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**[Europe Mislabeled Israel:](#)** Eugene Kontorovich, *New York Times*, Nov. 13, 2015:  
*Jerusalem Post*, Nov. 12, 2015 — This week the European Commission announced guidelines suggesting that Israeli products from areas that came under its control in 1967 be labeled “Israeli Settlement” products and not “Made in Israel” as they have been until now.

**[Who is Being Delusional?:](#)** Caroline B. Glick, *Jerusalem Post*, Nov. 19, 2015 — On Tuesday night, Channel 10 broadcast an interview with PLO chief and Palestinian Authority President Mahmoud Abbas in which Abbas admitted publicly for the first time that he rejected the peace plan then prime minister Ehud Olmert offered him in 2008.

**[Inconvenient Truths About the Middle East Peace Process:](#)** Aaron David Miller, *Wall Street Journal*, Nov. 23, 2015— John Kerry is off to the Middle East again. His itinerary

might surprise you, though.

**[Trump Plans to Force Peace Talks - a la Obama?:](#)** Ari Yashar, *Arutz Sheva*, Dec. 3, 2015 — Ahead of his trip to Israel this month, Republican presidential candidate Donald Trump revealed in an interview...

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**[German Parliament President: We Reject Settlement Labeling, Understand Israel's Anger:](#)** Lahav Harkov, *Jerusalem Post*, Dec. 2, 2015

**[European Hypocrisy: Why Single Israel Out?:](#)** Ofir Haivry, *Ynet*, Nov. 11, 2015

**[Last Tango in Paris:](#)** Amotz Asa-El, *Jerusalem Post*, Nov. 21, 2015

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**EUROPE MISLABELS ISRAEL**

*Eugene Kontorovich*

*[New York Times](#), Nov. 13, 2015*

[Last month] the European Commission announced guidelines suggesting that Israeli products from areas that came under its control in 1967 be labeled “Israeli Settlement” products and not “Made in Israel” as they have been until now. The policy carves out a special legal rule for Israel, not only contradicting the European Union’s own official positions on these issues, but also going against rulings of European national courts, and violating basic tenets of the World Trade Organization.

Faced with criticism from both the right and the left in Israel and the United States, the European Union claims its action is merely “technical,” rather than politically motivated or punitive. Yet this is belied by the fact that the measure comes in response to explicitly political demands for labeling by some member states’ foreign ministers, as well as anti-Israel NGOs.

In fact, the labeling controversy must be viewed as just one step in a broader, purposeful and gradual escalation of anti-Israel measures by the European Union. Two years ago, the commission promulgated a regulation that barred spending money on Israeli academic, scientific or cultural projects in the West Bank or Golan Heights. Then the union began refusing to allow imports of certain Israeli agricultural products. Last year, 15 European states issued warnings, alerting people to unspecified legal dangers of interacting with Israeli settlements. These steps, while supposedly motivated by what the European Union sees as Israel’s occupation of territory, have been applied only to Israel, and not to other countries regarded as occupiers in international law, such as Morocco or Turkey.

Having warned about settlement products, the European Union is now labeling

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them. Diplomats in Brussels and NGOs have made clear that more coercive measures will follow. In this context, labeling is important not in its immediate economic effects but as a highly visible step in a conscious process of building a legal ghetto around Israel, within which a special set of rules applies.

What has largely escaped notice is that the labeling policy violates the European Union’s own express policy on such issues. The commission primarily justifies labeling as a necessary tool to provide consumers with the information that it does not regard the territories “as part of Israel.” However, European Union and national authorities that have addressed the issue have clearly ruled that special labeling is not required in such situations — neither for consumer protection nor to reflect the European Union’s view of the underlying sovereign status of territories.

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Thus the European Union allows Morocco — which has extensive trade ties with Europe, but has occupied Western Sahara since 1975, and populated it heavily with settlers — to export products from its occupied territory labeled “Made in Morocco.” When challenged, the commission formally declared that labeling such goods as “made in” Morocco is not misleading, and is consistent with European trade agreements.

Also, European courts have considered the consumer protection rationale specifically in the context of Israeli products, and rejected it. Just last year, the British Supreme Court ruled, in a case involving Ahava beauty products produced in the West Bank, that “there was no basis for saying that the average consumer would be misled” by a “Made in Israel” label. The court held that such labeling was not deceptive as a matter of both British and European Union law.

The problem is not that the European Union fails to live up to its standards in some cases, like that of Morocco. Rather, in these other cases the union explicitly denies the existence of these standards. Such inconsistency is not just hypocrisy. It is a

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legal violation in its own right. The European Union’s foundational treaties require regulatory “consistency.” And discrimination against trading partners represents a core violation of the General Agreement on Tariffs and Trade and other treaties of the World Trade Organization, as the law professor Avi Bell and I have shown in detail in a recent paper. The union’s labeling guidelines are manifestly discriminatory, as they apply only to Israel.

