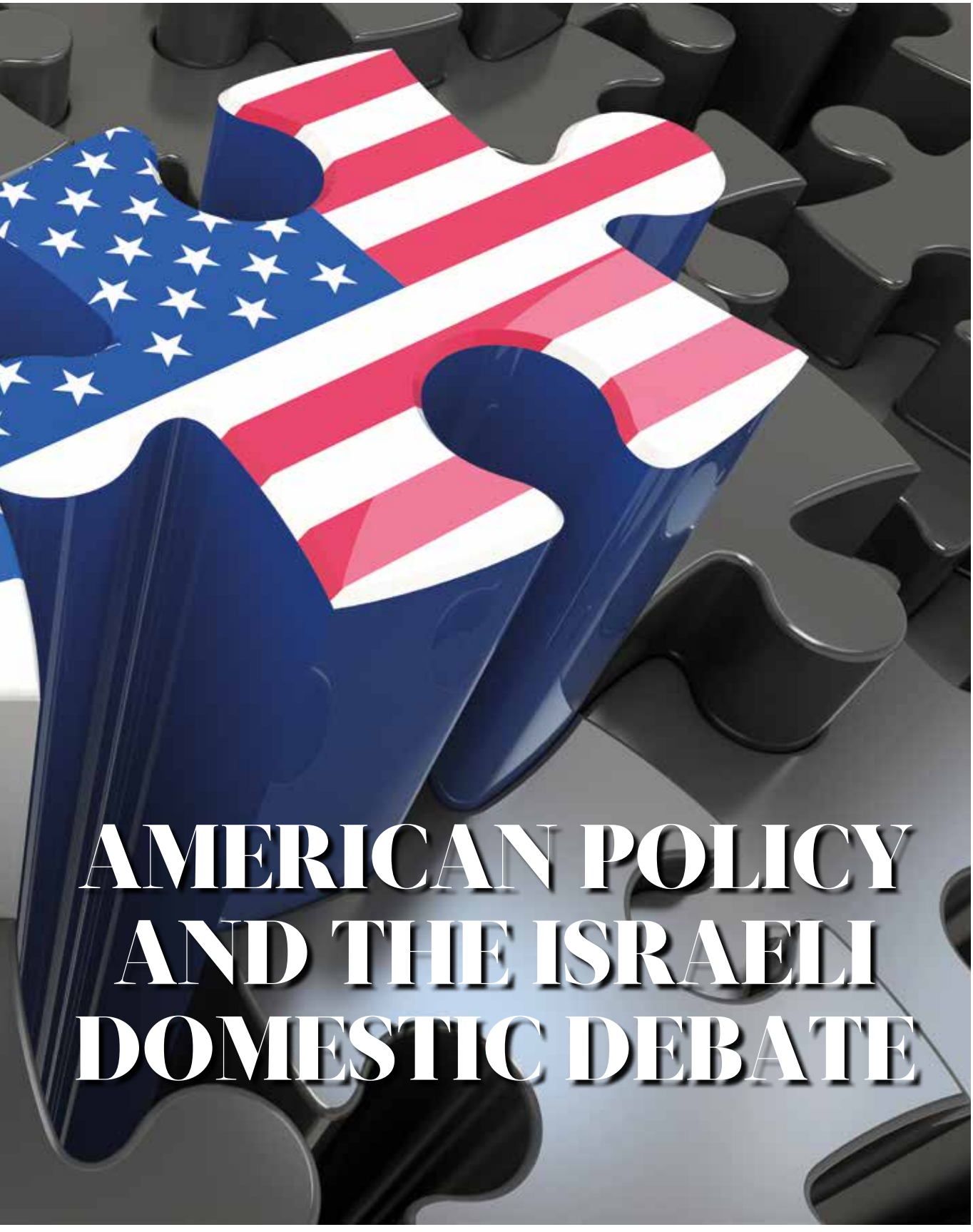
As Israel approaches its 75th birthday in just a few weeks, one must wonder what those who cultivate American interference think of the Zionist project. Are Israelis to be "masters of their own fate" (in Ben Gurion's words) except when election losers can coax the United States government to jump into the fray? Is Israel to have a kind of compromised sovereignty that is subject to American whims?

The current struggle over judicial reform has many aspects. The decision of those who oppose reform to invite, indeed to plead for, American intervention in this complex and fateful internal contest damages Israeli sovereignty and self-government. One can only hope that when the dust has settled, Israelis will—whatever their views on the supreme court—come to agree that the appeal to foreign intervention over the Jewish State's internal political structures was a damaging mistake and a dangerous precedent. ✳

ELLIOTT ABRAMS

Elliott Abrams is senior fellow for Middle Eastern Studies at the Council on Foreign Relations and chairman of the Tikvah Fund. He served as a deputy national security advisor to President George W. Bush from 2005–2009, among other senior US government positions.

Photo credit: Freepik



AMERICAN POLICY AND THE ISRAELI DOMESTIC DEBATE

by Jeremy Ben-Ami

On March 29, a few hours after Prime Minister Benjamin Netanyahu pressed pause on his government's plan to overhaul Israel's judiciary, US President Joe Biden delivered a warning to his long-time friend. "Like many strong supporters of Israel, I'm very concerned," Biden said, masking his deep frustration with measured understatement. "I'm concerned that they get this straight. They cannot continue down this road."

Despite indications from US Ambassador Tom Nides to Israel Radio that the pause might unlock a highly-coveted invitation to DC for the prime minister, the White House made clear that – for now – no such visit was in the offing.

Then on March 30, several hundred thousand Israelis took to the streets to make clear that, much like President Biden, they do not want Israel to go down this road. Reports indicate that the President's show of support for Israeli democracy was well received on the streets, with American flags dotting the sea of blue-and-white flags across Israel.

The response on the political right to President Biden's comments, however, was not quite as warm. The Prime Minister himself rebuked Biden for his comments, saying, "Israel is a sovereign country which makes its decisions by the will of its people and not based on pressures from abroad, including from the best of friends."

Others on the Israeli right were less restrained. Far-right National Security Minister Itamar Ben-Gvir said Biden needs to understand that "Israel is no longer a star on the US flag. We are a democracy, and I expect the US President to understand that." Another minister tweeted that Biden had "fallen victim to fake news." A Likud MK was quoted as saying, "There is no way the US will interfere in Israel's internal matters," adding that the US system of picking judges is "improper" and that "we are probably a bit more democratic than the system there."

The outrage on the right over Biden's measured comments on an Israeli policy debate is ironic, given the direct interference in American politics and policy engaged in by Prime Minister Netanyahu when he spoke to a joint session of Congress in 2015 to oppose then-President Obama's agreement with Iran over its nuclear program.

The United States and Israel do have a special relationship, and what the leaders of each country say about the other's policy choices matters. That special relationship is a staple of political speeches by American political candidates of all political persuasions to Jewish and other pro-Israel audiences, and the relationship is regularly framed as grounded in the two nations' shared interests and values.

It is Israel's status as the only democracy in the Middle East that rests at the heart of that relationship. Israel's security and diplomatic

Israeli Prime Minister Benjamin Netanyahu and National Security Minister Itamar Ben-Gvir.
Photo credit: Reuters/Amir Cohen

The United States and Israel do have a special relationship, and what the leaders of each country say about the other's policy choices matters.

establishments understand that the country's relationship with the United States is a vital cornerstone of its national security. The US provides not just extraordinary levels of financial support, but irreplaceable diplomatic protection in the international arena and near-blanket promotion of Israeli interests in every facet of international engagement.

Israel's leaders expect the US to "have Israel's back," as Ambassador Nides recently framed it, in meeting the threat posed by Iran. They are counting on the US to do what it takes to advance the normalization of Israel's ties with its neighbors through the Abraham Accords.

Given the extraordinary benefits, support and assistance that the United States provides

Demonstration against the Israeli government's judicial reform, in Tel Aviv, Israel, April 1 2023. Photo credit: Reuters/Ilan Rosenberg.

Israel, it should be hard to argue that the US has no right to express – or has no interest of its own in expressing – its opinions on the crucial decisions, including domestic policy decisions, that Israel is taking regarding the direction the country is going to head.

The question of legitimacy of American commentary on Israeli domestic policy goes to the heart of a debate that is now fully engaged in the United States: What does it mean to be pro-Israel?

The terms of the relationship between the two countries – a bond regularly termed "unbreakable" by American politicians – are in fact showing signs of evolving. The Israel of the 21st century is a global economic and military power, as opposed to the Israel that Americans came to know in the last century as a David in a rough neighborhood surrounded by Goliaths.

A new generation of Americans – in the streets and in the halls of power – is asking tough questions about a relationship that has traditionally permitted few. Israel and its strongest supporters have come to expect unparalleled levels of US financial assistance to be provided with little to no oversight, transparency or accountability. They count on American support for Israel at the UN and in other bodies to provide near-blanket immunity from accountability for its actions under international law.

But the era of unquestioning support for Israel and its every action is coming to an end. The early 21st century is being defined by the

contest between liberal democracy and the rules-based international order on the one hand, and ethnonationalist autocracies bent on undermining the norms and standards of the post-World War II order on the other.

Israel should understand that its policy choices in the coming months and years will have enormous impact on how Americans regard its place in this epic struggle. Will Israel firmly align itself with the liberal democratic order of which the United States is the global leader? Or will it choose to erode its democracy and find its place in the camp of countries lacking a commitment to the rule of law, checks and balances, and protection of individual and minority rights?

Israel's new government isn't only looking to lead a revolution regarding the nature of its legal system, a revolution to change the structures and framework of its civilian government. It is also intent on radically reshaping the nature of its relationship to the land and to the Palestinian people who have been under military occupation since 1967.

Notably, the focus of the demonstrations on Israel's streets is only on the first of these two revolutions. Yet the tension between the American and Israeli governments may well be greater over the second.

Steps being taken by the new government to shift its civil administration of West Bank territories away from the military and to reshape the legal architecture of the occupation regime may lead to even greater friction. Less noticed amid the outcry over the judicial appointments legislation was the Knesset's repeal of parts of the 2005 Disengagement Law affecting Jewish settlement in the northern West Bank.

It was this action – and not something related to the judiciary – that led to the Israeli Ambassador to the United States being summoned for a rebuke by the Deputy Secretary of State, because this decision constituted an explicit breach of written commitments made by Israel's Prime Minister Ariel Sharon to then President George W. Bush.

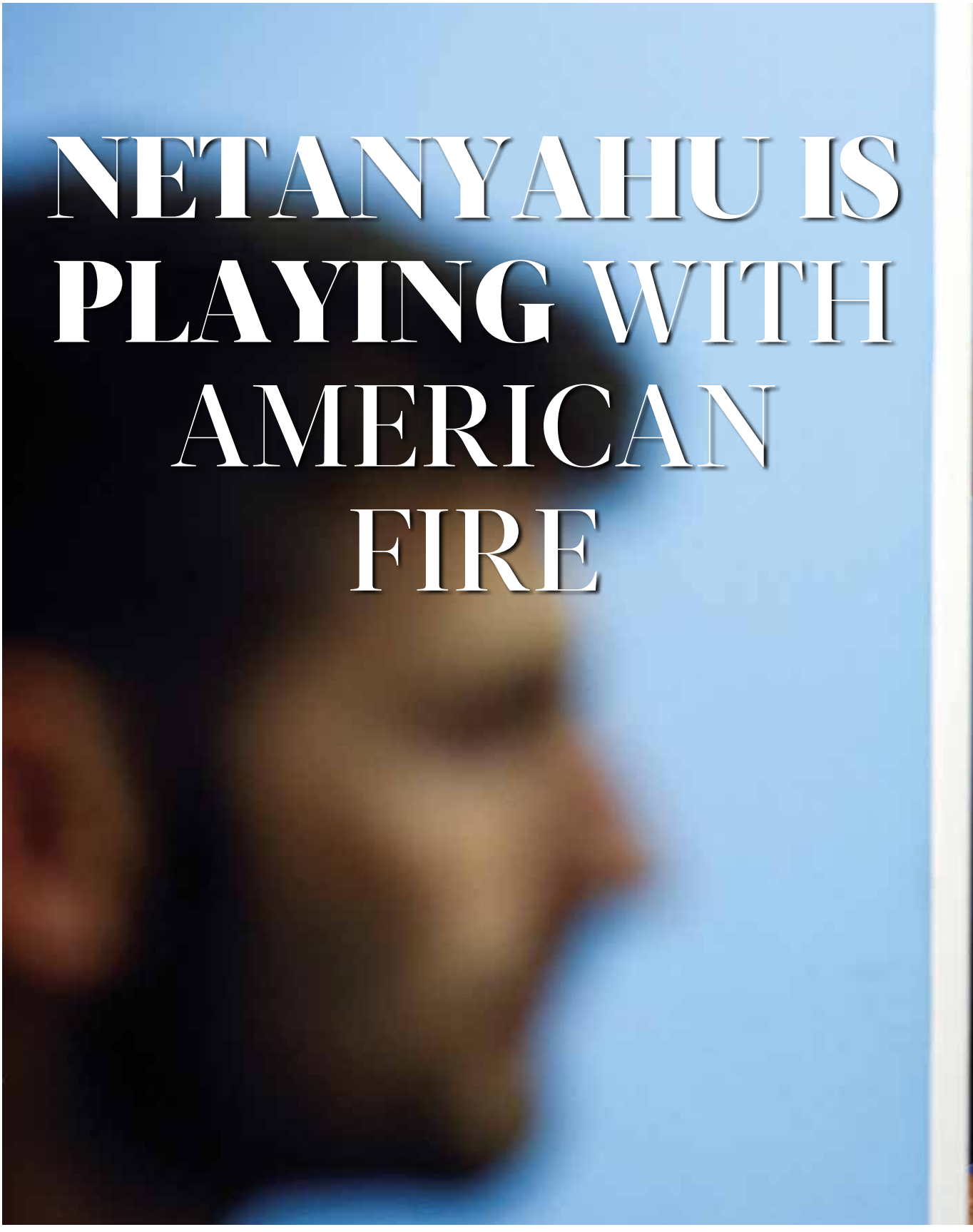
If the government of Israel proceeds with these twin revolutions, to forge what many term an "illiberal democracy" within Israel and to annex de facto the West Bank without equal rights for the Palestinians who live there, the consequences for the US-Israel relationship will be dire.

When Joe Biden expresses concern publicly over the choices Israel is making, he delivers the kind of warning that only true friends and family can deliver as loved ones make choices that will define their futures.

What President Biden has done is to model what it looks like to be pro-Israel in the 21st century. Israel's political leaders would do well to heed his warnings and change course, rather than critique him for the heartfelt concern rooted in his deep affection for the state of Israel and its people. ✳

JEREMY BEN-AMI

Jeremy Ben-Ami is the president and founder of J Street, a liberal American advocacy group which promotes American leadership to end the Israeli-Arab and Israeli-Palestinian conflicts.



NETANYAHU IS PLAYING WITH AMERICAN FIRE

Israeli Prime Minister Benjamin Netanyahu and Israeli Finance Minister Bezalel Smotrich. Photo credit: Reuters

by Dov S. Zakheim

As Israel's finance minister from 2003–2005 and later as prime minister, Benjamin Netanyahu was the father of Israel's economic miracle that transformed a stagnant socialist economy into a thriving "start-up nation." Today, however, Netanyahu is on a path toward wrecking what was one of his crowning achievements. His government's proposed judicial reforms have begun to scare away an increasing number of Israel's hi-tech industrialists and firms, as well as foreign investors and bankers, posing a serious risk to Israel's credit rating.

Any threat to Israel's economic growth and stability also constitutes a threat to its national security. Ironically, Netanyahu always has presented himself to the Israeli public as the guardian of its security. Yet his reckless drive to undermine Israel's separation of powers could jeopardize his country's security in another respect as well. Simply put, Israel risks losing the level of unstinting American support it has enjoyed for more than three decades.

American backing for Israel has been a bipartisan affair, with successive administrations not only advocating for ever increasing security assistance to the Jewish state but also providing critical support in international fora, notably the United Nations. Support for Israel persisted even when it was severely tested during Netanyahu's clashes with former US President Barack Obama. Nevertheless, though Democrats became increasingly uneasy with both Netanyahu's policies and his conduct toward Obama, they continued to support high levels of military assistance to the Jewish state, including cutting-edge weapons systems such as the F-35 fifth-generation fighter aircraft. Indeed, it was the Obama administration that signed a ten-year agreement with Jerusalem, covering fiscal years 2019–2028, whose total value is $38 billion, or $3.8 billion per year. The agreement included not only $33 billion in foreign military financing, but it also called for $500 million annually in missile defense assistance, which the administration termed an "unprecedented commitment."

Moreover, despite the hostility between the Democrats and Donald Trump, the majority of Democratic legislators did not utter much in the way of complaint when Trump moved the American embassy to Jerusalem or recognized Israeli sovereignty over the Golan Heights. And when Joe Biden, a long-time great friend of Israel, took office in January 2021, he did not attempt to reverse Trump's actions.

The Netanyahu government's efforts to undermine the Supreme Court and to expand settlement construction in the West Bank are sorely testing the Biden administration's patience. When Secretary of State Tony Blinken visited Israel at the end of January, he was at his diplomatic best. He stressed the importance of working to reduce increasing tensions between Israelis and Palestinians. In addition,

while avoiding open criticism of Netanyahu's judicial reforms, he emphasized that it was the commonality of values, notably the checks and balances in both the American and Israeli governments, that bound the two countries together. Privately, however, Blinken reportedly was far more blunt when discussing these matters with the prime minister.

Shortly after Blinken's visit, Biden himself weighed in on the issue of Israel's separation of powers. In a statement to the New York Times' op-ed columnist Tom Friedman, the president noted that "the genius of American democracy and Israeli democracy is that they are both built on strong institutions, on checks and balances, on an independent judiciary. Building consensus for fundamental changes is really important to ensure that the people buy into them so they can be sustained." Biden has not gone any further, and White House staff believe that his genuine love for Israel prevents him from supporting any actions that might hurt the Jewish state.

Despite the president's feelings for Israel, his administration has nevertheless acted—or more accurately, refused to act—in three ways that signal disapproval.

First, the Biden team has refused to deal with Bezalel Smotrich, the head of Israel's ultra-right wing Religious Zionist Party who serves as the finance minister and in a senior defense job. His inability to receive an invitation to Washington severely complicates economic relations.

The Netanyahu government's efforts to undermine the Supreme Court and to expand settlement construction in the West Bank are sorely testing the Biden administration's patience.

Second, the administration has not been fully responsive to Israel's requests in the military sphere, despite increasing operational cooperation. The two countries' militaries completed their largest ever joint exercise, dubbed Juniper Oak, in January 2023. The Defense Department pointed out that over four days, Juniper Oak integrated US and Israeli fifth-generation fighters, as well as "the USS George H.W. Bush Carrier Strike Group, which . . . involved command and control elements, rescue and refueling aircraft, and live fire exercises with more than 140 aircraft, and roughly 6,400 US troops alongside more than 1,500 Israeli troops." General Michael Erik Kurilla, commander of Central Command, asserted that "today, the U.S.-Israel military partnership is stronger than it ever has been, and it continues to grow."

On the other hand, the administration continues to stall its response to Israel's urgent request for eight KC-46 tankers that could support an F-35 fighter attack on Iran by facilitating mid-air refueling. This is despite the fact that Washington had approved the sale in March 2020.

Third, as of the time of writing, Netanyahu has yet to receive an invitation to the White House, something that is almost automatically extended to every newly elected prime minister.

