



Israel and international community: towards lawfare?

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Background

In Israeli elections in late March, Benjamin Netanyahu once again showed that he truly deserves the nickname “King Bibi” by, despite earlier opinion polls, beating his right-wing and left-wing opponents alike. To a large extent, the prime minister managed to gather the votes of undecided voters by issuing a series of highly controversial statements which appealed to his traditional base. In the run-up to the elections, he explicitly ruled out that an independent Palestinian state would be established under his watch. On the election day, the prime minister then urged the Likud sympathizers to vote because the victory of the Right was threatened by a high turn-out of Israeli citizens of Palestinian origin who, as Netanyahu put it, “kept coming to polls in droves”. Quite understandably, these remarks caused international outrage.

Nevertheless, Netanyahu seriously mishandled the political bargaining following Likud’s victory, with the result of forming a government in which his position is much shakier than would the elections’ results suggest. But even more importantly, it appears that Netanyahu will now pay for his electoral success by significantly damaging Israel’s international standing: even the relations with the U.S., a

key ally, which have already been suffering from barely hidden antipathy between the prime minister and President Obama in the last years, are now near the historical low. Most of the international community hold even more negative stance towards the Israeli state whose official representatives adopt increasingly harsh attitudes towards the Palestinian question. It thus appears the Israeli government is going to face the prospects of heightening international pressure, including so-called “lawfare”: efforts to challenge Israel with legal instruments. This puts the Israel’s leadership to precarious position, now especially with regards to the issue of Iranian nuclear programme.

Analysis

Although many liberal commentators have been shocked by Netanyahu’s success following his inflammatory rhetoric, the latest developments in fact relate to larger shifts in public opinion in Israel. A move towards the hard-line views on national security in general, and the Palestinian issue in particular, on the part of many country’s Jewish citizens can be traced to the deep disillusionment with the Oslo peace process the promises of which went largely unfulfilled. The Second Intifada, which started in 2000

and brought about a wave of Palestinian suicide attacks, then definitely pushed a majority of Jewish Israelis towards parties which emphasized the need for, at best, very cautious treatment of any policy alternatives that would entail concessions to Palestinians. Netanyahu's Likud and right-wing parties in general then capitalize on these developments. This is made for them even easier by the Israeli left that mostly criticizes the right-wing parties' handling of security without offering a full-fledged alternative strategic vision that would be appealing to Israeli public with its feelings of existential threat, yet at the same time addressed and proposed a realistic way how to solve the conundrum of the Israeli occupation of the Palestinian territories.

In any case, yet another victory of the right-wing camp signals for most foreign leaders that Israel will not move forward in the peace process with Palestinians in the foreseeable future. In the case of the third world countries that are long-term critics of Israel, not much have changed. Nevertheless, the EU now to a large extent follows suit as it grows increasingly frustrated with Israeli leadership it blames for the stalemate in the Israeli-Palestinian negotiations. In this regard, Sweden's recent recognition of the Palestinian statehood is a hint of things to come.

The trend of decreasing European support is undoubtedly troubling for Israeli officials. Yet even more worrisome is the split between the Israeli state and the current U.S. administration. Although Netanyahu and Obama have not been on good terms, to say the least, before the March elections, Netanyahu's statements have brought the relations between the two countries to new low. According to available reports, U.S. administration's recent harsh statements aimed at Netanyahu are not mere strategic steps to push the soon-to-be Israeli government into more moderate positions but rather reflect a genuine disgust with the traditional ally. Obama has even hinted that the U.S. might "reconsider" its traditional backing of Israel in the UN and other international forums. This of course does not mean that Obama's administration will completely revert decades-long U.S. Middle East policy of providing material support for the Israeli state, not to speak about the fact that Obama made clear that he has issues with the current leadership and its actions rather than with the

Israeli state as such. But given the current situation, the lack of diplomatic coverage might prove nearly as harmful in the long run.

This is so because Israel is now facing a sustained non-violent pressure from several corners of the international community. Indeed, the increasing salience of anti-Israel sentiments world-wide is now being recognized by Israeli experts as a potentially strategic threat to the state. In this regard, it is remarkable that the loose Boycott, Divestment and Sanctions (BDS) movement has in last few years risen from the position of obscurity to being an object of discussion and often approval in university halls and banks' board rooms alike. Its professed goals to expose Israel as a (neo)colonial state, and to push the international community to take appropriate steps, are gradually starting to result in actual achievements.

These activities are then accompanied by the work of international non-governmental organizations (INGOs). If BDS operates more like a grass-root movement which seeks to diffuse a negative imaginary of the Israeli state and prompt governments and private companies to treat it accordingly, INGOs like Amnesty International seek to challenge the Israeli policies directly by charging Israeli officials with various crimes punishable by international law. In such cases, *lawfare* is thus a fitting term as legal disputes do constitute, to paraphrase Clausewitz's famous aphorism, a conduct of political struggle against Israel through other means.

Lastly, although the Palestinian Authority security forces continue cooperating with their Israeli counterparts, thus keeping the chances of eruption of another popular uprising in the West Bank slim, its leaders have launched a series of diplomatic and legal steps aiming to challenge Israel on the international stage. The earlier successful UN statehood bid has enabled Palestine to officially join the International Criminal Court (ICC) in early April. Although the immediate consequences of this step have been blown out of proportions by many (a number of procedures need to happen before anything near indictment of Israeli officials can even potentially occur), the description of this step as the "nuclear option" can prove adequate in the long term should the ICC eventually find Israeli offi-

cials guilty. The Palestinians' engagement with the ICC also further illustrates the gravity of the Israel-U.S. split, as it was the Americans who previously dissuaded the Palestinian Authority from pursuing these efforts.

Nevertheless, the lack of American backing in the UN and other international forums in particular, and declining position of Israel on the international stage in general, is going to have repercussions beyond the Palestinian issue. Most notably, it will significantly impact Israel's options regarding the Iranian nuclear programme. Not only will the U.S. administration be opposed to the prospect of providing Israelis with military means necessary to disrupt the programme, should the Israeli leadership decide to opt for a military action. Should such a scenario materialize, Israel would also be openly condemned by the already inflamed international community. And, given these attitudes, Netanyahu's fierce objections to the recent deal dealing with the Iranian atomic ambitions are largely brushed aside by most governments.

Bottom Line

- Although military threats have not vanished, it has become obvious that the Israeli state needs to come to terms with non-violent diplomatic, legalistic and ideological challenges from the international community;
- Actors spearheading these efforts have been significantly encouraged by the latest political developments in Israel. These have, many argue, fully disclosed the unsettlingly racist views of some on

the Israeli right. Thus, the new Israeli government is going to face even tougher environment as the perception that Israel is not interested in peace with Palestinians has received a wide currency;

- The case of the Iranian nuclear programme highlights that Israel's international image and the security policies and military options are inseparable;
- Some in the Israeli establishment have realized that BDS and other initiatives tarnishing Israel's image world-wide should be considered strategic threats, and that state agencies should enact measures that would neutralize their impact. Nevertheless, given the momentum of anti-Israeli sentiments, such efforts might easily proved futile. In that case, the long-term negative impact of these measures might in fact influence Israeli officials' strategic costs and benefits analysis, prompting them to actually change their policies.