

SOVEREIGNTY

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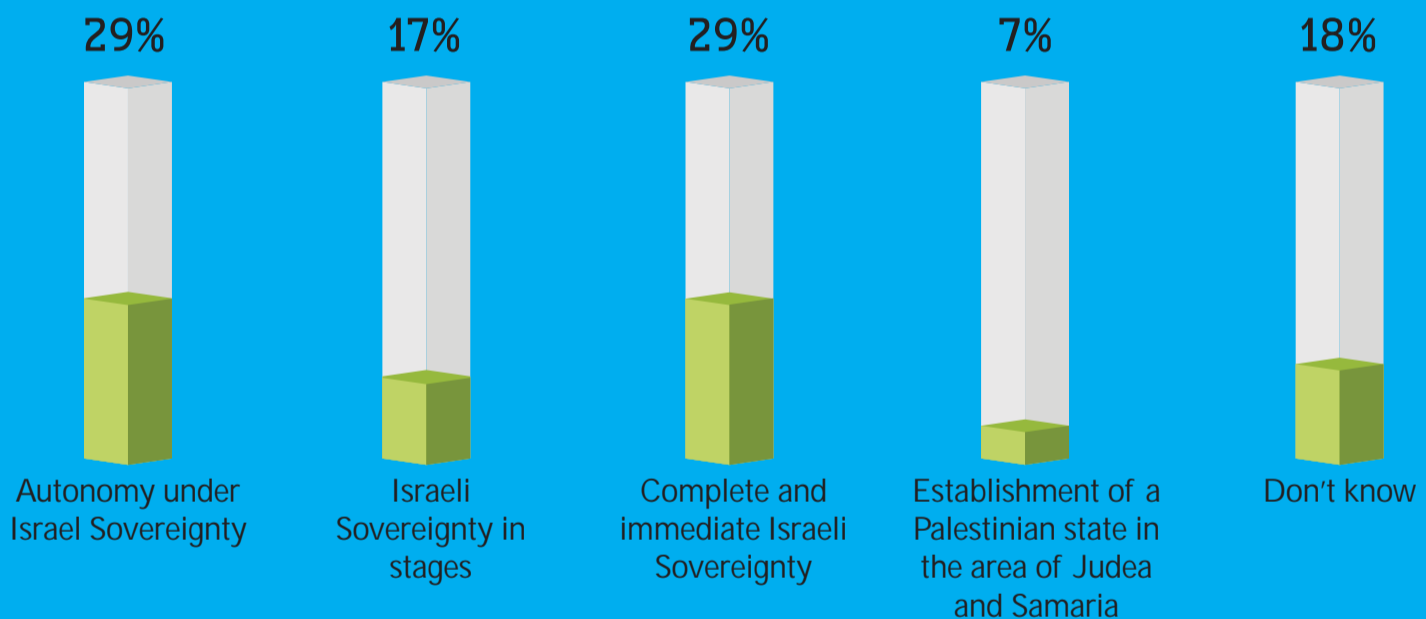
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A survey carried out by Maagar Mochot (Israel's leading research institute), headed by Dr. Yitzhak Katz



75% pro Israeli Sovereignty

7% pro Palestinian state



4th Sovereignty Conference organized by Women in Green & the Forum for Sovereignty, February 12th 2017, Jerusalem

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A word from the Editors

The idea of Israeli sovereignty in Judea and Samaria has taken on great momentum in recent months. Within the government of Israel, more and more ministers are heard openly calling for the application of sovereignty; sovereignty and its feasibility are hot topics in public discourse and in the media; and finally, even the Israeli Left shows signs of internalizing the collapse of the "two-states" dogma and recognizing the urgent need to weigh alternative policies.

In this regard, the inauguration of the new American President, Donald Trump, is a game-changer. Trump and his administration have demonstrated a basic willingness to examine the alternatives to the two-state idea; this refreshing attitude has not been heard from an American administration for most of the fifty years that have passed since Israel's liberation of Jerusalem, Judea and Samaria and the Golan Heights.