Despite his warm feelings for Israel, Biden's patience might eventually run out. Politically, he has considerable room for maneuver in this regard. He can afford to ignore Israel's evangelical supporters; they are, for the most part, Republicans who oppose almost all elements of his policy agenda. As for the American Jewish community, which remains overwhelmingly Democratic, it is equally overwhelmingly antagonistic toward Netanyahu's government.

Many American Jews oppose the Netanyahu government's favored treatment of West Bank settlers and the Israeli Haredi community. Support for the latter includes increased funding

for its institutions, military and national service exemptions for its yeshiva students, freedom to avoid teaching basic secular subjects in its schools, and restrictions on who should be recognized as a Jew. Many are upset by the undermining of the Supreme Court, which has been a bulwark against both groups. Should the administration act against Israel, for example, by abstaining on UN Security Council resolutions condemning the Jewish state, even if one or more called for some level of economic sanctions against Israel, it is not entirely clear that there would be a major backlash from American Jews, as has always been the case in past years.

Netanyahu has fallen into a trap that has ensnared previous foreign politicians who have spent some time living in the United States. They think their experience in America has given them unique insights into how to manage American politics. They may be correct to some extent, but only to an extent.

Netanyahu has gone a long way toward alienating the Democrats and their American Jewish supporters. It may not have mattered when Donald Trump was president; it will matter far more today, even with a Republican majority in the House of Representatives. Many Washington Middle East experts believe that Netanyahu is playing with White House, indeed American, fire; he should be careful to avoid burning not only himself but his country as well. ✳

DOV S. ZAKHEIM

Dov S. Zakheim is chair of the Board of Advisors of the JST, a senior adviser at the Center for Strategic and International Studies, and vice chair of the Foreign Policy Research Institute. He is a former US under secretary of defense (2001–2004) and deputy under secretary of defense (1985–1987).

Protests against Judicial Reform in Jerusalem, Israel – Feb. 20, 2023. Photo credit: Eyal Warshavsky / SOPA Images/Si via Reuters Connect

WHY IS THE WORLD OBSESSED WITH ISRAELI JUDICIAL REFORM

by Alan Dershowitz

A strident debate is occurring in Israel about the role of the judiciary and democratic governance. Virtually every democracy debates this issue periodically, because there is an inherent conflict between majority power and minority rights.

The traditional role of non-elected courts is to impose a check on politicians who are elected by the majority. Whenever courts overrule decisions reached by the majority, there are complaints. This has been true in the United States since the days of Thomas Jefferson and John Marshall. The United States Supreme Court's decision in the Dred Scott case was one of the causes of the American Civil War, and its decision in Brown vs. Board of Education led to the widespread demands for the impeachment of Chief Justice Earl Warren throughout the South. Sometimes, history has proved the courts to be right, as in the Brown case; many times history has proved the courts to be wrong, as in Dred Scott, the detention of Japanese Americans during World War II, and the compelled sterilization of the mentally retarded in the 1920s. There is no perfect solution to the paradox of appointed judges overruling elected legislators, but some strike a better balance than others.

Israel is now in the midst of one of the most contentious debates in its history. Israel is different from the United States in that in its foundation it was far closer to being a pure democracy than our republic. The Knesset is a single house legislature. The executive is part of the legislature and serves at its will. Israel has no written constitution. Israel's only mechanism for checks and balances is the judiciary, which itself is a creature of the Knesset and thus subject to Knesset control and limitations.

Throughout Israel's 75-year history, and especially since the 1990s, the Supreme Court has served as an effective check on the excesses of the Knesset, the prime minister, the military and other institutions of government. Some think that its checks have been excessive. This is especially the attitude among those who support emerging right-wing populism, reflected most dramatically in the most recent election and the current government, which includes some religious and nationalistic extremists. They oppose what has been called the "judicial revolution" of the 1990s and are seeking a counter revolution of their own that would significantly curtail the powers of the Supreme Court. The majority of Israelis seem to be somewhere in the middle, opposing both the extreme reforms of the new government and what many regard as the excesses of the earlier judicial revolution.

As an outsider who has been deeply involved in defending Israel for more than half a century,

I am concerned about this clash of extremes and have been seeking to propose compromise resolutions that are acceptable, if not desired, by both sides. I've spoken to leaders of both camps as well as those in the middle. These include Prime Minister Benjamin Netanyahu, former Supreme Court president Aharon Barak, President Isaac Herzog, Knesset members Itamar Ben-Gvir and Bezalel Smotrich, as well as many academics. The law professor in me loves this debate. But the divisions that it seems to be causing, or at least reflecting, are worrying. I hope I can contribute even a very small amount to helping resolve or narrow the differences, since I have close friends on both sides, and the rights and wrongs are not limited to one side.

What intrigues me most is why the world is paying so much attention to what is essentially a domestic Israeli dispute. The world paid little attention when left wing Democrats demanded the packing of the US Supreme Court and limitations on the terms and powers of the justices following the controversial overturning of Roe v. Wade. Even when President Joe Biden appointed a commission to study these issues and make recommendations, the international community ignored it.

But the world seems obsessed with the Israeli debate, as it does about so many other issues relating to Israel. This obsession is part of the dangerous double standard that the international community has long imposed on the nation state of the Jewish people. The centrality of Israel to the major religions may explain the focus of the adherents to these faiths, but it does not explain the obsession of the secular left. Nearly everything Israel does generates criticism from international bodies and organizations. These groups devote more attention to Israel than to the rest of the nations of the world combined. And this international attention is often used and misused by Israeli advocates against their opponents. For example, in the current debate, opponents of the judicial reforms have argued that if they are enacted it will cause international businesses to leave Israel. This may well become a self-fulfilling prophecy, as economics is often a question of perception rather than reality.

Both sides have tried to weaponize members of the American Jewish community to pressure the other side. I am an opponent of most of the proposed reforms, though I think that a compromise on some of them is in order. But let's be clear: even if all the proposed reforms are enacted (which I hope they will not be) Israel will remain a strong democracy. It will remain far more democratic than any other country in the region and also more democratic than most European and Asian countries. Indeed the reforms would bring Israel closer to being a pure democracy governed by majority rule. But they would endanger minority rights, civil liberties, equal rights, due process and the rule of law. That's why I oppose them. Israel would be a better democracy with these principles kept intact then if they are compromised by a reduction in the power of the Supreme Court to enforce them.

The international community has little or no stake in the outcome of this debate. It will have little effect, if any, on any peace process or on the Abraham Accords or on Israel's relationships with other countries. The recent election itself, and the new government it produced, may well impact relations with the Palestinians and others, and the ill-advised judicial reforms seem to be serving as a surrogate for these more international issues. Even the mass demonstrations against the judicial reforms in Tel Aviv and Jerusalem often go beyond that issue and extend to general opposition to the new government and its right-wing policies. These demonstrations are the best evidence of Israel's commitment to the democratic values of peaceful protest against a democratically elected government that is wildly unpopular among large and influential members of the public. Democracy produced the new government, and democracy produced the protests against it. So much for the fear mongering among those who are telling the world that Israel is on the verge

of becoming an autocracy – or in the false and dangerous words of some extremists, that it has already become the Germany of the 1930s. Even back in 2016, that false comparison was being made. [See "Israel General Compares Modern Israel to 1930s Germany," Middle Eastern Eye, May 5, 2016].

Israel may continue to move rightward, as many other countries have in the growing age of nationalism and populism. For the first several decades of its existence it veered to the left, with elements of socialism. Changing demography changes politics. That's democracy. But I don't believe that the Israeli people will easily succumb to the temptations of authoritarianism – and certainly not fascism. They are too independent, opinionated, and ornery. They have chutzpah, in the best sense of that term. More importantly, and more relevant to this discussion, if the pendulum were ever to swing in the direction of fascism – which I do not believe it will – the Supreme Court alone will not save it.

As the great American jurist Learned Hand observed in his "Spirit of Liberty" speech of 1944, during a war of fascism against democracy, "I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes. Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can even do much to help it. While it lies there it needs no constitution, no law, no court to save it."

I think Judge Hand may have understated the possible influences of the judiciary on helping to preserve liberty, but he was certainly correct to place more emphasis on the "hearts and minds of men and women." The current protests against weakening the judiciary speak loudly about the spirit of liberty among so many Israelis.

Israel should do the right thing not because of pressure from other nations, but because it is best for Israel. The international obsession with Israel's imperfections does not promote the spirit of Liberty among Israelis. The conflict over Judicial "reform" must be solved by Israelis based on Israeli values. Outsiders must feel free to offer advice, but should refrain from trying to put undue pressure on Israeli democratic decision-making. I am confident that Israel's values will be its "Iron Dome" against authoritarianism. ✳

ALAN DERSHOWITZ

Alan Dershowitz, professor emeritus at Harvard Law School, has written 52 books, more than 1,000 articles, and has successfully litigated hundreds of cases, half of them *pro bono*. He taught 10,000 students in his 50-year career at Harvard Law School, having been made a full professor at age 28, the youngest in the Harvard Law School's history. At age 84, he remains deeply involved in American and Israeli political and legal affairs.

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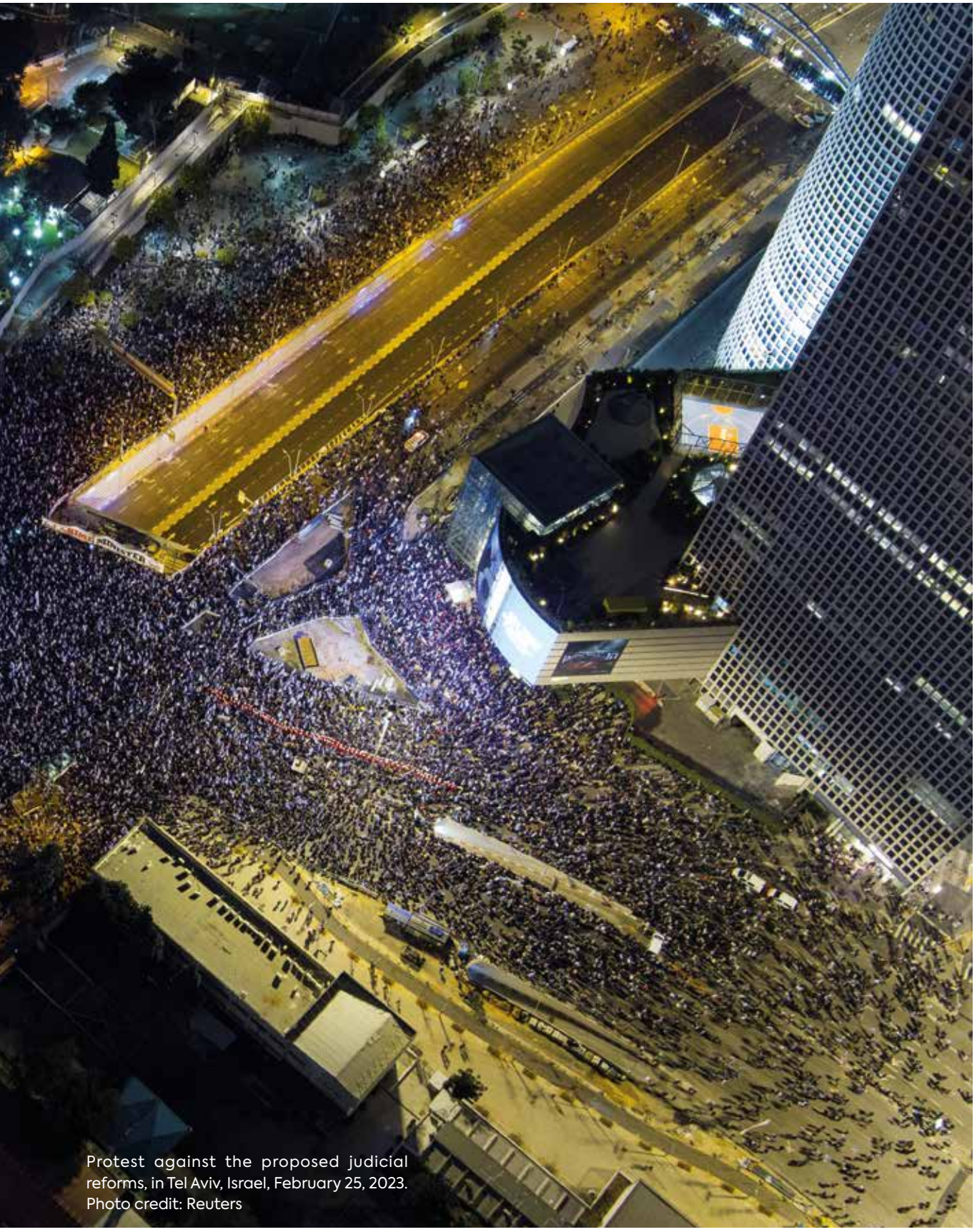
THE LEADERLESS PROTEST MOVEMENT IN ISRAEL



Protest against the proposed judicial reforms, in Tel Aviv, Israel, February 25, 2023. Photo credit: Reuters

by Ksenia Svetlova

Since December 2022, every Saturday evening after Shabbat, tens of thousands of Israelis have demonstrated against the judicial reform proposals of Prime Minister Netanyahu's government. Former generals and judges, economists, journalists, hi-tech professionals, medical workers, shopkeepers, young students and their grandparents who fought in the War of Independence, native-born Israelis and recent immigrants, and Arab citizens of Israel have joined hands and voices.

The images taken from the top of Tel Aviv office towers during the demonstrations show a human river completely filling Kaplan Street—feeding into Habima Square—and all of the adjacent streets, giving the protest a stunning appearance. These rallies are taking place all around Israel. At its height, more than a quarter of a million Israelis assembled in front of the Knesset in Jerusalem on Monday, February 13, when the parliamentary committee on legislation was holding a vote on the judicial reforms.

What do the protestors want? They appear united on the danger posed by the current government to the independence of the judiciary and thus to liberal democracy and the rule of law. The overwhelming majority believe Netanyahu should no longer be the nation's leader. However, they sharply disagree on the issue of the alternative, and this is nothing new. During the 16-month period leading up to the elections last November, Israel had two prime ministers—Naftali Bennett and Yair Lapid—and a third would-be leader—Benny Gantz. Lapid and Gantz appeared more like rivals than allies throughout last year's electoral campaign. Many inside Merav Michaeli's Labor Party believe that she is to blame for the shockingly low performance of the center-left because she refused to bring the left-wing Meretz Party into an electoral bloc with Labor. Although the media has relentlessly criticized the Likud's "Bibi-cult," its opponents have not been able to coalesce around a unifying ideology or leader.

This is a protest movement without a leader. The leaders of the opposition parties in the Knesset, Yair Lapid and Benny Gantz, are welcomed as ordinary protesters and frequently are not even given the opportunity to speak at the demonstrations. Civil society organizations in Israel coordinate and organize the protests. Some believe that this lack of leadership is actually a benefit, since it allows Israelis who do not belong to the center-left camp to join the protests. Others are hopeful that a charismatic and decent leader—whether a figure from the

past or a new grassroot leader—will emerge sometime soon.

One name reemerging from the protest movement is Tzipi Livni, the former minister of justice and foreign affairs who left politics in 2019 (disclaimer: I served in the 20th Knesset for her party, Ha-Tnua). A quick peek at her Twitter and Facebook reveals the support and yearning of thousands of Israelis who think she would be the ideal candidate at this time. Livni has not released any information about her upcoming political aspirations as of yet. In recent years, she has seemed reluctant to rejoin the stormy Israeli politics.

And there is Avi Himi, the former president of the Israel Bar Association who, as a Sephardic Jew, a self-made man, and a staunch opponent of the judicial reforms, briefly appeared to be the ideal candidate. But Israel's Channel 13 accused Himi of harassing a young female lawyer the day after an interview with him appeared in the Haaretz weekend magazine. The police decided to probe the story, while Himi claimed that he was romantically involved with the woman and blamed his opponents for framing him. In the meantime, Himi's nascent leadership has become a moot point.

Could a leaderless protest succeed? History is replete with instances. The most recent examples are the Ukrainian Maidan Revolution in 2014 and the Arab Spring in 2011. The Arab Spring fell short of expectations for a number of reasons, bringing neither democracy nor prosperity. The protests in Ukraine's Maidan Square were more successful—the pro-Russian president was ousted and democratic elections were held.

Leaderless protests have advantages and disadvantages. Without a leader, they are less vulnerable to political pressure, as there is no leader to frame or pressure. Additionally, it is much simpler for people to join the protest when it is not associated with just one person or political organization, allowing a wider spectrum of groups to participate. However, there is often a great benefit in having a revered and respected leader, a charismatic and bright woman or man who could inspire the masses and lead the way.

The current tidal wave of protests demonstrates the strength of civil society in Israel. But it also reveals the weakness of the political parties of the left. While current political leaders will fight for their place under the sun, some new figures might emerge and change the face of Israeli politics in the future. ✳

KSENIA SVETLOVA

Ksenia Svetlova is a research fellow at the Institute for Policy and Strategy at Reichman University (IDC Herzliya) and a director of the program on Israel–Middle East relations at Mitvim Institute. She is a former Knesset member.

Protest against Israel judicial reform in Tel Aviv, Israel, January 2023.
Photo credit: Eyal Warshavsky / SOPA Images/Si via Reuters Connect

A demonstration in support of Israel's judicial reform, in Jerusalem, March 27, 2023. Photo credit: Reuters

THE BATTLE OVER JUDICIAL REFORM IN ISRAEL

by Eran Lerman

For the past three months, a fierce debate has been tearing Israel apart, all too often generating much heat, on partisan lines, but little light. Opponents of the new government's proposed reforms see them stripping the judiciary of its independence and thus endangering the country's democracy. Proponents see these proposals as a long overdue initiative to restrain the supreme court's activism and bring Israel's judiciary in line with those of other parliamentary democracies.

THE JUDICIAL REFORM AGENDA

What are the original four reform proposals put forward by the Minister of Justice Yariv Levin on 4 January 2023, and what would they entail?

The first reform would enable the Knesset (with certain reservations) to override Supreme Court rulings that strike down laws enacted by the Knesset. In the past generation, the Supreme Court has struck down 22 different laws passed by the Knesset on the grounds that the laws contradict Israel's Basic Laws (which, in the absence of a written constitution, serve as the legal foundation on issues such as human rights). Under Levin's suggested reform, a super majority of 12 out of the court's 15 justices would be required to annul a law, while a simple majority of the Knesset could then override the decision. The Basic Laws, which are quasi-constitutional in nature but can be approved by a majority vote in the Knesset, would not be subject to judicial review at all.

The second reform would bar the judiciary from overruling certain executive actions (such as appointments for office) on the grounds that the action is "extremely unreasonable." The Supreme Court most recently used this "reasonableness" test to bar the head of the Shas party, Aryeh Deri, from serving in ministerial positions in the new government. In 2021, Deri had settled a tax evasion case against him by pledging not to reenter politics. His interpretation of this settlement – as extending only until the next elections - differed from that of the court, and was ruled by 14 out of 15 as "unreasonable", thus requiring the Prime Minister to remove him from office – which he did, reluctantly, on 21 January 2023.

The third reform - and the only one to date on which legislation was actually passed by committee and put on the Knesset table - would change the composition of the judicial appointments committee. The existing committee has a minority of politicians (four out of nine—of which one is from the opposition) and a majority of serving judges and representatives of the lawyers' association. The original version of the reform would have given the politicians of the ruling government a controlling majority of six – three ministers, three Members of Knesset – out of 11 in the new

committee (the other five being two MKs from the opposition and three judges). Even Levin came to realize, however, that this would amount to unbridled control of the Supreme Court by the ruling coalition. The modified version now on the table suggests that only two new justices can be appointed by a simple majority of the appointments committee in each term of the Knesset – all other supreme court appointments would require at least 7 out of 11 members of the committee, so that the opposition and the judges (together) would have a veto.