The World Trade Organization treaties establish the legal framework for international commerce. Under the W.T.O.’s nondiscrimination requirement, it is impermissible to apply trade rules and restrictions to some member countries and not to others. And the W.T.O.’s protections apply not just to a country’s sovereign territory, but also to areas of its “international responsibility,” such as occupied territories. The United States, with international approval, received the benefit of its international trade treaties even in territories it occupied in World War II, as well as in the Panama Canal Zone, where it made no claim of sovereignty. There is nothing novel about a country’s receiving full trade rights for nonsovereign areas under its administration.

The United States has a great deal riding on the integrity of the international trading system. But the European Union labeling threatens to establish a precedent that would allow politicization of the system, undermining United States economic interests in broad and unpredictable ways. Thus it is not surprising that earlier this year, the United States passed a law opposing such European Union measures against Israel. Making special rules for Israel has the undesired effect of reducing Israel’s incentives to take international law seriously: If the goal posts can be moved, there is less reason to play the game. As a putative role model for international law, the European Union’s greatest weapon is its probity and consistency. By damaging that, it harms its ability to set the global agenda.

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**WHO IS BEING DELUSIONAL?**

*Caroline B. Glick*

*[Jerusalem Post](#), Nov. 19, 2015*

On Tuesday night, Channel 10 broadcast an interview with PLO chief and Palestinian Authority President Mahmoud Abbas in which Abbas admitted publicly for the first time that he rejected the peace plan then prime minister Ehud Olmert offered him in 2008. Olmert’s plan called for Israel to withdraw from the entire Old City of Jerusalem, including the Western Wall, and from 93.7 percent of Judea and Samaria. Olmert also offered sovereign Israeli territory to the Palestinians to compensate for the areas Israel would retain in Judea and Samaria. Abbas said his rejection was unequivocal. “I didn’t agree. I rejected it out of hand.”

For years, the story of Abbas’s rejection of Olmert’s 2008 offer has been underplayed. Many commentators have insisted Abbas didn’t really reject it, but just failed to respond. But now the truth is clear. Abbas is not interested either in peace or in Palestinian statehood. Abbas’s many apologists in the Israeli Left insist that he didn’t reject the plan on its merits. Rather, they argue, Abbas rejected Olmert’s offer because, by the time Olmert made it, he was involved in criminal investigations that forced him to resign from office eight months later.

Hogwash, says former AP reporter Mark Lavie. Following the interview’s broadcast, Lavie countered that if Abbas were truly interested in establishing an independent Palestinian state, he wouldn’t have cared about the political fortunes of the Israeli prime minister. He would have taken the offer and run, knowing that, as Olmert said, the likelihood that he’d get a similar offer in the next 50 years was nonexistent.

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The most notable reaction to Abbas’s admission was the reaction that never came. The Israeli Left had no reaction to his interview. Abbas is the hero of the Left. He is their partner. He is their moderate. He is their man of peace. Abbas is the Palestinian leader to whom every leftist politician worth his snuff, from opposition leader Yitzhak Herzog to the Meretz Knesset faction make regular pilgrimages to prove their devotion to peace.

Their man in Ramallah received the most radical offer ever to see the light of day. And rather than accept it, he rejected it out of hand and refused to meet with Olmert ever again, and he openly admits it. The Left’s non-response is not surprising. Abbas’s decision to end all speculation about whether or not he is a man of peace is merely the latest blow reality has cast on their two-state formula.

The Left’s policy of land for peace failed more than 15 years ago when Abbas’s boss, Yasser Arafat, preferred war to peace and initiated the worst campaign of terrorism that Israel had ever experienced. Yet for the last 15 years, the Israeli “peace camp” has never wavered in its view that, despite it all, Israel must rid itself of Judea, Samaria and Jerusalem. Rather it members has grown angrier and angrier at their own people for abandoning them and less and less willing to agree that there is anything - including Israeli statehood itself - that is more important than giving up Jerusalem, Judea, and Samaria.

The Left’s reactionary position was on full display last Thursday at the annual “peace conference” hosted by the far left *Haaretz* newspaper. Last year, the conference’s audience attacked Bayit Yehudi Party leader Naftali Bennett both verbally and physically when he presented his plan to apply Israeli sovereignty over parts of Judea and Samaria. This year it was Tourism Minister Yariv Levin’s turn to be assaulted.

Levin was subjected to constant catcalls from the audience, whose members called

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him “Goebbels” for arguing that the two-state formula has no chance of bringing peace and that the time has come to consider other options.