This issue of Sovereignty deals with these changes in the Israeli and international sphere. However, as experts on the new American administration and close associates of the new American president repeatedly assert, nothing will happen in the political sphere as long as the demand for sovereignty is not made officially by the government of Israel. The new American approach respects Israel's decisions, and expects the government of Israel to determine what vision it projects in leading its people. (You can read sentiments in this vein in this issue in the article about the head of the Republican Party in Israel, Atty. Marc Zell).

If the people in Israel provide its government with the necessary tailwind, their government will be able to take a strong stand. The impressive success of the Fourth Sovereignty Conference, as well as the mobilization of each and every one of us in support of the Sovereignty Campaign, will bear significant fruit in politics and policy; so we hear repeatedly from senior ministers of the

government of Israel.

We, the editors of Sovereignty, call on you to connect to the campaign and support it in every way possible, whether with ideas, with deeds, with financial support or with vigorous public relations activity. We are now at a historic window of opportunity, and we need everyone's support. Each and every one of us can help steer the Israeli ship of state away from the disaster of dividing the Land, and into the safe harbor of an ethical, secure and Zionist vision of the future for the People and the Land.

In this issue the reader will find a summary of remarks made by participants of the Fourth Sovereignty Conference, that includes the words of ministers, members of Knesset, philosophers and public figures. And for the first time, you can read the statements made by authentic grass-roots representatives of the Arabs of Judea and Samaria, who call for Israeli sovereignty and an end to the despotic rule of the Palestinian Authority.

During the years of the Sovereignty Campaign, we have taken care to provide an open and inclusive forum for different approaches to the implementation of the sovereignty idea, and we intend to continue doing so. Nevertheless, we, the Forum for Sovereignty and Women in Green, have found it appropriate for the first time, to present our own detailed plan for the implementation of sovereignty. A summary of the plan appears in this issue, and those who are interested can order copies of the pamphlet from us that includes more details of the plan.

We wish you enjoyable reading.

Editor's note: The positions brought in the journal, in interviews and articles, do not necessarily represent the position of the editorial staff. The Sovereignty platform is a platform for presentation of various, sometimes even contradictory, positions.

Ministers, members of Knesset, spiritual leaders, rabbis and even representatives of the Arabs of Judea and Samaria and more than a thousand people took part in the Fourth Sovereignty Conference, organized by Women in Green and the Forum for Sovereignty, in Jerusalem, a short time before Prime Minister Netanyahu's flight to his visit in Washington.



The 4th Sovereignty Conference: Panel discussion: Sovereignty with responsibility



The 4th Sovereignty Conference: Panel discussion: Minorities in favor of Israeli Sovereignty



Rabbi Avi Gisser
Rabbi of Ofra, Head of the Mishpatei Eretz Institute

"The time is ripe, the soul is ready, we have the right consciousness and now is the time to act. It is fitting to mention a few facts – it is 3500 years since the covenant with the Land was formed; 220 years since the first waves of immigration that marked the beginning of the revival, the arrival of the students of the Gaon of Vilna and the students of the Baal Shem Tov; we have experienced 120 years of political-practical Zionism; 100 years since the Balfour Declaration; 68 years of the state and 50 years since the war that liberated the most important parts of the Land of Israel. After all of these, indeed, the time has come for sovereignty!"



Minister Uri Ariel
Minister of Agriculture

"I am excited to see that today we are speaking in simple Hebrew about sovereignty in the Land of Israel and this should not be taken lightly. It is not a miracle, but rather the result of hard work on the part of each person here who is furthering it in his/her own way."



Ze'ev Jabotinsky
Grandson of Ze'ev Jabotinsky, continuing in his footsteps

"The text of the Mandate states that the Jews, and only the Jews, have the right to sovereignty over the entire area of Palestine, the Land of Israel. This is still part of international law today. Legal authorities and experts of the first degree in international law stand behind this statement."