The fourth reform would change the reporting structure of the legal counsels of the various government ministries. They would henceforth report to the ministers, who are politicians appointed by the government. Currently, the legal counsels of the ministries report directly to the independent attorney general, on the theory that the legal counsel of a government ministry should work for the public interest, and not for the minister. Proponents of the reform argue that too many lawyerly reservations have made it difficult to govern. Opponents warn that the change would give the politicians free rein to circumvent the law.

THE OPPONENTS' CASE

The banner of democracy is being raised by both sides. Chief Justice of the Supreme Court Esther Hayut stated in no uncertain terms that the government's proposals are a threat to judicial independence. A forum of Israeli law professors has supported her position. The forum has concluded that although each of the four reforms has equivalents in other democracies, their overall effect amounts to an erosion of judicial independence. The British parliamentary model on which Israel's government is based has other mechanisms, not present in Israel, that allow the British courts to have effective judicial review of executive action. So do the constitutional checks and balances in the United States and elsewhere.

One frequently heard attack on the reform proposals is that they are actually revenge against the legal establishment for prosecuting Prime Minister Netanyahu on criminal charges and that the reforms are a thin cover for a ploy to annul the criminal proceedings against him. Netanyahu denies any such intention, however, and Justice Minister Levin has been pushing for precisely these reforms long before Netanyahu was indicted.

Another warning against the reforms - mentioned by Alan Dershowitz in his JST article - is that reducing the judiciary's independence makes individual Israelis more vulnerable to international criminal proceedings on grounds of war crimes. At present, one effective defense against such proceedings is that Israel's judiciary itself provides effective legal recourse for potential official wrongdoing. Reducing judicial independence may corrode this defense.

Above all, it was the continuing strong reaction to these proposals, well described by my JST colleague Ksenia Svetlova as a "leaderless protest," which changed the basic equation of Israeli politics. Beyond the sheer numbers, in the hundreds of thousands, two powerful sectors of Israeli society lent support to the protests.

First came the business sector's reactions, including threats of moving abroad by high tech industries, a coordinated strike by business groups and labor unions, and warnings from economists regarding the reforms' impact on Israel's official debt rating.

Second was the rising chorus from the ranks of the reservists in elite IDF units – most pointedly, fighter pilots - warning that they will not serve under a "dictatorship." The very foundations of national cohesion were coming under threat.

WHAT DRIVES THE SUPPORT FOR REFORMS?

Many in the media have done a good job of explaining the "anti-side" of this debate. Far fewer are those who seek to understand and explain the other side; that is, why so many in Israel do believe that the Supreme Court has

A demonstration in support of Israel's judicial reform, in Jerusalem, March 27, 2023. Photo credit: Reuters

excessive powers that need to be reformed. There are both political and legal roots for this reform movement, and both are described below.

The core political support for the reforms could be described as a right-wing populist reaction against the "deep state"—not only against the judiciary but also the military and intelligence establishments, much of the business community, and the mainstream media—perceived by many on the right as dedicated to denying them, the majority of the electorate, the prospect of governing according to their own lights.

Often cited examples in which the soldiers, intelligence officials, judges, and journalists all acted against the wishes of what is now the majority include the support they gave to the Oslo process in the 1990s, to the disengagement from Gaza in 2005, and more recently to the Lapid government's compromise with Lebanon on the delineation of the maritime borders. A recent source of political mobilization is the fresh memory of riots in several Israeli cities with mixed Jewish and Arab populations during the fighting in Gaza in May 2021, which generated fear and anger, and largely accounts for the rise in popularity of Itamar Ben-Gvir, his party, and what they stand for.

Yet, alongside these general political grievances, there is also the more focused legal concern with what many in Israel have come to see as the "hyperactivism" of the Supreme Court since the 1990s, particularly under the

leadership of former Chief Justice Aharon Barak (1995–2006). He openly held that "everything is justiciable," and undertook—almost immediately after his appointment—to interpret two Basic Laws of the Knesset passed in 1992 as constitutional in nature (on Human Dignity and on Freedom of Occupation). In doing so, he empowered the court to annul other laws, passed later, as unconstitutional, if they were deemed to contradict these Basic Laws. As critics noted, these Basic Laws were passed without a constitutional ratification process and with the smallest possible majority of a Knesset quorum.

Justice Barak used a relatively obscure case—the cancellation of the debt of one cooperative village in the north (United haMizrahi Bank v. Migdal Cooperative Village, 1995)—to assert this authority of the court, and over the years he further extended this interpretative power. His successors through 2012 followed his lead. In the book The Sword and the Purse, written in Hebrew in 2013, former Minister of Justice Daniel Friedmann detailed the rise of this "judicial revolution" and decried its attendant dangers. So did many others in Israel, including some (like Friedmann himself) who are now opponents of the reforms as currently proposed.

One often cited example of judicial activism has to do with illegal immigration from Africa. Right-wing activists, particularly in south Tel Aviv where working class Israelis live next to even more impoverished illegal entrants from Africa, pushed for firm measures against such "infiltrators." On four different occasions, the Supreme Court annulled as unconstitutional the laws and regulations aimed at incarcerating or deporting migrants and asylum seekers – which angered those in Israel who see their presence as a threat. One of these vocal activists, May Golan, is now the Likud Minister of Women's Status, and an aggressive supporter of clipping the Supreme Court's wings.

Alexander Hamilton wrote in Federalist No. 78, that "the judiciary will always be the least dangerous to the political rights of the Constitution" because it "has no influence over either the sword or the purse." But proponents of the government's reforms make the case that Israel's Supreme Court has indeed asserted the power to control both purse and sword and has thus become, in their view, the most dangerous branch of government. It's past time to rein it in, they say.

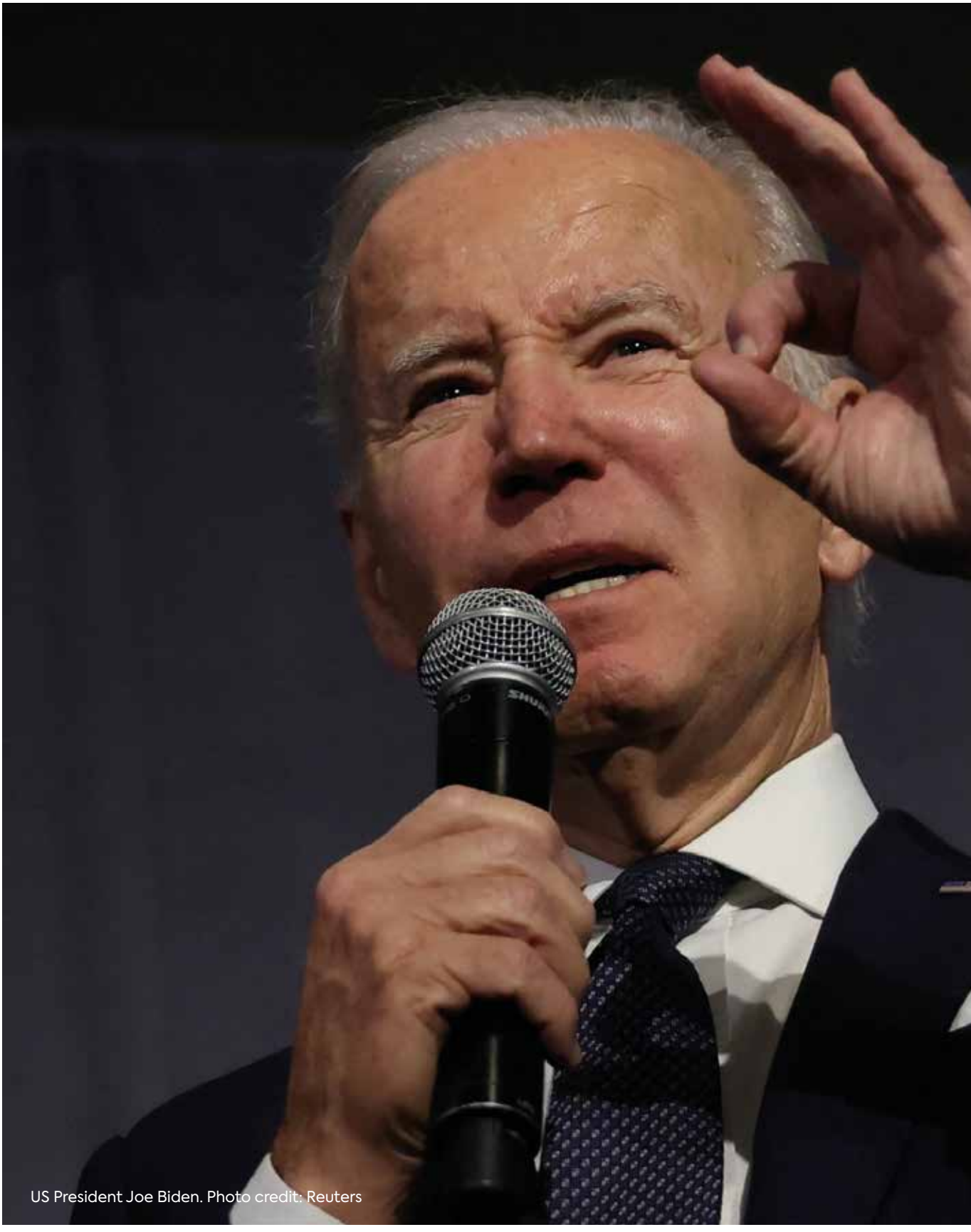
A WAY OUT?

Even many opponents of the current bills admit that some form of judicial reform is indeed necessary. What they suggest, however, is to put the government's project on hold and negotiate a compromise package. Prime Minister Netanyahu initially rejected any such delays but was finally persuaded by the ever widening protests to declare a pause on the legislative package during the Jewish holiday.

As of early April, Israel has entered a month of spring holidays (Passover followed by Memorial Day and Independence Day) amidst a clash with Hamas and potentially with Hezbollah in Lebanon. Under these circumstances, it is possible to imagine a "genuine" negotiated compromise - to use President Biden's phrase - being reached at President Herzog's residence. For a growing number of Israelis, this is the only way out of the fierce debate of the last three months. ✳

ERAN LERMAN

Col. (ret.) Dr. Eran Lerman is a former senior intelligence officer. He served as Israel's deputy national security adviser (2009–2015), and prior to that as director, AJC Israel and ME office (2001–2009). He is currently the vice president of the Jerusalem Institute for Strategy and Security and a lecturer at Shalem College.



US President Joe Biden. Photo credit: Reuters

Restraint as a US Foreign Policy Strategy and the Future of the US–Israel Relationship:

AN EXCHANGE OF VIEWS

by Robert Silverman, Steven Simon

Steve,

Our friendship goes back to graduate school days at Princeton and continued throughout our careers in US government service. We have moved in opposite directions politically—you to center-left and me to center-right—though we probably still agree on a lot. Let's explore two issues—the general issue of whether or not the US needs to retrench and generally exercise restraint overseas and the specific issue of whether or not the US and Israel are gradually moving away from their special relationship.

Let's start by acknowledging an issue that you got right—US restraint in Syria in 2012–2013. You were among the National Security Council staff during the Obama administration urging that the US refrain from engaging in direct military intervention, after the Syrian regime crossed Obama's red line of chemical weapons use. On the other side of that debate were some powerful voices—political appointees arguing a "responsibility to protect," Middle East experts in the State Department, and others worried about a loss of US credibility if force wasn't exercised. President Obama sided with your view that the costs of direct US military intervention in Syria would be higher than the costs of inaction. You were right.

My concern is with universalizing a policy of restraint and applying it to cases where the costs of inaction are likely to be much higher than they were in Syria in 2012–2013. We read in graduate school Ernest May's work on "The Uses and Misuses of History in American Foreign Policy." May cites cases where American policymakers took lessons from the recent past and applied them to new situations with disastrous results. Are you and others who advocate a general policy of US restraint falling into the Ernest May trap? There's also George Kennan, who criticized US interventions in Vietnam and Iraq but who also thought an American policy of restraint was wrong in cases where action—including sometimes military intervention—was, in his view, required by the national interest.

Underlying a general policy of American restraint overseas, I suspect, is a notion that the US is in relative decline and must therefore refrain from overseas commitments. I disagree. American decline might be arithmetically true only if one takes an artificial unipolar moment as the point of reference, for instance US domination for a few years after World War II. But here is a relevant indicator: The US has remained over the past 50 years at roughly one quarter of world economic output, which is higher than Britain's share of world output when it was the world's superpower. China has grown in power, but at the expense of Europe's relative share; the US share of world power has remained remarkably consistent over the past 50 years. Since 1983 when you and I were in graduate school, the US has enjoyed the two longest economic expansions in its history. Anecdotal experiences of American diplomats support this reality: The US is the most important country in

the eyes of nearly every other government in the world. We remain the indispensable power.

Now if we convince everyone of the assumption that the US is in decline, and a US administration acts in line with that assumption, then it can become self-fulfilling. The goal should be to manage expectations, to borrow a concept from the world of central bankers who manage interest rate expectations as the best way of influencing inflation. For me, the key question for exercising US power overseas is about our ability to mobilize allies and manage their expectations of a decisive use of American power. We need situations like the first Gulf War (hundreds of thousands of allied troops) and not the second Gulf War (a paltry "coalition of the willing"). Even the Roman Empire, at its height, relied extensively on its allies' auxiliary troops for much of its fighting and policing.

Assumptions of US decline corrode our ability to mobilize allies (and also the American public) for future cases where restraint will not be the right policy. The message from our government should be of our readiness and willingness to act, to lead from the front, not from behind, when the national interest is involved. I believe the Biden administration has done a decent job of this message on the Russo–Ukraine war; I don't know if you agree.

I also see daylight between us on the specific issue of the special relationship between the US and Israel. Six years ago, you warned that this relationship was in danger because of the "fraying of shared values," caused by politics in Israel drifting rightward. You believe Israel's democracy is in danger and thus the US–Israel relationship is endangered over the long term. But others look at Israel and, despite all its problems, see a thriving democracy and a society with institutions and a political culture that embrace civil liberties. Freedom House once again in 2022 ranked Israel as "free," the only liberal democracy in the greater Middle East.

You write of a concern that the US–Israel relationship will become a "pale version" of what it once was. When exactly was this Camelot? There have always been frictions between the US and Israel, which is common in close relationships between two countries. The reality I see is that US–Israel relations have only grown closer over the decades by any objective measure.

We probably agree on some of the problems inside Israel. For instance, there is discrimination toward Israeli Arabs in Israeli society. But we draw different conclusions. You look at this society and see reasons for the US and Israel to grow apart. I see the same problems but note that Israelis themselves are focused on them and have made progress, sometimes with fits and starts but progress nonetheless. For instance, in 2021, for the first time in Israel's history, an Israel Arab political party joined a governing coalition. How does that fit in with your 2016 prediction of Israel and US moving inexorably in "their separate ways"?

I know that you do not share the anti-Israel animus of some in American academia who would like your predictions of a fraying US–Israel relationship to come true. You do not support a boycott, divestment or sanctions campaign against Israel. Thus, I would like to give you space to describe your position on Israel, six years after writing this dire prediction for US–Israel relations, and perhaps to contrast your policy recommendations with those who would like to break off the relationship.

I look forward to your reply on both the place of the US in the world and on US–Israel relations. As my esteemed colleague and elder, I give you the last word.

Warmly, Bob

ROBERT SILVERMAN

A former US diplomat and president of the American Foreign Service Association, Robert Silverman is a lecturer at Shalem College, senior fellow at the Jerusalem Institute for Strategy and Security, and president of the Inter Jewish Muslim Alliance.

Bob,

Your letter is thoughtful as always. I've learned a great deal from you over the years and hope that tradition continues well into the future.

To your questions about restraint, retrenchment, and decline: Restrainers are a diverse group. It's difficult to generalize about their worldviews, let alone their policy prescriptions. The Quincy Institute, which seems to have become a standard bearer for restraint in the American context, defines itself as transpartisan and cultivates relationships on both sides of the aisle, from the progressive caucus to the freedom caucus. This covers a lot of ground. For me, and I suspect many others, it's a policy orientation linked to the Realist school of international relations theory. For those who reflexively favor the use of military force, it's become an epithet.

Whether restraint is a kind of Democratic Party affliction should be answerable on the basis of the record. Theodore Roosevelt's Progressives were imperial warriors. Woodrow Wilson led the US into World War I, and FDR brought the US into World War II. Truman waged war in Korea, LBJ in Vietnam, while Clinton and Obama had their share of military adventures on a more modest scale. Republicans were responsible for two major US interventions in this period, both in the Middle East. In historical perspective, Republican administrations prior to George H. W. Bush have been more reluctant to use force, but since then, they have been more enthusiastic than Democrats. And their wars have been distinctly counterproductive.

My reading of the restraint community writ large is that it is skeptical of the use of force because, in the post-war US experience, it has not been notably successful in achieving its objectives. Israel, as Chuck Freilich has pointed out, has also failed to achieve its war aims after 1967; hence "ha-ma'arakhot beyn ha-milḥamot" (the campaigns between wars). Whatever one might postulate about the future cost of inaction, the costs of action in the real world have been carefully and responsibly calculated by scholars at Harvard and Brown universities. And that cost has been massive. Perhaps the meaning of the sacrifice would be different had the use of force advanced US strategic interests, but regrettably, it has not been done. The costs, after all, are geopolitical as well as human and financial. Iran's influence in Iraq, for example, is the result of US intervention.

Have restrainers fallen into Ernest May's historical thinking trap? The fact, as May observed, is that everyone thinks "in time." And those who emphasize the putative costs of inaction are no exception. As he and many others have pointed out, the evergreen Munich analogy has spurred much mischief by those who dwell on the possible cost of inaction in the context of current disputes. The analogies and precedents that inform foreign policy thinking can be interpreted in diverse—and perverse—ways. In a sense, there is no such thing as thinking outside the box.

Restrainers strike me primarily as pragmatists. As the old joke goes, I'm in favor of pragmatism so long as it works. Pragmatists do, in fact, ask whether inaction is likely to be more costly than action or vice versa. The Quincy Institute—the only organized part of the broader restraint community that I'm familiar with—has been notably supportive of the Biden administration's overall handling of the Ukraine crisis, while carefully reminding the administration of the need to seize diplomatic opportunities that might arise over time. No doubt there are other "restrainers," such as John Mearsheimer at the University of Chicago, who are fiercely critical of US support for Ukraine and the NATO alliance, but I can't speak for them.

You are certainly right that there is a desire for US leadership. But it's a peculiar desire. Let's take the Iran nuclear deal as an example. The Americans led this, organized a multilateral negotiating effort, got the Iranians to agree to terms that would have made the creation of a nuclear weapon well-nigh impossible for 15 years. American leadership, however, was rejected by Israel and certain Arab Gulf States. Fair enough; if Israel and the other states truly believed that

there were better alternatives to the deal, then that was their privilege. But this turn of events suggested that for Israel and the Arab Gulf States, American leadership had been paradoxically redefined as the US following the lead of the very states clamoring for its leadership.

The one theme that seems to be missing from the restraint discourse that I have encountered is American decline as a predicate for restraint. It is commonplace that the US has experienced relative decline in terms of its share of global gross domestic product virtually since the moment that the smoke cleared in 1945. It is also commonplace that the size of the US economy, the depth of its credit markets, its enormous defense budget, and nuclear posture confer a global preeminence on the US, putting its relative decline in perspective. My own view is that the threats to America's power and influence are, for the most part, internal. Disinvestment in education, infrastructure, public health and health care delivery, vast income inequality, and deep societal divisions constitute the real basis for decline. Reading through Dan Ben-David's latest reports on these sectors in Israel—and I am grateful to you for introducing him to me—one might come to the same conclusion about Israel. In any case, the restrainers I know tend to focus on foreign—not domestic—policy and on the core questions of US interests, the threats to those interests, and the most efficient way to defend against them. And generally speaking, their analysis indicates that military intervention has proven to be neither efficient nor effective, while recognizing that at times the threat of force might be the only plausible response option in a crisis.