But Levin’s claims were simply common sense. This week the Palestinian Center for Public Opinion published its most recent survey. The results were no surprise. Indeed, they were more or less consistent with historical survey results. According to the PCPO data, 63 percent of Palestinians oppose holding peace talks with Israel. 58 percent think Mahmoud Abbas, whose term of office ended in 2009, should resign. A majority of Palestinians support a new assault or “intifada” against Israel and 42 percent of Palestinians support the use of terrorism against Israel.

Also this week, ahead of the *Jerusalem Post* Diplomatic Conference on Wednesday *The Jerusalem Post* published a new poll of Israeli public opinion. According to the data, 46 percent of Israelis support a policy of separating from the Palestinians through the establishment of a Palestinian state. 35 percent of Israelis support applying Israeli sovereignty to Judea and Samaria. For Israelis under 45, the numbers are reversed.

Today a majority of Likud Knesset members and all members of the Bayit Yehudi’s Knesset faction oppose Palestinian statehood and support applying Israeli law to all or parts of Judea and Samaria. Rather than deal with the fact that neither the Palestinians nor the Israelis support their two-state model, the Left has decided to ignore both.

The *Haaretz* conference last week hosted a panel discussing whether the two state paradigm remains viable. In his remarks, Prof. Shlomo Ben-Ami, who served as foreign minister in 2000 during the failed Camp David peace summit, explained that given the Israeli and Palestinian publics’ rejection of the two-state formula, (but especially the Israeli rejection of it), the UN Security Council determine Israel’s final borders. In other words, from Ben-Ami’s perspective, withdrawing from Jerusalem, Judea and Samaria is more important than maintaining Israel’s independence and governing in accordance with the will of the people.

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When the panel’s moderator expressed concern that the mass expulsion of Israelis from their communities in Judea and Samaria which the two-state formula requires would cause a civil war within Israeli society, Ben-Ami just shrugged his shoulders. “I don’t delude myself. I never deluded myself that this would be a boy scout trip,” he said. “You can’t do this through consensus....Consensus is the great enemy of leadership.” Ben-Ami continued, “War unites, peace divides...A leader who wants to make peace will always have a split nation behind him.”

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## **INCONVENIENT TRUTHS ABOUT THE MIDDLE EAST PEACE PROCESS**

*Aaron David Miller*

[Wall Street Journal](#), Nov. 23, 2015

John Kerry is off to the Middle East again. His itinerary might surprise you, though. The secretary isn’t going to the region to coordinate strategy with Vladimir Putin, François Hollande, or meet with Iraqi Prime Minister Haider al-Abadi (his deputy is already in Baghdad); or to deal with the putative political transition in Syria. No, instead the trip will focus on Israelis and Palestinians, in addition to a stop in the UAE where he’ll presumably talk Syria.

Having spent most of my professional life chasing after and believing in Arab-Israeli peace-particularly Israeli-Palestinian peace-I can understand the addictive



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power of the problem for U.S. presidents and secretaries of state. And this secretary of state, more than any of those for whom I worked, really believes not only in the importance of the issue but also in his own capacity to somehow solve it. Touching base with Israeli Prime Minister Benjamin Netanyahu and Palestinian Authority President Mahmoud Abbas might make some sense, particularly consulting with the Israelis on Syria and Russia.

But as Mr. Kerry makes yet another foray into the world of the never-ending peace process, here are some inconvenient and politically incorrect truths worth bearing in mind.

First, if there is any key to stability in the angry, broken, dysfunctional Middle East, it certainly isn't a solution to the Israeli-Palestinian issue. Yes, a resolution now would certainly boost U.S. credibility and take an important issue off the table. But given the region-wide melt down - Syria, Iraq, Libya, Yemen in varying forms of chaos and dysfunction; a rising Iran, and the threat from ISIS — it's no longer credible to argue that solving the Israeli-Palestinian conflict is a priority or that it's even possible now. A two-state solution may well be the least-worst outcome. But with all the other failing states in the region, it's worth considering why the U.S. would want to risk a failed or weak Palestinian one.

Second, even if that two-state solution were theoretically possible sometime, it isn't now. Rarely has any peace process been as unready for prime time as this one is at the moment. President Barack Obama has repeatedly acknowledged this. Neither Mr. Netanyahu nor Mr. Abbas is ready to pay the price on any of the big issues like Jerusalem or refugees.

Mr. Abbas can't rein in Hamas and silence all of the guns of Palestine. And he can't control the Palestinians who are killing Israelis with knives, guns and cars — many of whom are from areas of Jerusalem that Israel has controlled since 1967. And not to put too fine a point on it, Mr. Netanyahu really isn't interested in helping to

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deliver Palestinian statehood, let alone becoming its father.

Third, much of the interest in dealing with the peace process is coming from Washington. And clearly, it would be a good thing if Mr. Kerry could help tamp down the current wave of violence. Perhaps Mr. Netanyahu could take some interim steps and Mr. Kerry might build on them. That might interest Mr. Abbas, who has used the violence to warn that the status quo isn't sustainable even as he fears that it could undermine his control and benefit Hamas.