Minister Ze'ev Elkin
Minister of Jerusalem Affairs & Environmental Protection

"If the radical Left succeeded, on the level of discourse, to raise the Palestinian state, which was not acceptable by Israeli law, to a reality that we have experienced in the past twenty years, we will, of course, be able to instill the idea of sovereignty in Israeli hearts, and this discourse will also bring about practical results in the field."

Women in Green and the Forum for Sovereignty thank our partners who made the conference possible:

- Mrs. Cherna Moskowitz | Mrs. Sabina Citron, Just Peace for Israel | Mrs. Helen Freedman, Americans for a Safe Israel (AFSI)
- | Mr. Robert Wolf | Mr. Irving Weisdorf, The Mozuud Freedom Foundation | Mrs. Goldi Steiner, Canadians for Israel's Legal Rights (CILR)
- | Canadians for Balfour 100 | Mr. Yossi Winter, Toronto Zionist Council | Mr. Jack Berger | Mr. Michael Sone | Mr. Murray Mc Laren |
- Mr. Jerry Lambert | Mr Eallan Hirshfeld



Shimon Riklin

Journalist Channel 20

“The attack of the retired generals against the annexation of Judea and Samaria is encouraging. It is the first time in many years that the Left has gone on the defensive and is investing millions in an attempt to derail our initiative. In the past, we always spoke about what not to do, and for the first time they are chasing after us. Today, Sovereignty is the central idea on the table and the only question is how, when and where.”



Moshe Savile

Former Deputy Mayor of Gush Etzion

“Because of the absence of sovereignty, the residents of Judea and Samaria do indeed vote in elections for Knesset, but they do not receive the rights of every resident... Ultimately the sovereign is the military commander and not the head of the local authority. Many laws and protective measures do not apply to the residents of Judea and Samaria. The system is in chaos.”



Yossi Dagan

Samaria Regional Council Head

“Sovereignty will not only improve security and prevent a Palestinian state, it will also strengthen the economy, bring down the cost of housing and encourage immigration. When we are held hostage to delusional ideas that prevent building in Judea and Samaria, we harm Zionism as well as the economy.”



Avi Roeh

Yesha Council Head & Binyamin Regional Council Head

“We are already in the fiftieth year of our presence in Judea and Samaria. This is a historic moment for the People of Israel. ‘And you shall proclaim liberty in the year of the Jubilee’. This is a historic moment for the leadership to make courageous decisions.”



Emmanuel Shiloh

Editor Besheva newspaper

“I am afraid that instead of ‘Ma’ale Adumim first’, we will get ‘Ma’ale Adumim stop’ and therefore, we must think big about doing the maximum possible. Taking small steps is not suitable for the international situation. There are reasons to be concerned about the severe reaction by the Arabs and the world, who will not moderate their reaction simply because the process will be done in steps. If we are going to absorb condemnations and sanctions, it might as well be, at least, as a response to a step that will thwart the vision of a Palestinian state.”



Yael Elitzur

Widow of Uri Elitzur z”l

“When Uri spoke about sovereignty, he was attacked by the Right and the Left. They thought it was unrealistic, but to him it was obvious. It was not the only thing that he foresaw, simply because he was wise. When he got sick and it was clear that there wasn’t a lot of time left, I asked him what he wanted us to do. He replied, ‘I have one remaining mission in my life – to bring the idea of sovereignty into the consensus.’ Since then, almost miraculously, it has become an option that everyone is talking about.”



Prof. Avi Diskin

Political scientist at the Hebrew University

“We must be cautious about taking unilateral steps that will bring pressure upon the Palestinians and endanger Israel’s fragile basis in the world, which might impose an undesirable arrangement upon us.”



Caroline Glick

Dep. Manager of the Jerusalem Post and writer

“We must exchange the proposal for the law of Ma’ale Adumim with the law to apply sovereignty over all of Area C. We do not know what will be after the ‘first phase’ and therefore, we must act in the first phase in a larger area.”