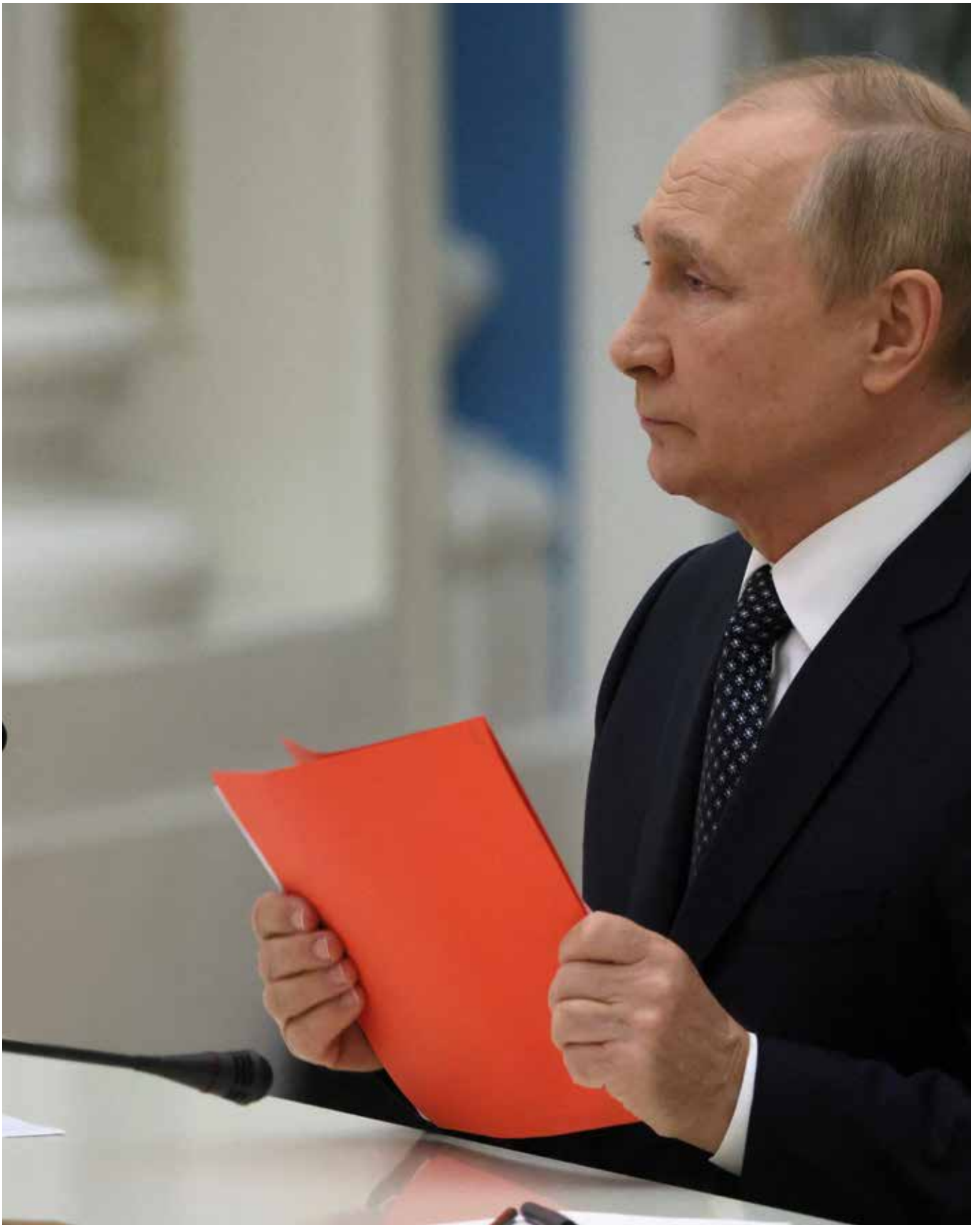
As for our respective views on Israel, my fervent wish is that it enjoys a strong relationship with the US and American Jews of every denominational stripe. Yet, as Dana Allin and I argued in "Our Separate Ways: The Struggle for the U.S.–Israel Alliance," there are—as typical in life—impediments to wish fulfillment. As you point out, the US–Israel relationship has had some tense periods virtually since the founding of the state. But, until Prime Minister Yitzhak Rabin's assassination, the two states were, if somewhat inconsistently, in sync in the realm of shared values. This was expressed, importantly, by the bipartisan nature of the American interest in and support for Israel. My sense is that since then, Israel's leaders have placed a strategic bet on the Republican Party, reckoning that, over the long run, Israel's interests would be best served if the Republican Party held the reins.

Thus, for the US and Israel, much will depend on how the tug of war between Democrats and Republicans plays out in the coming years. This explains why the funding arm of the American Israel Public Affairs Committee (AIPAC) supported 37 Republicans who voted not to certify Biden's election on January 6, 2021, and why Israel has cultivated the support of Evangelicals. If the Democrats consolidate their gains while the Republican Party is distracted by a debate about its post-Trump purposes, the gap between US and Israeli values will widen, even as the perceived strategic significance of Israel shrinks—especially if the new Israeli government implements the domestic policies for which it has advocated. In this scenario, the relationship will weaken over time. If, on the other hand, the Republicans accede to power, the values animating their politics will permeate their foreign policy, and the US–Israel relationship will flourish even as its American constituency narrows. But these are not the values for which Americans have fought in the past. And in the absence of compelling strategic interest, they won't fight for them in the future. That large-scale, sophisticated opinion surveys indicate that younger Americans are less likely to think about Israel in positive terms suggests that this is a real risk for Israel. Better "hasbara" (public diplomacy), I'm afraid, will not be the answer.

Back to you, Bob!

STEVEN SIMON

Steven Simon is the Robert E. Wilhelm Fellow at the Massachusetts Institute of Technology and a research analyst at the Quincy Institute for Responsible Statecraft. He served as the National Security Council's senior director for the Middle East in the Obama administration and in other US Government foreign policy positions.



LESSONS OF THE RUSSO–UKRAINE WAR

Russian President Vladimir Putin.
Photo credit: via Reuters

by Daniel Fried

Russia's war of aggression against Ukraine has been underway for almost nine years and more than one year in its current, full-scale form. What we can learn from the war's origins and initial stages may assist us in finding the right policies to help end it on the best possible terms for Ukraine and ourselves. Some lessons follow.

RECOGNIZE AN ADVERSARY

Putin once appeared interested in a constructive relationship with the West and the US specifically. He reciprocated President George W. Bush's offer of friendship and cooperation or seemed to. He deepened Russia's relation with NATO even as the alliance offered membership to Central European nations, including the Baltics, and after it had fought against Serbia to protect Kosovo. At home, he cast himself as a modernizer and restorer of the Russian state after what was seen as the chaos of the 1990s, but not in opposition to the West or to democracy. Among other things, he explicitly recognized in 2002 that "Ukraine is a sovereign, independent nation state and it will choose its own path to peace and security," as then NATO Secretary General George Robertson recalled. It was reasonable to reach out to him.

But that changed. In the early 2000s, Putin curbed the power of the hated Russian oligarchs; instead of strengthening the rule of law, he made them his own servants. He took the private companies that had been created on the ruins of the Soviet economic system, but instead of putting into better governance, whether private or state, he made them part of a new system of personalized control. He crushed independent television, the first step in destroying Russia's free media. Putinism came to include a climate of intimidation against opponents (like Mikhail Khodorkovsky, imprisoned for eight years). Murder of political opponents or merely inconvenient people started early on, including the assassination of journalist Anna Politkovskaya in 2006.

Oppression at home heralded an aggressive world view. While he accepted NATO enlargement (which the US had championed), he reacted with alarm and hostility at the "color" revolutions in Georgia and Ukraine (which took the US by surprise). Wrongly assuming a US hand in these, he took them as a violation of his demand that Russia be given a free hand in its sphere of domination. In 2007, at the Munich Security Conference, Putin presented another face to the world, hostile to the West and its values, the first full-blown expression of what we now know as Putinism.

The US and Europe both ignored that speech. Then US Secretary of Defense Robert Gates brushed it off with a light-hearted dismissal. But it was in earnest. Putin intensified

Russian military vehicles in the South Ossetia, Georgia, August 2008. Photo credit: Reuters

pressure against Georgia, then in full pursuit of a European future for itself. The US was slow to recognize the threat, and many Western European countries were indifferent to it. At the NATO Summit in Bucharest in 2008, the alliance split on Georgia and Ukraine, and when Putin threatened Ukraine by making a claim to Crimea in his speech at the NATO-Russia Summit, the US and West European allies acted as if it had not been made.

When Putin attacked Georgia in August 2008, the US understood that it had been too slow to understand Russia's dark turn. It supported Georgia and probably saved it from being overrun entirely. In a powerful, now forgotten speech that fall, Secretary of State Condoleezza Rice recognized Putin as an adversary. But the Obama administration, in office the following January, dismissed the Russo-Georgian War and attempted to revert to previously constructive relations through the "Russian Reset." The West Europeans, especially the Germans and French, and some in the Obama administration even tended to blame Georgia's leader, Mikheil Saakashvili, for provoking Putin.

Putin continued down his path of deepening autocracy at home and aggression abroad. In late 2013, Putin pressured his client in Kyiv, President Viktor Yanukovych, to rescind his promise to commit to a modest association agreement with the EU. This triggered protests

University damaged from a missile attack in Kramatorsk, Ukraine, December 2022. Photo credit: Reuters

that Yanukovych tried to suppress through increasing violence, which led to a revolt and Yanukovych's fleeing the country in February 2014. Putin promptly invaded Ukraine, attacking first Crimea and then the Donbas, again catching the US and Europe off guard.

The US and Europe reacted to the first phase of Putin's War against Ukraine with sanctions that seemed strong at the time. That, plus Ukraine's resistance, precipitated Putin's tactical retreat. He dropped (temporarily, as it turns out) his claims to huge parts of Eastern and Southern Ukraine, the areas that Russia now claims as its own, and accepted the Minsk Accords negotiated with the French and Germans, which acknowledged the Donbas as Ukrainian territory. But Putin did not allow the Minsk Accords to be implemented. Russia never fulfilled its first step, a ceasefire. And when Russia's bad faith with respect to Minsk became clear, the West failed to respond with escalating sanctions but temporized and seemed relieved to have the Russo–Ukraine war relegated to the back burner.

Putin returned to escalation against Ukraine, starting a new military buildup in the fall of 2021. This time, the US read the signs correctly, anticipated that Putin would start a war, and attempted to dissuade Putin through a deft combination of warnings and offers to address

Former Israeli Prime Minister Naftali Bennett and Housing Minister Zeev Elkin (acting as translator) in a meeting with Russian President Vladimir Putin in Sochi, Russia, October 2021. Photo credit: EYEPRESS via Reuters Connect

any legitimate security concerns Russia might have. It was well done. But it came too late. And the US was almost alone in anticipating Putin's war plans. The German government seemingly could not believe that Putin would escalate to a full-scale war, and it spent almost as much political capital in defending the ill-considered Nord Stream 2 gas pipeline as it did in urging Putin to stand down from war.

AND THE WAR CAME

Going into detail helps recall that Putin's turn to tyranny and aggression took place over years. We were warned. At many turns, the US and Western Europe misread or underread the signs, reacted sluggishly or without commitment. The Poles and Balts, prescient and perceptive about Putin, were sometimes dismissed as Russophobic. The Western Europeans and many in the US lacked imagination, as if after decades of misplaced analogies to Hitler and the 1930s, the emergence of a genuinely aggressive tyrant making war in Europe was simply impossible to credit.

Those who say that they believe in restoration of empire, who make claims against their neighbors, and warn of their aggressive intentions and worldview should be taken seriously.

TAKE DEMOCRATIC SOLIDARITY SERIOUSLY

The US assumed that Russia would quickly prevail over Ukraine. The Kremlin seems to have made a similar assumption, further assuming that the US and Europe would fold in the wake of the assertion of Russian will and power. But Ukraine did not collapse and the West did not back off. The power of Russia's tyrannical system was not as great as fear made it, and democracies were more resilient when it came to the test. Ukrainian patriotism was deep and linked to a democratic vision of the Ukrainian nation and state, articulated by President Volodymir Zelenskyy. That vision and the brutality of Russia's war captured broad support in Europe and the US for Ukraine that surprised most Western governments.

Strategically, the US, Canada, and Europe took Putin's assault on Ukraine as a systemic challenge to the rules-based international system and to the democratic values that system had been designed to advance. They rejected the German approach of "change through trade," the mistaken assumption that interdependence—especially in energy—led to stability and would foster systemic convergence. They rejected the spheres-of-influence alternative, championed by President Trump and many of the so-called "Realist" school, ready to abandon Ukraine to Moscow's control.

The US and Europe imposed sanctions greater than anything the Obama administration had planned and kept with them. As Washington came to understand that Ukraine might successfully resist the Russian onslaught, the US stepped up its delivery of weapons of increasing sophistication, joined by the UK, Poland, and many other European nations, especially those with the greatest experience with Russia. Poland became an embarkation point for a massive logistics operation that recalled the Lend-Lease Act of 1941. Poland and other European countries welcomed millions of Ukrainian refugees.

The Kremlin seemed surprised by the speed of the initial sanctions, especially the locking down of a major part of Russian foreign exchange reserves. It seemed even more surprised that Europe did not retreat when Russia threatened and then implemented energy cutoffs. Whatever doubts Europeans and Americans may have had about backing Ukraine, the atrocities committed by Russia and stirring Ukrainian defiance generated consistently high levels of support for Ukraine's cause. The Kremlin may have also counted on support from the Global South, much of which harbors lingering memories of Moscow's ostensible "anti-imperialism." And there has been some. But Russian atrocities burnt away much of this residual political capital, to the point where the statement made by the November G20 leaders, in negotiations led by Indonesia, included a paragraph excoriating Russia's war against Ukraine, meaning that Russia (and China) had been passed over by a South-West combination.

Russia could still win the war. Its attacks on Ukrainian civilians and its potential to mobilize could force Ukraine into negotiations on Putin's terms. But so far the record of the war and steady signs of military, economic, and social difficulties, as Putin's promise of an easy victory fades, suggests otherwise. Democracies have some ability to affect the outcome, perhaps only on the margin, but, sometimes marginal differences determine victory or defeat.

BEWARE OF TRANSACTIONALISM

Israel has surprised (and dismayed) some by its reluctance to do more to support Ukraine in its struggle for its survival. The Israeli government's assessment of its own interests and vulnerabilities was well described in this journal by Rakov and Shuker. According to this view, Israel is rightly sensitive to the potential pressure that the Kremlin could impose on Russia's Jewish community, and must keep in mind that Russia could make trouble for Israel through Syria or otherwise. These are real

vulnerabilities. But there is another side.

A transactional calculation of national interests is hardly unique to Israel. But it often leads to bad policy outcomes when applied to Russia. Critics of Germany's Russia policy have pointed out that it conveniently made a strategic virtue out of German business interests and led to a failure of strategy, poor energy policy, and greater costs to the German economy. Hungary's government has made transactional arguments for its sympathetic approach to the Putin regime and has approached Ukraine through the prism of a narrow definition of Hungarian national interests, rooted in a flirtation with irredentism and historical animosity toward the European borders that emerged after 1918.

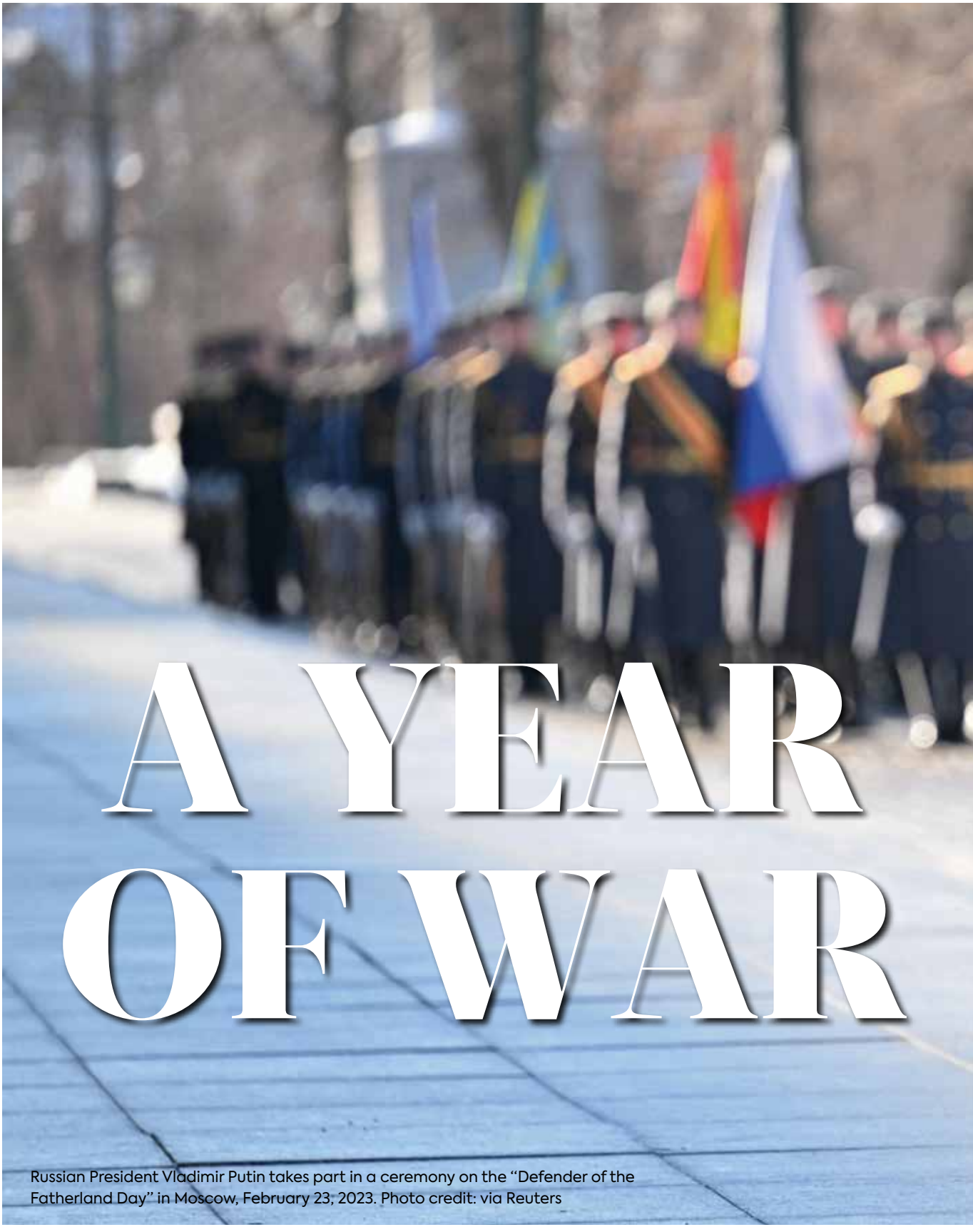
While Israeli vulnerabilities to Russian pressure are real, Baltic vulnerabilities are greater. Yet these countries have championed staunch resistance to Putin's aggression, seeing their national interests advanced by a defense of democracy in general. They see Ukraine, whose sovereignty is under attack from an outside, aggressive autocracy in this context. The Baltic countries, Poland, and other European nations have weighed their vulnerabilities vis-à-vis Russian pressure and have decided that their national interests are better served by consistency of principle and defense of values.