The bitter truth here is that the Obama administration cares too much about this issue and the parties themselves too little. What's missing is the kind of local ownership that would make Israelis and Palestinians invest in a serious negotiating process and a solution because they want and need it. John Kerry can't do that for them.

If the Obama administration wants to keep its hand in the issue, tamp down the violence and try to manage the conflict in hopes for keeping a political solution alive, terrific. But it shouldn't start believing its own talking points. The Middle East is on fire. And there are much more important things to do.

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### **TRUMP PLANS TO FORCE PEACE TALKS - A LA OBAMA?**

*Ari Yashar*

[Arutz Sheva](#), Dec. 3, 2015

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Ahead of his trip to Israel this month, Republican presidential candidate Donald Trump revealed in an interview Thursday that forcing peace talks on Israel will head his priorities if elected - and that the onus for the lack of peace lies on the Jewish state, not the Palestinian Authority (PA). "I have a real question as to whether or not both sides want to make it," Trump told The Associated Press, clarifying that he has more concerns regarding "one side in particular."

"A lot will have to do with Israel and whether or not Israel wants to make the deal - whether or not Israel's willing to sacrifice certain things," Trump said. "They may not be, and I understand that, and I'm OK with that. But then you're just not going to have a deal." Trump's focus on Israel may strike some as ironic, given that the state is currently embroiled in an Arab terror wave that PA Chairman Mahmoud Abbas has actively encouraged, recently calling the murder of Jews "peaceful."

The real estate guru promised: "if I win, I'll let you know six months from the time I take office" whether or not a peace deal is possible. "I think if I get elected, that would be something I'd really like to do," said Trump without specifying how he would achieve an elusive peace deal. "Because so much death, so much turmoil, so much hatred - that would be to me a great achievement. As a single achievement, that would be a really great achievement."

Trump's gung ho approach to starting up peace talks may raise concerns, given how they echo US President Barack Obama's insistence on addressing the issue. US Secretary of State John Kerry forced through nine-month-long talks starting in late 2013, that the PA torpedoed in April 2014 when it signed a unity deal with Hamas. The talks were accompanied by an upswing in terror attacks.

Trump said he would meet early with top regional leaders, visiting Prime Minister Binyamin Netanyahu "sometime after Christmas, probably." "You know, I'm going to be probably going over there pretty soon and I want to see him, I want to see

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other people, I want to get some ideas on it," said Trump, who claimed he was a "big, big fan" of Israel. According to the businessman, the only way to solve the Israel-Palestinian issue is "if you had a real dealmaker, somebody that knew what he or she is doing. I'll be able to tell in one sit-down meeting with the real leaders."

While avoiding specifics about whether the PA's demands are legitimate, Trump called Israeli construction in Judea and Samaria a "huge sticking point" in talks. Asked if his goal is a two-state solution, by which Israel would be divided to create a "Palestine," he said, "well, I'm not going to even say that." But he expressed his enthusiasm at the prospect of making a peace deal, saying, "if you can make that deal, you can make any deal. It's probably the toughest deal to make."

Regarding the prospect of peace, In late October PA Chairman Mahmoud Abbas said all of Israel is "the occupation," showing his intentions to conquer the entire state, and last month he revealed for the first time that he rejected the offer of a Palestinian state back in 2008. Abbas, whose term in office officially ended in January 2009, gave credence in June to calls by Jewish nationalists arguing that a Palestinian state should be set up in Jordan, when he called Jordanian and Palestinian Arabs "one people living in two states."

## **On Topic**

[2 State Solution?: \*Dry Bones Blog\*, Nov. 18, 2015](#)

[German Parliament President: We Reject Settlement Labeling, Understand Israel's](#)

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**Anger:** [Lahav Harkov, \*Jerusalem Post\*, Dec. 2, 2015](#) —Germany opposes the “unwise” European Commission decision to label products from the West Bank, Golan and Jerusalem, Bundestag President Prof. Norbert Lammert said Wednesday.

**European Hypocrisy: Why Single Israel Out?:** [Ofir Haivry, \*Ynet\*, Nov. 11, 2015](#) —The public debate in Israel over the European Union's initiative to label Israeli products manufactured beyond the Green Line usually avoids addressing the most troubling aspect of the initiative: The fact that of all the regions in the world subject to a certain sovereignty conflict, the EU has only chosen to label products originating in the area of conflict related to the Jewish state.

**Last Tango in Paris:** [Amotz Asa-El, \*Jerusalem Post\*, Nov. 21, 2015](#)—By the time he arrived for his fifth wedding in 1975, Ugandan dictator Idi Amin had murdered tens of thousands of his citizens, including scores of generals, politicians and judges, besides expelling more than 50,000 Asians and thus leading his economy to ruin.