Dr. Yoaz Hendel

Military historian and journalist

“We must define for ourselves the areas of consensus, and in these areas work towards the application of sovereignty – the blocs of settlement and the Jordan Valley. In these areas we can create a national consensus and explain why we want and need to be there.”



MK Tzipi Hotovely

Deputy Foreign Minister

“During the years when we told the world that we can solve the matter with compromise because we are a people who seeks peace, we did not fight for Israel’s just cause, and anyone who does not believe in his right to settle in Shiloh, Eli and Beit El has nothing to look for in Tel Aviv, Herzliya and Rishon LeZion.”





Yifat Ehrlich
Writer and journalist

“After fifty years of settlement, the time has come for Sovereignty. The time has come to say that the Land of our Forefathers is ours. No more passive waiting. The national Zionist camp is presenting the vision of sovereignty as a solution that aims to change the reality, not to be dragged after it.”



Noam Arnon
Spokesman Jewish Community of Hebron

“The jubilee year is the right time for responsibility. Sovereignty means taking responsibility. We will not impose citizenship, but human rights, health care, etc. all of these we will bestow. This is the only realistic approach. The Left is wrong and was wrong with Oslo, which was a moral and national travesty of justice.”



Annette Hassakia
Social activist

“I am also against a Palestinian state. I do not want them to destroy my country. I do not forget Oslo and the terror attacks of Oslo. I, as an Arab woman, pay the price when people will not rent an apartment to me because of terror attacks that others have done... Actually, it is the Rightists and the settlers who made a home available for me and not the Left... The governments of Israel are the ones that gave us the Palestinian flag, but even as a young girl, I asked myself why I would go with a flag that is not mine. I am an Israeli and my flag is blue and white.”



Ashraf Jaabari
Business man and Muchtar of the Jaabari Hamoula in Hebron

“We came to the conference of Israeli sovereignty in the West Bank. We want first of all, for all of us to live in peace and security and stability... Peace I said! Not like with the corrupt Palestinian Authority! Where is the money they received? All the millions of dollars from Europe and the US? They didn't build even one hospital in the territories. They didn't build even one school. What are you waiting for? We are not against the application of Israeli sovereignty in the West Bank... We need a strong prime minister like Menahem Begin... I call on you to appeal to the Israeli prime minister, Benjamin Netanyahu, to be a strong prime minister.”



Dr. Dror Eydar
Philosopher and commentator

“Do not use the word ‘annex’; a word whose root in Hebrew is psoriasis, a disease. Speak of sovereignty. We are the owners here... Most of the public supports pioneering and settling in Judea and Samaria, but we cannot impose on the people a process that might bring about counter-reactions. We must have patience and faith, a process of building and broadening the settlement enterprise. Not everything all at once.”



Jonathan Elkhoury
Spokesman for the Christian Empowerment Council

“As the son of the family of an officer of the South Lebanon Army, I can say that when Israel was in Lebanese territory, our lives thrived and first-rate hospitals were established as well as successful schools. Our lives were worth something under the patronage of Israel. What happened afterwards is that everything that Israel built was destroyed by Hizballah. Today, I am an Israeli citizen with equal rights and my conclusion is that we are lucky that we came to Israel and that we are under Israel's patronage. We have the ability to speak freely without being persecuted like in Arab countries where my Christian brethren are persecuted.”



Governor Mike Huckabee

“It is my honor to encourage you as you seek to increase the message for Israeli sovereignty. The areas of Judea and Samaria are the indigenous lands of Israel from time immemorial ... I wish for you the courage to be bold and to do that which is necessary to secure your homeland. This is not land that you ‘occupy’. This is land that you own and you have the right to live there.” (From the video greetings for the Conference).



Senator Alan Clemmons
South Carolina

“It is impossible for a Jew to be an ‘occupier’ in Judea. It is not the task of the U.S. to dictate policy to Israel. Israel must hold a national discussion in order to determine where it will be sovereign.” (From the video greetings for the Conference).