Israeli arguments for keeping its distance from Ukraine can be made on narrow, realpolitik grounds. Such arguments have been used over the years by those who opposed US support for Israel, also on realpolitik grounds. American officials made those arguments in opposition to US recognition of or support for the state of Israel (on the grounds that it would alienate Arab countries and thus damage US interests in the emerging Cold War). In their famous book from 2007, "The Israeli Lobby and US Foreign Policy," Professors John Mearsheimer and Stephen Walt argued that the power of the Israeli lobby was distorting US appreciation of its own, true national interests in favor of excessive support for Israel. (Professor Mearsheimer is currently arguing that US support for Ukraine is similarly excessive.)

Arguments for Israeli caution in support of Ukraine may not be trivial. But should they be dispositive? Israel itself has long made arguments that it deserves support of its own democracy, on the basis of a generalized democratic solidarity. These are not the only arguments in favor of US support of Israel, but they are powerful ones and have been sustained over decades. A broader definition of national security rooted in values is not affectation or cant; for Ukraine, such a definition has proven powerful. Israel should reconsider its support for Ukraine, a country fighting for its life in the name of both national patriotism and broader universal values, an argument Israelis know well. ✳

DANIEL FRIED

Daniel Fried, a former US diplomat, served as assistant secretary of state for Europe, ambassador to Poland, and special assistant to Presidents Clinton and Bush on the National Security Council staff. He is now a Weiser Family distinguished fellow with the Atlantic Council.



A YEAR OF WAR

Russian President Vladimir Putin takes part in a ceremony on the "Defender of the Fatherland Day" in Moscow, February 23, 2023. Photo credit: via Reuters

by Anna Borshchevskaya

A year after invading Ukraine, Vladimir Putin defines the war as an existential battle for Russia's survival. In a classic case of the aggressor blaming the victim, Putin says the West invaded Russia using Ukraine. "It's they [the West] who have started the war. And we are using force to end it," he said on February 21 in his address to Russia's Federal Assembly. "The people of Ukraine have become hostages of the Kyiv regime and its Western handlers... Over the long centuries of colonialism, diktat and hegemony, they [the West] got used to being allowed everything."

For years, Western leaders accommodated Putin and dismissed suggestions that in a non-conventional sense, he was already at war with them. It took an invasion the scale of which Europe has not seen since World War II to hear this message. President Biden and other Western leaders continue to pledge to support Ukraine for as long as it takes in what they anticipate to be a long war. Yet if the war goes on for years, the Ukrainians will be at a disadvantage, despite their courage and resolve.

CURRENT STATE OF PLAY

Western observers have focused largely on the Russia's inability to conduct modern warfare. But despite coordination and overall competence problems, the Russian military has inflicted severe damage on Ukraine—and Ukraine is no peripheral country; it is the largest country that lies entirely within European continent, approximately the size of Texas. Russia now controls approximately 17% of Ukraine's territory, about 10% more than it did at the start of the invasion.

Ukraine has suffered approximately 100,000 casualties, while the country's economy shrank by a staggering 30%. According to the United Nations High Commissioner for Refugees, over 8 million refugees from Ukraine registered in Europe for temporary protection—approximately a fifth of Ukraine's pre-invasion population of 44 million. Over 13 million people, more than a fourth of Ukraine's population, have also become internally displaced within Ukraine.

According to Ukraine's President Volodymyr Zelenskyy, Russia has damaged approximately 40% of Ukraine's infrastructure. Ukraine remains entirely reliant on Western aid, not only for military assistance but also for subsidies, for example to pay salaries. As Graham Allison, a professor of government at the Harvard Kennedy School has summarized, if the second year of the war goes on as the first year did, Russia will control almost one-third of Ukraine by February 2024.

Russia meanwhile has reportedly suffered approximately 200,000 casualties, twice as many as Ukraine, but its army is also several times larger. Russia's economy contracted far less than many predicted, by 2.1%, and it has not suffered any damage to its infrastructure. To be sure, Russia lost many more people outside the battlefield. Over 3.8 million Russian citizens left the country in the first three months of 2022 alone, according to data from Russia's Federal Security Service (FSB), as reported by The Moscow Times. A further 700,000 have reportedly fled after September 2022, when Putin announced partial mobilization.

If these numbers are accurate, approximately the same number of Russians, if not more, have

The impact of Russia's war against Ukraine on Bogorodichne, Donetsk region, March 2023.
Photo credit: Mykhaylo Palinchak / SOPA Images via Reuters Connect

left the country since the invasion of Ukraine than the estimated four-to-five million during the two decades of Putin's rule. Still, Russia remains a country of roughly 140 million inhabitants, and Putin remains committed to the war no matter how high the costs are. Unlike Ukraine, Russia's military has suffered from poor morale. Still, the majority of Russians support the actions of the Russian military in Ukraine, according to polls by the Levada Center. This Center remains Russia's most trustworthy pollster.

The extent of the Russian public's support remains a matter of debate, as does any polling in an authoritarian country, and, to be sure, Russians are no longer displaying the euphoria of post-Crimea annexation. But it is difficult to get around the fact that the war has not caused the massive domestic backlash that some in the West expected, and fear of state retribution alone does not account for this complacency. Recent evidence even suggests that Russia's losses—to the limited extent that Russian citizens are aware of them—are only increasing support for the war, at least in the short-to-medium term.

RUSSIA AND THE GLOBAL SOUTH

It has become common in the West to talk about Russia's isolation, but Russia is primarily isolated by the free world. The global south, already disgruntled with the liberal world order, is not actively supporting the West and Ukraine, and the majority of the world's countries did not join Western sanctions against Russia. As The Economist documented, a shadow economy of energy shipping and financing infrastructure—

Ukrainian President Volodymyr Zelenskyy during a ceremony in Kyiv, Ukraine, on the first anniversary of the Russian invasion of Ukraine, February 2023. Photo credit: ABACA via Reuters Connect

which includes the Gulf, China, and India—is "robust and extensive." This situation is a major contributing factor to Russia's continued ability to finance the war and prevent severe contraction to Russia's economy. Indeed, India, an emerging global economic power, has increased its imports from Russia, chiefly of Russia's crude, by 400% in this fiscal year. Russia's security and limited economic activity in Latin America is another reason why Russia keeps finding loopholes in sanctions.

Kishore Mahbubani, Singapore's former permanent representative to the UN, explained recently in an article when speaking about the global South, that "in their heart of hearts, many leaders of these countries do not buy the 'black-and-white' story that the West is selling on the conflict: Ukraine and the West are completely virtuous; Russia is completely evil." To further support his point, he quotes South Africa's President Cyril Ramaphosa, who said that, "the war could have been avoided if NATO had heeded the warnings from amongst its own leaders and officials over the years of that its eastward expansion would lead to greater, not less, instability in the region." In other words, South Africa's president leans closely toward the Kremlin's narrative.

Russia continues to strengthen ties with Iran and China, while Russia's overall strategic position in the Middle East and cooperation with Latin America, including disinformation campaigns in both regions, adds to Moscow's ability to project its narrative in these regions. Some might say that Putin's invasion has rallied and brought the West together. But this

assertion—and its durability—will continue to be challenged as long as the Middle East and other parts of the global South remain at best fence sitters who do not see the global dimension of the war that the West sees.

CONCLUSION

It has become common in the US to proclaim over the last year that Ukraine will win and Russia has already lost. But neither has yet come to pass and much remains uncertain. The West deserves credit for coming together and supporting Ukraine. Yet after spending over $120 billion in assistance, the West (mainly the US) has yet to articulate clear goals on which all can agree. For example, what would a victory look like? Ukrainians themselves have suggested it would mean their country emerging as a strong democracy with a functioning economy, but the West has yet to put forth a clear vision of how to reach a victory for Ukraine and a loss for Russia.

More specifically, the West to date has made sure that Ukraine will not lose, but that is not the same thing as helping Ukraine win. The longer the war continues, the more resources Ukraine will need. Putin's strategy remains focused on outlasting Ukrainian troop reserves. He has more resources to bring to bear, especially since he is not isolated globally, and he does not care how many people he loses to achieve his aims. He remains committed to sowing doubt in the West about the capabilities of Ukrainians and overall disunity about Ukraine.

Time is of the essence when it comes to helping Ukraine. The West (again, mainly the US) has followed a pattern of (a) delaying the supply of the types of weaponry that Ukrainians have asked for out of fear of escalation with Russia, and (b) supplying the weaponry anyway, once the Russians use that fear as an opportunity to escalate, changing the situation on the ground so that Ukraine requires the additional aid. Meanwhile, security assistance to Ukraine is likely to face more obstacles than in the past. American support for Ukraine remains strong both on Capitol Hill and among the general public, but questions remain as to the duration of the US commitment. It is no wonder Ukrainians push for an accelerated victory in the coming year rather than protracted warfare.

Putin alluded that his aspirations go beyond the peripheral parts of Ukraine already in his control. But even if there is a change in leadership in Russia, without achieving a complete victory on the battlefield, Moscow's imperial impetus to control Ukraine will not vanish permanently. Yes, in many ways this is Putin's war. But Russia's wrestling with its own identity—and denial of Ukraine's — is at the very founding of the Russian state.

For as long as Russia does not know where its borders end, global peace will remain undermined. Indeed, the invasion presented a challenge to the realist arguments we used to hear for Ukraine's neutrality. Henry Kissinger, for one, now sees that this prescription has brought on the very war that he feared. Unfortunately, as the war goes into its second year, it remains unclear if the West as a whole has fully internalized the right lessons. Ukraine's future—and with it the durability of the liberal world order—is uncertain. ✳

ANNA BORSHCHEVSKAYA

Anna Borshchevskaya is a senior fellow in the Washington Institute for Near East Policy, focusing on Russia's policy toward the Middle East. She is the author of *Putin's War in Syria: Russian Foreign Policy and the Price of America's Absence*.

US President Joe Biden during the press conference at NATO Summit in Madrid, Spain on June 30, 2022. Photo credit: Jakub Porzycki via Reuters Connect

AMERICAN MILITARY GUARANTEES BOOST UKRAINE'S AND NATO'S LONG-TERM PROSPECTS

by James Jeffrey

In a hard-hitting essay published here in the Jerusalem Strategic Tribune, A Year of War, the Washington Institute's Anna Borshchevskaya paints a sobering picture of what Ukrainians, and all in NATO, face. She argues that Russians view the war as an existential struggle for their future. Washington and the rest of NATO are now rightly ensuring that at a minimum Kyiv does not lose and, more vaguely, that it achieves an as-yet unspecified form of victory.

This is a necessary, but not sufficient, condition for Ukraine's survival as an independent state, the core goal of NATO, let alone for a Russian strategic defeat. Saving Ukraine and NATO's security long term requires the United States to dust off its Cold War containment principles, including security guarantees and troop presence, tempered by flexible diplomacy with the opponent.

FOR RUSSIA, AN EXISTENTIAL WAR

Anna Borschevskaya's key point, which some still miss, is that "Putin defines the war as an existential battle for Russia's survival," and that "his aspirations go beyond the peripheral parts of Ukraine already in his control." Furthermore, he is not alone: "even if there is a change of leadership...Moscow's imperial impetus to control Ukraine will not vanish."

Other Russia experts recently sound similar notes, including Paul Goble in the Jamestown Foundation's Eurasia Daily Monitor March 7, and Artem Shaipov and Yulia Shaipova in Foreign Policy March 12, who write "Russia's nature as an imperialist power is incontrovertible." This author agrees, based on his experiences negotiating with Russian leadership on the Georgia and Syria conflicts.

The war in Ukraine is not an accident but rather flows from the same widely shared Russian logic that motivated Nazi Germany to try to equalize its status with the great powers of its day. By population, economy, military power and global influence, Russia is currently a "B+ league" state. For nationalistic and 19th century realpolitik reasons, Russia seeks "A league" status along with the EU, China, and the U.S. The only way for an 'almost great power' to solve this dilemma is to grow, in territory, population, economic and military power, mainly by attacking smaller prey. (Others argue Russia's actions represent more defensive responses, analogous to the UK actions in the Northern Ireland Troubles, see Anatol Lieven, "What the Fall of Empires Tells Us About the Ukraine War," Foreign Policy, 6/20/2022. But as Putin's aggression continues this explanation loses credibility.)

Seizing Ukraine, with almost 30% of Russia's population, and its extraordinary geographic location, resources, and economy, is

an inevitable existential goal. Putin and other Russians stress that their country must either become an A-leaguer – too big to snuff out – or suffer at the hands of great powers the fate of major states like Poland and Mughal India in the 18th century. US protestations that the 20th century made-in-Washington global collective security strategy transcends 19th century realpolitik ring hollow to Moscow in light of what happened to Mosaddegh, Noriega, Saddam, Milosevic, and Qaddafi.

Thus Ukraine, even in the most optimistic military scenario with all captured territory regained, cannot force Russia to abandon its ongoing aggression, any more than North Vietnamese defeats in 1965, 1968, and 1972, and casualties proportionally greater than Russia's, forced Hanoi to give up its ambitions. Moscow can bide its time, rebuild its forces based on its four times larger population, resources and economic base, either to launch another military offensive and/or to hold Ukrainian reconstruction, refugee return and normalcy hostage to Russian forces wherever a ceasefire line runs.

As Borschevskaya writes, "Putin's strategy remains focused on outlasting Ukrainian troop reserves. He has more resources to bring to bear, especially since he is not isolated globally, and he does not care how many people he loses...." Reuters reported March 10 a similar assessment by Lithuanian intel chief Paulavicius that Russia could sustain the same level of effort for two more years. And if that pressure eventually results in Ukraine's collapse or capitulation, NATO will lose its Ukraine buffer and face combat-experienced, victory-flushed Russian forces along hundreds of miles of NATO borders.

BACK TO CONTAINMENT

The current Western focus on supporting Ukraine diplomatically and militarily makes sense, buys time for tough decisions and weakens Russia. But it cannot eliminate Russia's underlying existential threat. Therefore Washington, in consultation with NATO states and Ukraine, needs to accelerate thinking about "the day after."

Judging from the past century there are only two ways to oppose such an expansionist threat. The first is a total war to occupy and transform that power, as done to Nazi Germany and Imperial Japan. The second, as in the Cold War, is to contain that threat until it eventually passes. As the first alternative is suicidal in the nuclear era, that leaves the second. Its core principles have been (1) deter attack by clear security commitments to a defense line as far forward as possible, backed by troops, and (2) provide diplomatic assurances that the defensive alliance is not out to roll back the aggressive opponent, and (3) eventually reach some modus operandi as with the Soviet Union. (Thus the U.S. did not react to multiple uprisings in the Warsaw Pact between 1953 and 1981, and agreed to limited security arrangements from strategic weapons to the Helsinki Final Act.)

What the world has learned since World War II is that, where there is such a security guarantee along a clear line, particularly backed by even a limited US troop presence, aggressors stand down or retreat: South Korea after 1953, Sinai after 1975, Vietnam in 1972, Bosnia and Kosovo after NATO intervention, Kuwait and

The current Western focus on supporting Ukraine diplomatically and militarily makes sense, but it cannot eliminate Russia's underlying existential threat.

Iraqi Kurdistan post-1991, and Syria post-2018. Where there was no such delineation in all the above locations, aggressors struck, regardless of international law, treaties, UN resolutions or ceasefires, exactly as Russia has done in Georgia in 2008, and in Ukraine in 2014 and 2022.

The most logical place to put that line – which is inherently the eastern border of NATO – is, once fighting slows down, along the line of contact in Ukraine, to preserve as much of that country as possible, for moral as well as military reasons.

The details of such security guarantees and troop presence to back such a line cannot be specified in advance, as much depends on the war's course. But the best option would be a UN Security Council peacekeeping mission, with US participation, avoiding a Russian veto by diplomatic concessions including on sanctions against Russia. Other options include UN General Assembly authorization, such as Korea in 1950, a coalition of the willing, OSCE armed presence, or other more informal arrangements. (A NATO mission in, or NATO membership for, Ukraine is unwise as either would likely provoke Russia to perceive offensive, "roll back" intent.) US troops could be assigned in various roles, as peacekeepers, temporary training deployments for Ukrainian forces, or advisors, or enablers for air defense or long-range fires. Numbers and mission specifics are less important than presence and clarity of Washington's intention to fight if the line is crossed.

This author does not dismiss the obstacles to such a strategy. Beyond domestic opposition, the current and future US administrations would likely face NATO partners' anxiety with an American deployment that could drag them into war, and Ukraine might object to Washington supporting only defending its territory, as opposed to recapturing land or punishing Russia. (This was a major problem between the US and South Korea during the 1953 Korea ceasefire talks.)

But those obstacles must be weighed against the fact that there is no other way to guarantee Ukraine's survival long term, a survival now essential to NATO's own: as noted, there is already a U.S.-guaranteed security line on NATO's eastern border, but how credible will that be if Ukraine is lost despite Washington's and NATO's extraordinary efforts? ✳

JAMES JEFFREY

James Jeffrey was deputy national security advisor of the United States from 2007–2008. He also served as US ambassador to Iraq, Turkey and Albania, as Special Presidential Envoy to the Global Coalition to Counter ISIS, and as a US infantry officer in Vietnam. He is currently the chair of the Middle East Program at the Wilson Center.

HOW RUSSIA USED GAS EXPORTS TO TRY TO OVERTHROW A GOVERNMENT

New Moldovan Prime Minister Dorin Recean kneels down in front of a state flag as President Maia Sandu stands nearby during an inauguration ceremony in Chisinau, Moldova, February 16, 2023. Photo credit: Reuters

by Kris Parker

To avoid receiving an energy bill she couldn't afford, Zinaida Negruti, like countless others in Moldova, began spending more time in the dark as fall transitioned into winter. "Most of the time I don't turn on the lights because I am worried it will be too expensive," she says. "I try to use as little as possible."

Beginning in fall 2022, drastic spikes in the costs of electricity made an already precarious situation in Moldova unbearable for citizens like Negruti, a 67-year-old retired teacher from Telenești, a small town 91 kilometers northwest of the capital Chișinău. On a Sunday afternoon in late November, she joined an opposition-led protest outside the Presidential Palace with thousands of others. "We're not against Maia [President Sandu] as a person, we are against the politics that they lead," explained Negruti.

This is a story of how Russia used its natural gas exports to squeeze an energy-dependent European country, leading to the fall of its prime minister and the potential derailing of the country's pro-European Union trajectory.

Moldava is historically reliant on natural gas provided by the Russian state-controlled energy company Gazprom. In October 2022, Gazprom suddenly cut natural gas supplies to Moldova by 30% and deepened the cuts to 40% by November, citing outstanding payments Moldova allegedly owed the company. Gazprom provided 100% of Moldova's gas prior to the cuts, placing the company in an advantageous position to exercise leverage over Moldova's domestic stability.

The sudden reduction led to utility bills eating up as much as 75% of an average Moldovan family's income, according to President Sandu. The resulting public protests, while sustained by legitimate concerns of a population long suffering from a weak economy and a corrupt state, have been primarily organized by opposition parties close to Russia, in an apparent effort to undermine the credibility of the Sandu government as it builds closer ties with the European Union and the United States.

A country of 2.6 million people and former republic of the USSR, Moldova rests between Ukraine to the north and NATO member Romania to the south. It is one of the poorest countries in Europe. Transnistria, a Russian-speaking separatist state allied with Moscow, runs along the north side of the Dniester River and the Ukrainian border for about 250 miles. It has been semi-autonomous since 1992. Home to 470,000 people, the breakaway state hosts an estimated 1,500 Russian soldiers and is the site of the Cuciurgan power plant, the largest in Moldova. Romanian is the official language of Moldova, although Russian is recognized as a minority language.

Gazprom's decision to reduce supply to Moldova came at a critical moment, as the government of President Sandu and Prime Minister Natalia Gavrilița worked toward implementing reforms necessary for joining the EU.

Only two other countries in Europe, Bosnia and Herzegovina and North Macedonia, are as dependent on Gazprom as Moldova. Complicating matters further, Transnistria, home to the Cuciurgan power plant, was previously responsible for providing 70% of

A gas processing facility, operated by Gazprom company, Russia. Photo credit: Reuters

Moldova's electricity, powered also by gas from Gazprom, while the remaining 30% of electricity was imported from Ukraine. When Gazprom announced its reduction of supply, the government of Transnistria also froze electricity supply to Moldova proper, citing the need to prioritize its own territory. Simultaneously, supply from Ukraine was halted after Russian forces stepped up attacks on Ukraine's energy infrastructure. These factors combined resulted in the sharp increase in electricity prices as Moldova bought more expensive gas from Romania to meet needs.

In a statement released on Twitter, Gazprom claimed supplies to Moldova were cut due to Moldovagaz, a Moldovan energy company where Gazprom is the majority shareholder, which had violated "contractual conditions as regards terms of payment." Ukraine was also accused of blocking gas to Moldova, a claim both the Ukrainian and Moldovan governments rejected.

Under the terms of a five-year contract signed in October of 2021, prices for gas fluctuate on a monthly basis and are determined by the spot market price, which has increased as a consequence of the war in Ukraine. Additionally, being able to leverage Moldova's dependency on the Cuciurgan power plant, the separatist region of Transnistria refuses to pay for the gas it uses, estimated to be 1.7 billion cubic meters of gas annually, with Moldova using 1.3 billion annually. While the Moldovan state refuses to recognize the debt accrued by Transnistria, Gazprom holds Moldova responsible for an estimated $9 billion. Gazprom also alleges that Moldovagaz owes $700 million for gas delivered before 2019, although Moldovan President Maia Sandu has argued that only debt verified by an independent auditor will be acknowledged as legitimate.

By December, Gazprom was providing 5.7 million cubic meters of gas per day to Moldova, of which 3.4 million was used by Moldova while the remaining 2.3 million was used by Transnistria. Moldova used about 11 million cubic meters of gas per day in December.

From December onward, Moldova began purchasing more expensive natural gas from the open market with the help of EU financial assistance, while sending the Gazprom supply to Transnistria.

"We interpret this as the blackmailing of Moldova," explained Alexei Tulbure, a former diplomat and ambassador to the United Nations and the Council of Europe who now works to counter Russian disinformation aimed at Russian-speaking Moldovans.

"It's a hybrid war against Moldova, since we don't have bombings here, tanks and so on, but they fight with us with other means. Why? Because Moldova has a pro-European government."

In August 2021, the government led by Prime Minister Natalia Gavrilița entered office after President Maia Sandu, who was elected in December of 2020, successfully called for early parliamentary elections in July. The election saw Sandu and Gavrilița's party, the Party of Action and Solidarity (PAS), win 63 of 101 seats. The remaining seats are divided between opposition parties, the Bloc of Communists and Socialists (BCS) with 32 seats, and the Șor Party with six seats. The current government has prioritized integration with the EU and on March 3, 2022, President Sandu signed the application for EU membership. Both Moldova and Ukraine were granted candidate status on June 23. Moldova is also hosting an estimated 95,000 Ukrainian refugees and has worked with the European Bank for Development and Reconstruction to develop overland logistical routes for Ukraine, deemed Solidarity Lanes.

The high energy bills for ordinary Moldovans also comes at a time of record inflation rates of almost 34%, a situation that opposition parties, such as the Șor Party, were quick to blame on the Sandu and Gavrilița government.

The Șor Party is led by Ilan Shor, an Israeli-born former mayor of Orhei who is wanted on corruption charges in Moldova. Shor fled the country for Israel in 2019, although he still leads the party. He has been implicated in the theft of $1 billion from three banks in 2014 and is allegedly connected to Russian intelligence agencies. Shor is also one of nine individuals recently targeted with sanctions by the US Department of Treasury for working on behalf of the Russian government in Moldova. In November, Moldova's Minister of Justice Sergui Litvinenco filed an appeal to the country's Constitutional Court that seeks to classify the Șor Party as unconstitutional. The party has been accused of paying people to participate in the weekly protests in an attempt to opportunistically direct frustrations toward the Sandu government. The Șor Party did not respond to contact attempts for comment.

According to Acting Prosecutor General Ion Munteanu, investigations carried out by the Prosecutor's Office have concluded that many of the protestors are being paid to participate in the protests.

"The aim behind these protests, clearly, we shall recognize it, is to prevent the development of a rule of law that would ensure an independent and efficient justice system," he explained.

"The Republic of Moldova is the object of a war, but not necessarily with the help of the weapons, but a war of different kinds, including energy, information, and one of another nature, which would aim to impede the general purpose assumed by the current government—to choose the European path of development."

According to Negruti, who said she attended the protests on her own initiative, "most of the people here don't really care who is in charge, what is most important is that they work for the people and make life better for everyone," she explained.

A poll from early December indicated that only 20% of Moldovans were satisfied with the Sandu and Gavrilița government, suggesting that harsh living circumstances and opposition narratives are having an effect on perceptions. Although the EU allocated $250 million in aid on November 10, which was followed up with another $100 million at a donor conference on November 21, and another $30 million from the United States Agency for International Development (USAID) in January to help the Moldovan government pay for energy and alleviate some of the pressure caused by the manufactured gas crisis, the pressures have only increased. Moldovans remain plagued with high costs of living and a struggling economy, despite an unusually moderate winter.

Moldova's President Maia Sandu and Ukraine's President Volodymyr Zelenskyy in Kyiv, June 2022.
Photo credit: Via Reuters

On February 10, 2023, Prime Minister Natalia Gavrilița resigned, citing Russian aggression in Ukraine and its consequences. Shortly before this announcement, Russian cruise missiles flew through Moldovan airspace en route to targets in Ukraine. Russian missile debris has repeatedly entered Moldova during attacks on Ukraine. The day before, Ukrainian President Volodymyr Zelenskyy stated his government had intercepted Russian plans for the "destruction of Moldova," which was shared and confirmed by Moldovan intelligence.

Three days later on February 13, President Sandu alleged a coup was being planned by Russian operatives with the use of saboteurs and protests of the "so-called opposition." Sandu specifically listed Ilan Shor and Vladimir Plahotniuc as participants, both of whom were subject to last year's sanctions implemented by the US and the UK. Plahotniuc is an oligarch and former member of parliament and leader of the Democratic Party who has been implicated in widespread corruption, including the theft of $1 billion along with Ilan Shor.

Amid this series of unfolding crises, Russian Foreign Minister Sergey Lavrov stated on February 4 that the West had "set its sights on the Republic of Moldova to have the role of the next Ukraine." To what extent this comparison will reflect reality remains to be seen. ✳

KRIS PARKER

Kris Parker, a former Peace Corps volunteer in Albania, is a freelance journalist whose reportage focuses on the Balkans, central Europe, and Ukraine.

WHAT AN IMPROV WITH IRAN SH

Iranian President Ebrahim Raisi meets with IAEA Director General Rafael Grossi in Tehran, March 2023. Photo credit: via Reuters

ED NUCLEAR DEAL OULD LOOK LIKE

by Olli Heinonen

Twenty years ago, on 17 March 2003, Mohammed ElBaradei, Director General of the International Atomic Energy Agency (IAEA), reported to his board that Iran was in breach of its Non-proliferation Treaty (NPT) obligations – which require a signatory to use all nuclear technology in the country exclusively for peaceful purposes and to follow a policy of transparency.

Since 2003, several agreements, road maps, work plans, and joint plans of actions have been agreed with Iran. But after 20 years of efforts, the IAEA still has not been able to conclude that Iran's declarations are truthful and complete, and that all nuclear material and facilities in Iran have been placed under the IAEA safeguards.

Following is a summary of this history, a snapshot of the dangerous situation we currently face, and a suggested new approach that covers all aspects of an Iranian nuclear weapons program.

JOINT COMPREHENSIVE PLAN OF ACTION (JCPOA)

The United Nations Security Council (UNSC) imposed sanctions in 2006 following a resolution by the IAEA Board of Governors that Iran was in noncompliance with its NPT safeguards agreement obligations. These sanctions did not stop Iran from proceeding gradually with its uranium enrichment activities. Diplomatic efforts finally culminated in 2015 with the JCPOA agreed between Iran and China, France, Germany, the Russian Federation, the United Kingdom and the United States, a text later endorsed by the UNSC.

The JCPOA set restrictions on Iran's nonproliferation related activities, while UNSC Resolution 2231 added a ban on the development of ballistic missiles designed to be capable of carrying nuclear warheads. The JCPOA provisions also set a limit on stocks and types of nuclear material in Iran, and mandated the conversion of the Fordow enrichment plant to a facility producing stable isotopes instead of enriching uranium, and imposed restrictions on uranium enrichment research and development.

Former Director General of the IAEA Mohammed ElBaradei (L) speaks at a joint news conference in Tehran with Gholam Reza Aghazadeh, former head of Iran's Atomic Energy Organization, February 2003.
Photo credit: Reuters

The heavy water reactor, which is under construction in Arak, was to be modified to produce less plutonium, and Iran would for the time being forgo any reprocessing activities to separate plutonium.

The agreement included some weak monitoring of nuclear weaponization activities. Monitoring of nuclear activities were assigned to the IAEA. Nuclear and nonnuclear restrictions were, however, designed to expire over time regardless of progress or non-progress made by the IAEA verifying the correctness and completeness of Iran's declarations.

The proponents of the agreement felt or hoped that it would change Iran's behavior in the region, assist Iran to develop its civilian nuclear program and meet its NPT safeguards obligations. The Trump administration sought first to modify the JCPOA, and then finally decided to leave the agreement. After the withdrawal of the US from the JCPOA, Iran started to reduce, step-by-step, the implementation of its nuclear-related JCPOA commitments and, from 23 February 2021 onwards, fully suspended the implementation of those commitments.

Former US President Donald Trump holds up a proclamation declaring his intention to withdraw from the JCPOA, May 8, 2018. Photo credit: Reuters

IRAN'S NUCLEAR WEAPONS DEVELOPMENT

Iran's progress with all major components of a nuclear weapon – production and stocks of high-enriched uranium, development of missiles capable of delivering nuclear warheads, and its past work on weaponization – have raised international concerns. CIA Director Bill Burns told CBS News in February that Iran's nuclear enrichment program has advanced to the point in which Tehran could in a "matter of weeks" have enough enriched uranium for a nuclear weapon.

Burns went on to say that "to the best of our knowledge, we don't believe that the Supreme Leader in Iran has yet made a decision to resume the weaponization program that we judge that they suspended or stopped at the end of 2003." Burns reiterated that the US has no knowledge that Iran has resumed its nuclear weapons program.

He was referring to the "Amad" project (the code name given by Iran to the nuclear program as conducted between 1989 and 2003: it is a first name meaning "praiseworthy") which was planned to manufacture in four years' time four nuclear weapons and one explosive nuclear device

for testing. Details of this plan came much clearer in 2018 when Israel captured documentation of the program archived in a warehouse in Teheran.

Subsequently the IAEA was able to visit some of the relevant sites, identified in the Israeli-discovered archive, which raised additional concerns on the uranium particle contamination found there. Iran's explanations on the particles found do not match with the IAEA findings of March 2022. The IAEA sought explanations from Iran as to the presence of uranium particles of anthropogenic (man-made) origin identified by the Agency at three undeclared locations in Iran – Turquzabad (2019), Varamin (2020) and 'Marivan' (2020).

One of the questions raised by the archive and by IAEA visits is whether the weapons program was ever terminated, and whether relevant work has continued covertly as some of the AMAD program documents indicate.

Now that uranium enrichment capability has reached a new level, as Burns says, "at a worrisome pace," it is increasingly important to address these issues, dismantle the weapons program in a verifiable manner, and agree on further confidence building measures to ensure that Iran's nuclear program indeed serves only for peaceful purposes.

IRAN'S ENRICHMENT OF URANIUM UP TO 84 %

Iran has fully suspended the implementation of its nonproliferation commitments: and in practice, gradually increased its enrichment capability by developing and installing more advanced centrifuges at Natanz and Fordow enrichment plants. It has also increased uranium enrichment levels by passing the 3.67 % maximum level allowed by the JCPOA – proceeding first to 20 % and then to 60 % enrichment levels.

In order to achieve this, Iran has also experimented with various designs of enrichment cascades. In February 2023, the IAEA reported that Iran had made changes to the cascades without announcing in advance the implementation of those modifications to the Agency, as required under the safeguards agreement.

Another recent matter of concern is that the IAEA found in samples taken at Fordow enrichment plant uranium particles enriched to 84 % level, which qualifies as weapons-grade material.

IAEA Director General Rafael Grossi had meetings on 3 and 4 March 2023 in Teheran to address issues related to the presence of uranium particles in the three new locations mentioned above, changes in the cascade design without proper notification, presence of uranium particles enriched to 84 % level, and new restrictions imposed by Iran after the US withdrawal from the JCPOA.

In his report to the IAEA Board Grossi made a reference to the Joint Statement concluded with Iran that "...Iran's agreement to allow the Agency to proceed with further monitoring and verification measures indispensable to the Agency fulfilling its mission." The IAEA still needs to agree on modalities for the prompt and full implementation of such measures. Iran has made promises, but whether or not these will be followed by actions remain to be seen.

STOCKPILING OF HIGH-ENRICHED URANIUM

During the last two years the enrichment program has shifted from production of low-enriched uranium, at levels below 5 % U-235 – used for light water reactors – to enrichment up to 60 % U-235, for which material there is no plausible use in Iran's civilian nuclear program.

Over the past 18 months, reactor grade uranium stocks got smaller, but higher enriched quantities are four times bigger than they were in November 2021.

The breakout time until Iran possesses enough material for a weapon has become dangerously short. When one has reached 20 % level, one has done 90 % of the effort needed

Obama Administration officials testify before the Senate Armed Services Committee on the Joint Comprehensive Plan of Action (JCPOA), July 29, 2015. Photo credit: Reuters

to achieve weapons grade (enrichment level around 90 % U-235). With 60 % enriched uranium, 95 % of the effort has been done.

The Mossad has estimated that Iran could produce enough weapon-grade uranium for five nuclear weapons in one month and seven in three months by modifying existing enrichment cascades. This estimate is in line with the statement made in February by Colin Kahl, the US Under Secretary of Defense for Policy, that Iran could have enough weapons grade enriched uranium for the first weapon in 12 days, which leaves very little time for the international community to respond to such a development.

The breakout calculations made above are based on the IAEA standard of significant quantities, which require 25 kg U-235 uranium at 90 % enrichment level for a bomb. However, this standard applies to a "newcomer" state making its first nuclear weapons. With experience of the needed explosive power, quantities required could be substantially less, e.g., 14 kilograms of weapons grade material. This is why a full understanding of the design of the Amad weapon, which received substantial assistance from a foreign weapons expert – the Pakistani A. Q. Khan – and subsequent possible developments are vital to ensure that the program has indeed been dismantled.

Unfortunately, the IAEA Board was not able to agree to censure Iran's actions in its meeting on 6 March 2023, nor to refer the case to the UN Security Council for action. The production of additional higher enriched uranium continues, which together with Iran's other actions does not contribute to the peace and security in the region.

AN IMPROVED AGREEMENT

President Biden privately remarked in November 2022 that the 2015 Iran JCPOA was "dead." Clearly, new verification arrangements are needed. A return to the old agreement and practices will not guarantee success.

We must craft a verifiable long-term credible agreement covering all three elements of a nuclear weapons program: production of fissile material, weaponization, and means of delivery using ballistic and cruise missiles. This

will require building an independent, open, credible monitoring and verification system, reflecting the strengths of the IAEA verification system: access to information, sites, equipment, materials and people. Such a regime should be based on the IAEA safeguards system, yet expanded by special units for weaponization and missile delivery systems.

It will be an uphill battle. There are differences in views between the US, China and Russia. There are also suggestions that China may host a joint event between the GCC and Iran, which could further complicate the international approach to Iran.

Here are the basic elements of a viable verification system.

✷ Sanctions relief, acquisition of sensitive technologies, and Iran's compliance with the reporting and verification obligations should be reviewed annually, based on performance. (For example, enrichment capabilities would not be increased automatically, but in the light of Iran's compliance with its safeguards obligations and new undertakings, dismantlement of the nuclear weapons related capabilities, and actual enrichment needs of the nuclear civilian program.)

✷ Iran should ratify and implement the Additional Protocol – namely, the set of enhanced monitoring measures to ensure that nuclear projects are non-military in nature, adopted by teh IAEA in 1997.

✷ A two-year goal should be set for verifying the accuracy and completeness of Iran's NPT safeguards undertakings.

✷ The IAEA should be provided with full access to all relevant information and sites, including the scientists involved in past and current activities.

✷ The verification regime should cover production of fissile material, weaponization, and ballistic and cruise missiles. Due to the recent developments regarding cruise missiles, which have not at all been covered by the JCPOA, these need to be included.

✷ Any nuclear weapon related activities should be verifiably terminated, single use equipment rendered harmless or disposed, and relevant facilities irreversibly dismantled.

✷ The IAEA should have full access to relevant information including the scientists involved in past and current activities.

✷ The reporting of the progress on the new measures by the IAEA and UNSC should be public in order to reduce tensions in the region, but without releasing sensitive information. ✳

OLLI HEINONEN

Olli Heinonen is a Distinguished Fellow at the Stimson Center in Washington, DC. He served for 27 years in various positions at the International Atomic Energy Agency (IAEA), ultimately as Deputy Director General for Safeguards.

ISRAEL'S POLICY TOWARD IRAN'S NUCLEAR PROGRAM —SOME COUNTER-FACTUAL REMARKS

Israeli Prime Minister Benjamin Netanyahu draws a red line on an illustration describing Iran's ability to create a nuclear weapon, as he addresses the UN General Assembly, September 2012.
Photo credit: Reuters

by Uzi Arad

If Prime Minister Benjamin Netanyahu believes that a nuclear Iran is Israel's greatest threat, then why is his government focused instead on passing domestic judicial reform legislation as its top priority? This question, posed by a former head of the Mossad's Iran department, appeared in the headlines of Israel's daily Yedioth Ahronoth on March 3.

Iran is certainly on the agenda of the Netanyahu government. On March 6–7, Israel's National Security Advisor Tzahi Hanegbi and Minister of Strategic Affairs Ron Dermer were in Washington for meetings with their American counterparts to discuss Iran. Hanegbi stated earlier this year that Netanyahu will mount a preventive military strike on Iran's nuclear sites if necessary. Netanyahu said the same when he came into office for his second term as prime minister in 2009, when I was his national security advisor. He stated then that stopping Iran from going nuclear was his historic mission and highest priority. The oft-repeated operative policy formula then was that Israel should present Iran with a credible military threat coupled with the strongest international economic sanctions. Obviously, the credibility of such a threat rested on its perceived feasibility and on Netanyahu's resolve to act if and when needed. Netanyahu had already deployed this credible threat formula in 2007—even before his second term as prime minister— when he met with Vice President Cheney and also in 2008 with then presidential candidate Obama.

Yet here we are in 2023, seeing the same formula again employed, arguably because, among other reasons, Israel has never made good on its military threat. Over the years, Iran crossed various red lines followed by inaction. Presently, it is becoming a threshold nuclear state and is closer than ever to having a bomb. If indeed Iran has been such an existential danger to Israel, and if it indeed has been Netanyahu's highest priority, how come he still is not concentrating on it?