Shalom Yerushalmi
Journalist

“Sovereignty will bring chaos and the economic and social collapse of Israel. Imagine what would happen if the Arabs of Jerusalem put up a candidate for mayor of the city. He would win against any Jewish candidate. This is what would happen in the reality that you are leading the entire country.”



Prof. Aryeh Eldad
Former Member of Knesset

“When Sheikh Jaabari asks us, ‘Where were you for fifty years?’ I say, ‘You have found my disgrace’, because if even Begin and Shamir, the idealistic leaders of the Right, did not apply sovereignty, this is a disgraceful thing... The manipulation with which the Left frightens us regarding demographics has worn off. We are no longer afraid of demographics.”



The Realization is even dawning on the Left: There will not be two states

Author A. B. Yehoshua demands that his friends on the Left rethink their policy and begin to discuss other plans beyond the idea of two states, which has become impossible to implement. The idea of a federation is one of the ideas that he presents to his colleagues, who find it difficult to swallow. We spoke with **Emanuel Shachaf** who leads the federation movement.



A.B. Yehoshua Photo: La'Am

in an interview with Razi Barkai on the IDF radio station, and stated that "After fifty years it has become even more difficult because of what is happening in the field, in the communities of Judea and Samaria and in Jerusalem itself." He claims that, "the solution becomes impossible, first, because of the very large communities that would require the expulsion of 450,000 people, which is totally irrational, and second, because of the division of Jerusalem, since it has become impossible to place an international border within it." In the author's opinion, the fabric of life that has been created in Jerusalem since the Six Day War constitutes a sort of laboratory that proves that it is possible to coexist. "In Jerusalem there are many joint areas for Jews and Arabs and this is a very positive thing."

"Let's think in a different way. Let's not be closed-minded."

A.B. Yehoshua explains his new doctrine to the leaders of the Left and among other places, he spoke also at the conference that the Meretz leadership held in memory of the late head of the movement, Yossi Sarid. In his speech there he said, "We are inside east Jerusalem and the blocs of settlements have already become part of its flesh. There is nothing more outrageous or despicable than saying about the Palestinians, 'They should get out of our sight.' They are not leaving. The brother of the Palestinian that you shoot in Judea and Samaria works in the settlement and his Israeli cousin takes blood tests from your aunt at Beilinson Hospital. And the driver that the terrorist shoots is the doctor who is now treating your cousin. We are integrated with each other whether we like it or not. We need a dialogue with the moderate settlers who want peace, and with the Palestinians. Let's think new thoughts. Let's not be closed within the thought of how just and correct we are."

He also stated that, "We cannot remain all the time in this state of mental fixation (of two states). I was at the conference of the Federation Movement in Jerusalem and I saw how people speak in depth and in a practical way and discuss the details. We must speak about this plan, so at least it can

be an available option."

These words were harshly criticized by the head of Meretz, MK Zehava Galon, but were enough for us to turn to the co-head of the Federation Movement, Emanuel Shachaf, formerly a senior agent in the Mossad, to ask for a few more details about the movement and its ideas, which challenge the Israeli Left and demand it to rethink its political ideas, which have proven to be impossible to implement.

Shachaf, who joined with his friend Aryeh Hass, a Jerusalem philosopher who decided to think "out of the political box" and examine alternatives to the Left's vision of establishing another Arab state in the heart of the Land of Israel, explains in an interview with the Sovereignty Journal: "One of the main problems that has turned the approach of two states to irrelevant is the fact that it has no public support, or that people do not see a possibility of its being realized or they see a danger to security or as a result of the trauma of Gush Katif. In order to promote a political idea, there must be support from the Right and from the Left, and there will not be this support for a major withdrawal."

Application of Israeli sovereignty on the territory and a re-partition to federations

Shachaf and Hass draw the idea of federations from dozens of countries throughout the world, which conduct themselves as regimes, dividing the country into federations with unique characteristics that match the populations that live within them and which are all subordinate to one political regime.