It has been Israel's habit to alert the world of Iran's advancing nuclear program, which in reality is one of the oldest among nations to have such a program, by drawing "points of no return" or "moments of entry into zones of immunity," thereby underscoring the urgency for preventive action.

In 2009, I asked an Israeli air force general when, in his calculations, might a preventive strike be optimal. Upon reflection he responded, "two years ago." Strike options should have been considered in 2002 when the Natanz enrichment facility was uncovered, at a time when Iran was clandestinely working on an integrated crash program to develop five nuclear warheads by 2004. American officials planning the 2003 war in Iraq were questioned at the time about the necessity of such an attack on Iraq, which was already under sanctions and effectively constrained, while Iran presented a much greater danger. An American official responded privately that Iraq remained America's first priority, while Iran may be next, once the US would deploy to Iraq. An unexpected consequence of the invasion of Iraq was Iran's announcing it was ceasing to enrich uranium, effectively putting its crash nuclear program on hold.

By 2009, Israel had adopted a delaying strategy for Iran, including a variety of preventative measures, such as diplomatic pressure, international economic sanctions, operations against nuclear scientists, and cyberattacks. But concurrently, as there was no certainty that prevention would suffice, a deterrent capacity had to be put in place. Acting on the premises of such an approach, Netanyahu pressed in his first meeting with President Obama in 2009 to have the US president reaffirm historic strategic understandings concerning Israel's independent deterrent. At the same time, and against the expressed opposition of the defense establishment, Netanyahu ordered an additional submarine, the sixth for its fleet. In 2010, I estimated the target date for achieving a robust deterrent capability against a nuclear Iran to be 15 years later or 2025.

In retrospect, it is clear now that the real optimal time for military strike came in 2011–2012. Ehud Barak, Netanyahu's defense minister, supported a preventive strike, conditional on the US being on board. Iran had been found in flagrante with a new secret underground enrichment facility at Fordow, and its enrichment activities having continued. By September 2009, it had already passed the "point of no return," and by 2012, the attack option came to a head in Israeli deliberations.

In a speech to the UN General Assembly in 2012, Netanyahu explicitly presented a red line, drawing it at the level of 90% enrichment (the proportion of U-235 fissile material usually considered to be necessary for a bomb). That was a double mistake, because it implied that Israel would tolerate enrichment levels short of 90%, when in effect the real red line should have been drawn at 20%—the point beyond which all enrichment of Uranium must be assumed to be of a military nature. This figure, 90%, may have also allowed the Americans to give concessions on enrichment in the negotiations that followed.

If indeed Iran has been such an existential danger to Israel, and if it indeed has been Netanyahu's highest priority, how come he still is not concentrating on it?

Netanyahu often referred to the Iranian threat in apocalyptic terms and equated it to another holocaust, but he backed away repeatedly from ordering an effective preventive strike. In fact, he did not work to fully develop a credible military option. The most evident deficiency was Netanyahu's failure—in terms of both operational and political feasibility—to reach sufficient coordination and possible cooperation with the US in effecting such an option. Instead, Netanyahu rapidly drifted into a dispute with the American administration over settlement activities and other issues related to the Palestinian territories. He then made a major political miscalculation by appearing to side with the Republican candidate for the US presidency in 2012. He even failed to convince his own ministers, as well as defense and intelligence chiefs, that a unilateral strike would be, on balance, cost-effective when assessing its expected results against its risks and costs.

The sanctions policy, however, turned out to be successful and had an effect. The imposition of ever tighter sanctions on Iran, particularly US third-party sanctions on countries doing business with Iran, brought it to the negotiating table. It appeared Iran too was hedging its bets and was willing to slow down the progression of its nuclear program in return for sanctions relief.

But then Netanyahu turned hostile to the very idea of negotiations—calling them historic folly—and tried even to sabotage them by demanding ridiculously extreme concessions and mostly by repeatedly admonishing against them. He might have calculated that no deal would be achieved anyway as the gaps between the parties were too great.

The result of Netanyahu's vocal opposition to the Iran nuclear negotiations was that Israel was not kept abreast of their progress and not in a position to usefully influence their outcome. Once a deal was reached in 2015, with Obama seeing in it his most important

Former US President Barack Obama meets with Israeli Prime Minister Benjamin Netanyahu in Washington, November 2015. Photo credit: Reuters

foreign accomplishment, Netanyahu sought to have it rejected by Congress. He ignored an American quiet offer to Israel of additional military technological assistance in return for avoiding a battle in Congress. In the end, however, Netanyahu failed to defeat the Iran deal in Congress and also forfeited the proposed enhancement of the military technological aid package.

This was not a trivial setback since budgetary considerations are a key factor when it comes to strategic weapon systems. At the same time Netanyahu decided to acquire three more submarines from Germany, years ahead of their scheduled planned acquisition. This too led to a dispute between him and his minister of defense and uniformed military chiefs. At one point and against the backdrop of his inaction, Netanyahu publicly revealed that the strategic mission of Israel's newly acquired submarines was to deter Iran. In doing so, he departed from the deliberate policy of ambiguity that Israel had scrupulously held to for years. A senior defense official described such a departure as "utter madness," because it not only contradicted standing national policy, but it also put at risk the future supply of these very submarines.

Already in 2020, Ariel Levite, who held senior positions at Israel's Atomic Energy Commission and the National Security Council, argued in a commentary published in Haaretz that Netanyahu's Iran policy suffered from judgment errors at critical junctures. Those judgment errors, Levite claimed, brought Israel to the current situation whereby Iran is a threshold nuclear state and Israel's prevention or pre-emption options are more limited and their realization more dangerous.

Netanyahu's decisions at critical junctures were often contrary to the advice of his experts and advisors. As early as 2012, I noted that while the Iranians seemed to act quite rationally and in their best interests, I was not so sure about Israel. The reality, however, was that Iran was not Netanyahu's real first priority. His domestic political interests came first.

In retrospect, I see that Netanyahu's policies were not inconsistent; he gave preference to cater to his political base on the right, involving Palestinian issues and symbolic culture war issues. That, in turn, meant disagreement with the US, which jeopardized a more muscular Israel–American cooperation against the Iranian nuclear program. In short, it was not a failure of his Iranian policy as much as it was a failure of his American policy. Had Netanyahu forged the so-called "Yitzhar in exchange for Natanz" bargain, as the Israeli media at the time dubbed it (namely, a willingness to offer concessions to the Palestinians, and perhaps

Talks on reviving the 2015 Iran nuclear deal in Vienna, Austria, June 2021. Photo credit: via Reuters

even to consider evacuating isolated West Bank settlements, such as Yitzhar, in return for a strategic understanding with Washington on Iran), a viable military strike would have been possible in 2012, including the prevention of any restoration of the program in the aftermath of the attack.

Had Netanyahu joined the 4+1 negotiations of the Iran deal, it could have been improved, and the feud with the US could have been avoided. As a bonus, Israel would have agreed to the enhanced military and financial aid, including necessary means for military action.

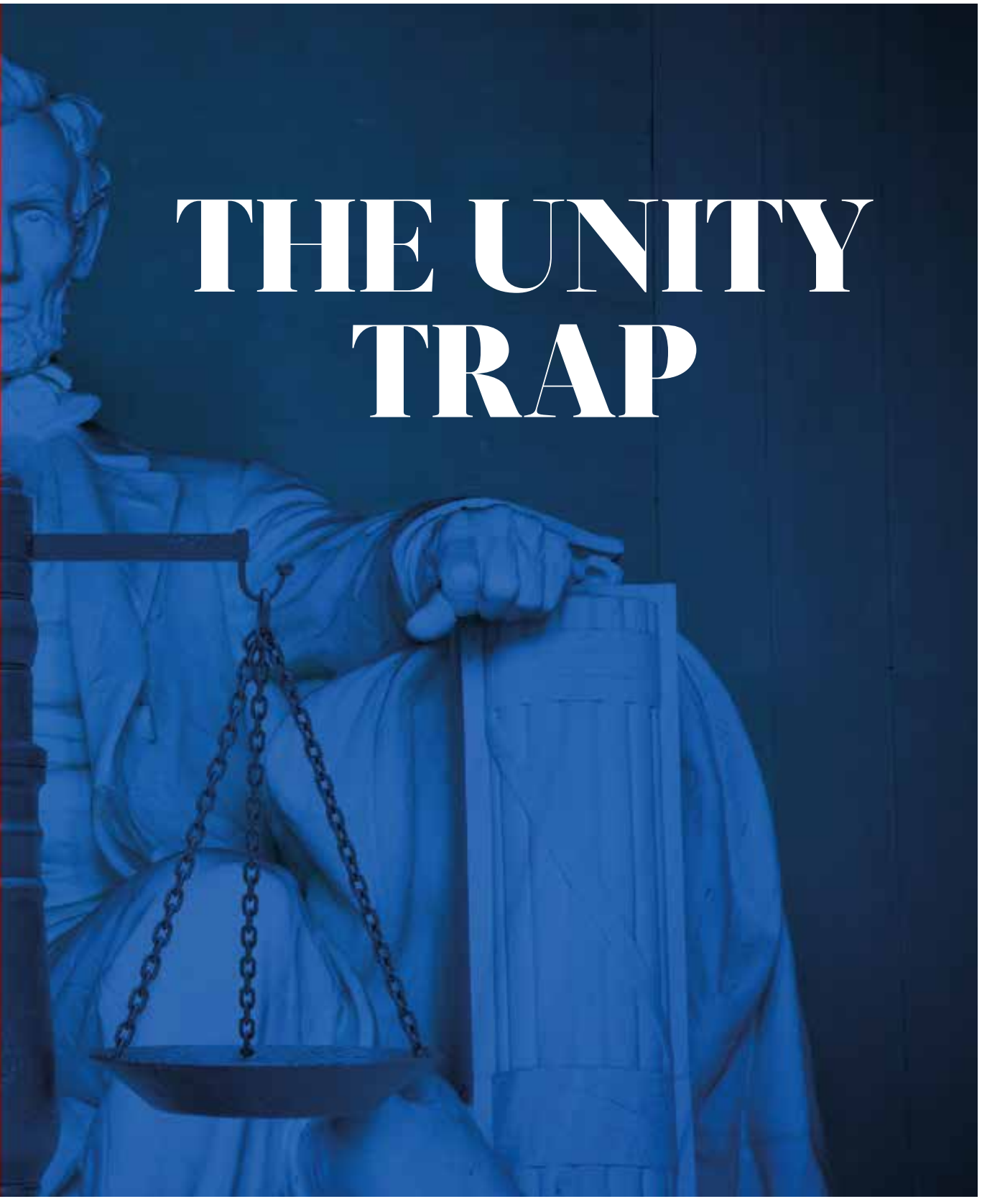
Had Netanyahu chosen not to ask President Trump for symbolic favors, such as moving the American embassy to Jerusalem, and instead had concentrated on applying maximum pressure on Iran and at the same time had not urged Trump to walk away from the Iran deal, Iran would not have been able to establish itself as close as it has done in the highly unstable position of being a threshold nuclear state.

This mismanagement of Israel's relations with the US, thereby hurting Israel's policy of preventing Iran from becoming nuclear, has placed Israel again on the horns of the dilemma of whether or not to act militarily with the remaining preventive options or to opt for the fallback policy of deterrence. The latter was prepared long ago, and it was anticipated to be required by 2025. Deterring a nuclear Iran, however, will be no less testing, difficult to manage, and more costly or dangerous than a preventative strike. ✳

UZI ARAD

Uzi Arad served as the national security advisor to Prime Minister Netanyahu from 2009 to 2011 and as the prime minister's foreign policy advisor from 1997 to 1999. Between 1975 and 1997, Arad served in the Mossad, Israel's external intelligence service, holding posts both at home and abroad, the last of which was director of the Intelligence Division. He is currently a senior fellow at the Yuval Neeman Workshop for Science, Technology, and Security at Tel Aviv University.

Illustration, Photos credit: Shutterstock, Freepik



THE UNITY TRAP

BY STANLEY A. McCHRYSTAL, ELLEN CHAPIN

In our era of division, it is not uncommon for political leaders in the United States to cite the rhetorical prowess of Abraham Lincoln, who even before his presidency, stared down the barrel of a nation torn in two. Perhaps most famously, we repeat the refrain that "a house divided against itself cannot stand," bringing into modernity the notion that a lack of shared purpose can wreak havoc on the health of a country and its citizens.

Little is said, however, about Lincoln's follow-up statements, in which he makes the case that for slaveholders and abolitionists, neither can live while the other survives. As for the fate of the nation, he argued that "it will become all one thing or all the other." In the context of today, we might interpret this as an argument for unity above all else. Calls for conversation, connection, and even consensus are everywhere in the news. Both the American Congress and the Israeli Knesset were designed to help navigate their respective countries through the changing global landscape, but today, they appear to exacerbate divisions. It would be easy to draw the conclusion that things would be better without any dissent in our relationships, personally and politically. Why else would we all hear ourselves sighing and musing aloud, "why can't we all just get along?"

However, it is important to remember that Lincoln was not anti-dissent, but rather, was pro-debate. This is a nuanced but critical distinction, especially for our elected leadership. In times of conflict, it seems that every nation hopes to enter the geopolitical sphere with an entirely unified internal state. While there is, in fact, a deep and meaningful connection between domestic and international politics, unanimity is neither possible nor optimal for a country and its decision-makers. In fact, this drive for consensus can lead the world into dangerous territory, where global leaders and citizens are both susceptible to falling into what we call the "unity trap."

We need to look no further than our own history to see the consequences of prioritizing conformity over turning the kaleidoscope to see every perspective, and recognizing that a level of disagreement will be inevitable. Scholarship within social psychology, political science, and communications has long recognized the danger of the phenomenon of "groupthink." Studies pioneered by Irvin Janis showed consistently that the higher the esprit de corps was within a team (particularly a "policymaking in-group"), the more that the independent critical thinking of that team eroded, giving way to a shared tunnel vision. The consequences, too, can be dire; as that in-group locks arms more closely, it is more willing and able to make decisions that are "irrational and dehumanizing" to those outside of the inner circle.

When we contemplate the role and image of groupthink in our lifetimes, we often think about countries and spaces where human rights are most curtailed. In particular, the rise of the Third Reich and the questions raised in the Nuremberg trials forced many people to grapple with the powerful forces of bigotry, authority, and yes, conformity, which shaped the attitudes of Nazi soldiers and ordinary Germans

Stanley A. McChrystal speaks to the media in Washington, May 2010. Photo credit: Reuters

who did not speak up against Hitler's regime. Today, in picturing the homogeneity of North Korea and its internal cohesion at the expense of any relationship with the outside world, we are simultaneously saddened and quick to cast judgment. These actualities seem far outside what the Western world would, and could, ever find acceptable.

However, to fail to look inwards would be to forget our own history, particularly during times of national stress. The "we can do it" attitude of Rosie the Riveter and all the talk of togetherness within the U.S. during the Second World War should not erase the atrocious internment of Japanese-American citizens after the tragedy at Pearl Harbor. This decision was not simply an Executive Order, but was affirmed across all three branches of the U.S. government, made particularly salient by the Supreme Court's willingness to uphold the order in Korematsu v. United States. Only one judge, Frank Murphy, had the courage to call the

decision what it was – a legalization of racism. While Korematsu and Japanese internment has been widely repudiated by politicians today, it did not stop the hasty passage of the Patriot Act in the wake of the attacks of September 11th, 2001. Both of these acts increased surveillance and opportunities to punish vaguely-defined "suspected terrorists." Civil rights activists continue to decry the violation of due process in prisons like Guantanamo Bay, much as they did during the development of internment camps sixty years prior. The parallel is both disappointing and sobering.

In the West, and particularly amongst democracies, we are not immune from groupthink; and terribly often, in any context groupthink disguised as unity can cause nations to make short-sighted and prejudiced decisions. Under the right circumstances, anyone can fall quickly and suddenly into the unity trap.

At least superficially, the decisions to invade both Afghanistan and Iraq, too, were driven by a single-minded desire to come together as a global community, one which would reject terrorism, protect basic human rights, and develop a shared set of democratic values. But in practice, as always, decisions are more complicated. As a newly promoted major general, I left Afghanistan in the summer of 2002 and reported to the Pentagon to serve on the Joint Staff as Vice Director of Operations. When I did, I was immediately surprised to find ongoing planning for operations in Iraq. After 9/11 the rationale for Operation Enduring Freedom in Afghanistan was compelling, but Iraq felt different. Saddam Hussein was a despicable tyrant but was neither aligned with Islamic terrorists like al-Qaeda nor a credible threat to the West.

As with many decisions driven by the "rally around the flag" argument, our approach to Iraq proved simplistic. In the following months, a military invasion of Iraq was planned, resourced, and ultimately executed – with little apparent debate or deep reflection. With 9/11 still imprinted on our national consciousness, the inclination and pressure to align with the team were powerful – and they so often are.

So, how can we avoid the fall? Knowing our history, what are the tools that we can leverage to see danger ahead, and head it off at the pass? How can we protect ourselves against – well—ourselves? There is no simple answer. Our intention is not to offer the "Goldilocks" solution – "not too much division, not too much consensus, but a specific and unknown ratio that is just right" – for these deeply human challenges. Instead, we recognize that any healthy country is carrying out a dynamic and never-ending balancing act, requiring clear-eyed assessments of where the world is today, and where we want to go.

But to begin to reset the scales, where do we begin?

The enemy of groupthink is critical thinking and deliberate evaluation of the perspective of others. We must create and implement systems and processes that, above all else, encourage debate. Dissent and open communication are the best methods to strike a careful balance between unhealthy division and unhealthy consensus. As a starting place, we must have a commitment to facts. We can only have reasonable and productive conversations amongst ourselves if we are willing to grapple with what science and evidence tell us to be true. While it does seem daunting to apply this standard to the twenty-four hours news cycle, every collective change has an individual beginning. If we begin to question what we hear and investigate the origin of stories, we will surely find ourselves more aligned on what it is we're arguing about; frankly, that's not a bad start.

However, we will also need to work to make emotional changes. In verifying information and having open conversations, we must all seek to be skeptical, but open-minded. The mark of an educated mind, Aristotle once said, is to be able to hold two contradictory ideas in one's mind at the same time. We must all actively cultivate the empathy to hear – and more importantly, to understand—the fact-based perspective of

someone with whom we disagree. As history has taught us, if we fail to look inward, we are doomed to repeat our mistakes and only broaden our blind spots. Simply investing emotional bandwidth in understanding our feelings around a given issue can go a long way.

What can this look like, in practice? We can turn back to Lincoln, who was both a lively and skilled debater at the time he was elected to the presidency. Facing a country split in half, it may have been tempting to create a cabinet in which all had a shared understanding of Lincoln's plan for managing a series of unprecedented secessions. However, Lincoln recognized that the cabinet's ultimate ideal should not be about how to save the union, but instead the prioritization that the union must be saved.

It was with this knowledge that Lincoln built his Team of Rivals, a cabinet which was comprised of his own political opponents and competitors. The expectation was clear from the start – no individual member of the cabinet would find a duplicate of himself anywhere else, and should be prepared to defend his perspective with the best available and most compelling evidence. Every decision, then, was the product of a mosaic of opinions and ideas, driven by a leader committed to making choices bolstered by skepticism and open-mindedness. Compare that mental image of Lincoln's cabinet to the photos of Russian President Putin sitting alone at a long, empty table, listening to no one's counsel.

As Lincoln showed us, to stay out of the unity trap, we will have to develop a shared commitment to fact and a collective willingness to stop sensationalizing fiction. It is not impossible. Immediately prior to Russia's invasion of Ukraine, the West worked together to declassify and share intelligence faster than ever before. This willingness to cooperate around and amplify the truth undercut even the most powerful disinformation machines, squashing rumors before they even had the opportunity to catch fire. If we are to have any geopolitical stability, we need to develop a sense of internal stability – not through common ideology, but through a common mission and set of values. Only through our own willingness to be skeptical but open-minded can we begin to walk a shared path to a world governed by a true consideration of all voices. Whether we are a house divided, a house united, or something in between, we all share this structure; whether we like it or not, it's up to us to keep it standing. ✳

STANLEY A. MCCHRYSTAL

Stanley A. McChrystal is a retired four-star general and former commander of US military's Joint Special Operations Command.

ELLEN CHAPIN

Ellen Chapin is a solutions scientist at Rhombus, which uses artificial intelligence to transform America's defense enterprises.

SOUTH AMERICA'S TWO LEFTIST HEAVYWEIGHTS SHARE GOALS BUT NOT TACTICS

Brazil's President Lula da Silva holds hands with Colombian President Gustavo Petro, in Brasilia, Brazil, January 1, 2023. Photo credit: Reuters/Ricardo Moraes

BY SILVANA AMAYA

The new presidents of Colombia and Brazil, the two most prominent leaders in South America, are both looking to shake up the status quo – with different playbooks.

Colombia's Gustavo Petro takes a confrontational, boisterous, outspoken, and anti-establishment approach. Brazil's Lula da Silva ("Lula") is a pragmatic, conciliatory leader seeking to build broad coalitions around his policy proposals, taking a reflective approach for his third term in office. Lula is more focused on international cooperation, pushing Latin America to become more influential on the global stage. By contrast, taking over a country where his politics made him an outsider for decades, Petro is prioritizing regional and domestic concerns over global issues.

Latin America's wealth inequality remains extremely high, and popular anger against entrenched interests helped fuel both presidents' victories. Both leaders are using their years of political experience to navigate a new left-leaning chapter for their countries.

THE FIRST LEFT-WING PRESIDENT IN COLOMBIA'S HISTORY

In June 2022, Gustavo Petro became President of Colombia by winning 50.44% of the vote, succeeding Iván Duque (2018 – 2022) who left office with a record low popularity. Petro's victory was a shift away from traditional parties and the first time that Colombians elected a left-wing government. Petro's campaign ably capitalized on the country's widespread discontent with the traditional right-wing, center-right and center-left coalitions that had held power since early republican days. His election came on the back of massive protests in 2019 and 2021, born out of frustration with the economic and peace policies of the government of former president Duque, with a backdrop of the COVID-19 pandemic socio-economic crisis.

Petro, an economist, took an unusual route to the presidency. In his youth, he was an active member of the urban guerrilla group M-19, a far-left rebel group unaffiliated with the Soviet bloc that opposed the Colombian government. The M-19 was involved in violent acts such as kidnappings for ransom and the 1985 hostile takeover of the Palace of Justice which resulted in the killing of 94 people and around 11 disappeared. After the M-19 disbanded in 1990, as a result of a peace accord that offered political amnesty to former guerrilla members, Petro became involved in electoral politics with limited success until he was elected to the Colombian Congress's lower house in 2006 as a member of the left-wing party the Alternative Democratic Pole. He then was elected as a senator and served from 2006-2010. He ran unsuccessfully for president in 2010 and 2018. He served as the mayor of Bogotá from 2012 to 2015.

Petro took office on 7 August 2022. His narrow victory margin has led to difficulties implementing his political agenda in his first year. However, Petro has managed to form alliances and thus gain support for his agenda from certain right-wing parties such as the Conservative Party. In exchange, this party secured ministerial posts such as Transport and Foreign Affairs. The government

Brazil's President Lula da Silva speaks out to his supporters during his campaign for election, December 1989. Photo credit: Reuters/Vanderlei Almeida PN

was recently able to push through Congress a tax reform bill, and Petro is now determined to push forward three further reforms: health, pensions, and labor. But he also suffered his first major setback in Congress on March 23, after the government withdrew a proposed bill to overhaul the political system which had faced significant opposition. It remains to be seen if the government coalition will be able maintain its leverage and strength.

Petro's other major political goals are to move away from dependence on fossil fuels and to secure internal peace in a process described as "total peace." Petro is seeking to negotiate simultaneously with guerrilla left-wing groups, paramilitary right-wing groups and drug cartels. If his total peace is to be successful, Petro will need to pursue national unity – a difficult task amid crippling socio-political polarization.

THE COMEBACK, AND ROUGH START, OF LUIZ INÁCIO LULA DA SILVA IN BRAZIL

After four very controversial years under Jair Bolsonaro, a far-right populist who led South America's largest country from 2019 to 2022, abandoned protections of the Amazon rainforest, and mismanaged the COVID-19

pandemic while terming it just a simple flu, Lula came back to power after a very tightly contested election. Lula previously held the presidency from 2003 to 2010 and his narrow victory over Bolsonaro, in a tense runoff election, meant an abrupt shift in the political trajectory of Brazil.

Like Petro, Lula's political career began in the 1970s when he helped to found the Workers Party (PT), a left-wing political party that aimed to represent the interest of the working class and marginalized groups in Brazilian society. During his first two terms in office, Lula implemented a number of progressive policies aimed at reducing poverty and inequality in Brazil. He expanded social programs such as *Bolsa Familia*, a conditional cash transfer program that provides financial assistance to poor families, and introduced policies to increase access to education and healthcare. Lula also pursued economic policies that favored domestic industry and sought to reduce Brazil's dependence on foreign capital.

Lula's first two terms were not without controversy. His government was implicated in several corruption scandals, including the Mesalão scandal, which involved allegations of bribery and vote-buying by members of the PT party. Lula was never personally indicted in these scandals, but his government's reputation was tarnished as a result, which led to calls for greater transparency and accountability.

Lula began his third term on January 1, 2023 facing a divided nation and economic headwinds. Among his main challenges were slow economic growth, rising poverty, high crime rates, ongoing deforestation, climate change and an education crisis, exacerbated by his difficulty to advance his political agenda in Congress. As the 100-days marker approached in April, Lula has very little to show in the way of progress. It is looking increasingly unlikely that he will be able to fulfill his promises to reactivate and boost the economy to address Brazil's economic and social inequalities.

One week after his inauguration, supporters of former president Jair Bolsonaro carried out a coup attempt against the three branches of government - Congress, supreme court and presidential palace - in Brasilia, the capital. Rioters attempted to violently abolish the democratic order. Nearly 2,000 people were arrested, accused of terrorism, coup d'état and violent eradication of the rule of law.

What happened in Brazil might have been inspired by the January 6 acts in the US; they shared a similar "stolen election" narrative. Lula had to spend a lot of his newly acquired political capital to negotiate with the military, to avoid the coup from prospering and to safeguard the security of the nation. He took the matter seriously and survived his first real leadership challenge. Military support for the coup didn't materialize.

One hundred days after inauguration, Lula faces high inflation and the aftermath of the pandemic. Brazil had one of the highest tolls globally in terms of lives lost, and the pandemic-induced recession of 2020 resulted in a slow recovery with growth of only 2.9% during 2022.

LEADERSHIP STYLES

Petro and Lula come from different national pasts, contexts and realities, but they share a commitment to left-wing policies. Their leadership styles reflect different strategies for achieving these goals. Petro's confrontational approach may be more effective at mobilizing social movements and challenging entrenched powered structures, fighting the status-quo and pursuing its campaign promise to bring change. Lula's more conciliatory approach may be more effective at building broad support for policy proposals and achieving lasting change through political institutions.

As mayor of Bogotá, Petro was known for clashing with political opponents and he faced criticism for his handling of public protests and a waste management crisis. He is critical of neoliberal economic models and the influence of multinational corporations in Latin America, posturing himself as an enemy of big corporations in Colombia, especially those in

Gustavo Petro as mayor of Bogota, speaks during a rally at the Plaza de Bolivar in Bogota December 9, 2013. Photo credit: Reuters/Fredy Builes

the oil, gas and mining industries. His leadership style is characterized by a willingness to make bold statements on social, economic, and political issues, often in the face of significant opposition. When challenged by internal critics, he sometimes gets rid of the source - for example, firing his minister of education, Alejandro Gaviria, who questioned his health reform in February.

Lula da Silva is known for seeking to build broad coalitions and consensus around policy proposals. He is a skilled negotiator and has been credited with helping to reduce poverty and inequality in Brazil during his first two terms. His leadership style is characterized by a focus on political solutions and willingness to work within existing political systems to achieve his goals, and contrary to Petro he has not upset big corporations in the country, at least not yet.

Of the two, Petro seems to have an easier relationship with his legislature. Petro has a majority in both chambers, having gained the support of traditional right-wing parties. Lula, however, not only has a more fragmented Congress but a different relationship with both chambers. Rodrigo Pacheco, the Brazilian Senate

president, is more aligned with Lula while Arthur Lira, the president of the Chamber of Deputies, is more aligned with former president Bolsonaro, and represents a roadblock for Lula's agenda.

Lula has other challenges that Petro does not face, such as internal pressure in his own party. The PT is a coalition of very different groups, and Lula must navigate intra-party politics, which might end up limiting his scope and goal settings.

INTERNATIONAL AND REGIONAL LEADERSHIP

Lula has prioritized strengthening ties with other Latin American countries and promoting south-south cooperation, while Petro has focused more on regional priorities for Colombia and promoting peace negotiations with armed groups. Lula, since his first two terms in office, established a genuine interest for Latin American political issues. He played a role in Haiti and in Honduras (after the latter's coup d'état in 2009). He successfully lead the move to include Venezuela as a member in 2015 of the southern cone common market, MERCOSUR.

While Lula and Petro both highlight environmental policy and advocate for sustainable development, Petro has a more ambitious agenda, calling to decarbonize the Colombian economy and seeking others to join this initiative. Lula has not expressed similar concerns for Brazil itself, and he is conscious of the role of extractive industries in helping to boost the economy.

Petro, starting with his inauguration speech, proclaimed his wishes to fight global warming and protect the Amazon. He has explicitly called other countries to action since the climate crisis is threatening humanity. Similarly, he has also questioned the war on drugs, saying that this strategy has failed and both producer and consumer countries have the responsibility to modify the strategy and understand the world drug problem as a matter of public health, not as criminal policy. He has further elaborated his vision before the United Nations General Assembly in September 2022 and at the COP27 climate summit in Egypt in November 2022.

It remains to be seen if these two presidents will join forces and provide joint political leadership for the region, and environmental leadership for the world. Brazil plays a much bigger and important role, given its size and its strategic partnerships with other regional powers such as Argentina and Mexico. Petro knows this, and this is why the Brazil-Colombia alliance, which traditionally has not been very relevant, might become more important for Petro's ambitious goals.

Lula and Petro represent two different leadership styles. Lula's focus on cooperation and South-South relations represent a vision of a more assertive and influential Latin America on the global stage. For now, Petro's emphasis is on regional issues and a more inward-looking approach, prioritizing domestic concerns over global ones. The relationship between the two will not be easy, leadership styles will collide. But the fact that they both represent the Latin American progressive movement makes it likely they will seek to maintain a closeness, at least in appearance, that will strengthen the regional left. ✳

SILVANA AMAYA

Silvana Amaya is a public policy manager at DiDi, a leading mobility technology platform, and a former analyst with Control Risk, the world-wide risk consultancy.

Chinese President Xi Jinping meets with Saudi King Salman bin Abdulaziz in Riyadh, Saudi Arabia on December 8, 2022. Photo credit: Reuters

BIDEN'S MEASURED RESPONSE TO CHINA'S ACTIVISM IN THE MIDDLE EAST

BY RYAN HASS

The Biden administration does not view US–China competition in the Middle East as a zero-sum prize for one side to enjoy at the other's expense. This measured response to China's growing influence could change, however; outlined below are factors that could shift US policy toward great power confrontation in the region.

China's President Xi Jinping paid a three-day visit to Saudi Arabia in December 2022, which included a bilateral meeting with Saudi Arabia, a Gulf–China summit, and an Arab–Chinese summit. In all, Xi held bilateral meetings with nearly 20 Arab leaders. President Xi and Crown Prince Muhammad bin Salman signed an ambitious Chinese–Saudi partnership pact guaranteeing cooperation in finance, innovation, science and technology, aerospace, energy, language, and culture. This was followed by similarly lofty agreements at both summits, pledging that China and its Middle Eastern partners would significantly expand cooperation and commercial ties across the board.

China's spokesperson hailed Xi's visit as "epoch-making." Beijing's state media described the visit as "China's largest and highest-level diplomatic action with the Arab world since the founding of the People's Republic of China."

Part of China's triumphalism was likely designed to deflect attention away from protests at home around its zero-COVID-19 policies. With domestic challenges mounting, China's leaders increasingly crave visible symbols of respect abroad. Xi's reception in Saudi Arabia stirred national pride at home at a moment when Beijing was seeking to shift focus away from domestic discontents.

However, it wasn't just inside China where Xi's visit garnered attention. Commentators across the Middle East also marked Xi's visit as signaling a geopolitical shift from American regional dominance to greater multipolarity. In the US, however, Xi's visit did not attract significant media attention. In fact, it hardly registered in the American media, which then was focused on the prisoner swap of an American woman basketball player for a Russian arms dealer and the repercussions of the US midterm election results.

Asked to comment on the significance of Xi's visit, a White House spokesperson observed, "We are mindful of the influence that China is trying to grow around the world." The State Department spokesperson was similarly circumspect, noting that it is not for the US to "comment on bilateral relationships between any two countries when we are not a party to them." He went on to highlight that the Biden administration is not forcing any countries to choose between the US and China but rather seeks to give countries options for how best to pursue their interests.

Part of America's circumspection on Xi's trip may reflect a desire not to inflate the significance of the inroads Xi made in the region. Under President Biden, America's approach toward Saudi Arabia has also shifted, viewing it less as a prize worth pursuing and more as a complicated partner who must be managed.

Saudi Crown Prince Mohammed Bin Salman welcomes Chinese President Xi Jinping in Riyadh, Saudi Arabia on December 8, 2022. Photo credit: via Reuters/Fredy Builes

To be sure, the US has been working hard to stave off Chinese activism in specific areas, such as in regional telecommunications infrastructure and in gaining greater control of ports in strategic waterways. Any Chinese efforts to limit American access to the region or undermine its traditional security role would invite confrontation; yet so far, China's involvement in the region is not threatening America's ambitions. As White House Middle East Coordinator Brett McGurk recently concluded, "Thus far, we are not seeing the type of relationships [between China and Gulf countries] that is getting in the way of what we're working here to build."

Although the current zeitgeist in Washington seems to treat any advance by China in the world as a threat to American leadership, the Biden administration—publicly, at least—does not project a similar sense of alarm about China's growing influence in the Middle East. There are multiple potential explanations for this relatively more balanced framing.

First, the Biden administration has adopted a global posture of seeking to outcompete China for influence by providing a more attractive offering to partners, not by strong-arming partners into turning away from China. Even as President Biden often invokes a global struggle between democracies and autocracies for influence in the 21st century, he and members of his administration also regularly call for the US and China to compete without resorting to conflict. The Biden administration does

not envision any near-term resolution to the US–China great power competition. Instead, American policymakers speak of the need for the US to outperform China over the long term.

Second, the Biden administration has diminishing expectations for what it can achieve with Saudi Arabia. US–Saudi relations have cooled in recent years in both directions. President Biden had entered office with strong views on Yemen and on the crown prince's alleged role in the murder of Washington Post columnist Jamal Khashoggi. He later sought to engage the Saudi leadership during a visit in July 2022. Saudi Arabia's decision in October 2022 to lead a two million barrel per day cut in OPEC+ production quotas, three months after Biden's visit and one month before

So far, China's involvement in the region is not threatening America's ambitions.
President Biden speaks virtually with President XI from the White House. Photo credit: Reuters

US midterm elections that were being framed around inflation, widened the growing gap between both countries. In this environment, Saudi leaders would be delusional to think that warming ties with China will generate any leverage in their relationship with the US.

Third, there is no real near-term risk of China displacing America's security role in the region, nor any credible indications that China aspires to do so. The US operates a constellation of military bases across the region. China maintains a small military presence in Djibouti, alongside French, Italian, Japanese, and American military installations there. China is increasing defense exports to the region, but the volume pales in comparison to US exports of defense equipment and services. China is increasing its naval presence and joint exercise with Saudi and other forces, but again, the level of Chinese presence does not compare to American levels. The invocation by American military leaders of the great powers' competition to explain the importance of sustaining a strong presence in the region should not be interpreted as signaling an alarm about China's growing military profile. Rather, it should be understood as a recognition that American military leaders are vigilant to China-related risks in the Middle East, just as they are in every other geographic and functional domain.

Fourth, America is gaining greater strategic room for maneuver in the Middle East while China's requirements are becoming more linked to the region. In 2021, 72% of China's crude oil consumption was imported, with roughly 50% coming from the Middle East. China is increasingly dependent on secure flows of energy from the region and on preserving access through the many chokepoints that its energy supplies must transit en route to China, including the Persian Gulf, the Gulf of Oman, the Red Sea, the Bab al-Mandeb Strait, the Strait of Hormuz, the Malacca Strait, and the South China Sea. China is now the world's top importer of oil. America is the world's largest oil producer. As counterterrorism recedes in America's hierarchy of foreign policy

priorities, the US gains greater flexibility in its approach to the region.

Fifth, American and Chinese vital interests in the Middle East are not in fundamental tension. China has maintained a narrow definition of its interests in the Middle East. Beijing seeks to preserve unimpeded access to energy and markets, protect its citizens residing in the region, and ensure that its relationships in the region do not cast a negative light on China in the Muslim or developing world. China does not have any evangelical or ideological ambitions in the region, unlike the US, which has seesawed in the past in its prioritizing its promotion of democracy. Both American and Chinese interests demand peace and stability in the Middle East and a reduction of threats emanating from it, and China should invest in the region in ways that expand oil output or improve human development, supporting both American and Chinese strategic objectives.

None of this is meant to suggest that the US is—or should be—sanguine about China gaining greater strategic influence in the Middle East. It is merely meant to underline that the Biden administration does not appear to be panicked about Xi's recent visit to Saudi Arabia, or more broadly about China's growing diplomatic, security, and economic investments in the region.

Thus far, America has responded with a measured approach of delineating specific Chinese actions that would cause concern. American policymakers judge they will have greater capacity to exercise influence by tailoring concerns narrowly (e.g., around technology and critical infrastructure) than by making blanket demands upon regional powers to spurn Chinese investments. A range of factors will inform whether the Biden administration sustains such a measured approach. These include how well the approach works in limiting China's involvement in 5G/6G telecommunications infrastructure, restricting China's control of strategically sensitive ports, and disincentivizing China from directly challenging America's traditional security role in the region. America's approach also will be influenced by demand signals from the rest of the region and by the outcome of America's 2024 presidential election.

Ultimately, the trajectory of US–China competition in the Middle East may hinge on whether China continues to narrowly define its ambitions. So long as both major powers conceive of their vital interests in compatible ways and the region welcomes both major powers to make complementary contributions to security and development, then risks of direct confrontation remain low. If China decides that the status quo is no longer tolerable, if US–China confrontation intensifies elsewhere and bleeds into the region, or if countries in the region privilege China's priorities at America's expense, then risks of great power confrontation in the region may need to be revisited. ✳

RYAN HASS

Ryan Hass is a senior fellow and the Michael H. Armacost chair in the Foreign Policy Program at the Brookings Institution. He is the author of Stronger: *Adapting America's China Strategy in an Age of Competitive Interdependence.*

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