He summarizes the plan thus: "This is application of Israeli law in Judea and Samaria, reform of the administration in all of the territory, which will divide Israel into three autonomous cantons, twenty with a Jewish majority and ten with a non-Jewish majority. There would be a demographic balance similar to that which exists today. All of the residents that are interested will become citizens, and a federal constitution will be written to protect the rights of all the citizens and ensure equality between them, since each canton will have an internal constitution and local administration that would be

written by the residents. In the Knesset there would be two houses, similar to the American scheme – the lower house is for the representatives (the number would be calculated in accordance with the size of the population) and the upper house would include two representatives who will be sent from each canton regardless of size.

If the idea seems a bit complex and complicated to the Israeli eye, Shachaf notes that about forty percent of the world population lives with such an administrative scheme of federations. There are various differences between one federation and another but the general principle is the same.

The implementation of a plan such as this should preferably be done with the agreement of the Arabs of Judea and Samaria, but according to him, it is possible to implement such a framework even unilaterally without their agreement, although he himself believes that the temptation to promote such a framework without agreement would be its undoing and it is worthwhile to aspire to create such an agreement. According to him, this is a very good time to promote this sort of framework because of the weakness of the Palestinian Authority.

And what about the world? Will it accept such a scenario with understanding and agreement? In Shachaf's estimation, since this is a process that bestows equal treatment to the Arabs of Judea and Samaria, and significantly improves their situation and status, it would in any case reduce the grounds for international opposition.

But before they come before the world and lay out a plan of this sort, Shachaf and his people must work hard among Israeli individuals and organizations and try to get them to change their opinions, and here, just as with A. B. Yehoshua, Shachaf finds that the mental fixation of the Left prevents listening and reexamining the current situation. "The leftist parties are still locked onto the two state solution and this is our greatest difficulty. The time has come for the Labor party to engage in alternative thinking as well, but this is not yet happening. In contrast, on the Right and the Center, I meet people who are more open to the idea and many who hear the idea in detail respond positively and ask why we didn't think

The positions that A. B. Yehoshua has been presenting in recent weeks are becoming a major subject of dispute from the perspective of the Left, who stubbornly see dividing the Land and establishing a Palestinian state as the only vision.

The author, who for decades was one of the leading proponents of the idea of two states, has asserted repeatedly at various events that the reality in which more than four hundred thousand settlers live throughout Judea and Samaria, and the fact that it is impossible to create a real division in the heart of Jerusalem, removes, for all intents and purposes, the idea of two states from the political agenda. The author, again and again, calls on his friends on the Israeli Left to open their eyes and stop the messianic discourse about two states and to begin searching for alternatives.

Among the proposals that the author has recently raised is the idea of applying sovereignty in Area C and giving resident status to the tens of thousands of Arabs who live in that area. Thus, claims Yehoshua, the situation and status of these Arabs, at least, will be improved, and their demographic effect on the character of the state would be negligible.

"We cannot talk about two states since this solution is becoming more and more difficult and problematic," he said,



Emanuel Shachaf
Photo: Reuven Kapuchinsky

of this before.”

One obvious question is how such an idea is accepted by the other side. And indeed, Shahaf himself is surprised to find that in discussions that he has held with former senior officials of the Palestinian Authority, contrary to what he thought, they have a certain willingness to give up on the concept of a ‘state’ but only if they will have full equality.

And what about Gaza? Gaza is not included in the plan, Shahaf clarifies, because of the concern about demographic ramifications and because of the Hamas regime that exists there, preventing any political discourse. Conversely, he comments that in the future it will be possible to turn Gaza into a confederation, meaning, an independent political entity with special connections to Israel.

Shahaf markets his ideological wares in various forums. As of now, he can count among the supportive public figures, the head of the Jordan Valley Council, David Elhyani, General (res.) Gershon Hacohen and others. However, in his opinion, there is key importance to the very existence of the discourse around the idea, a discourse that will make it easier for politicians in the future to express positions of this sort, and yes, there is definitely a chance that his movement will be running for elections in the future, even for a seat in the Israeli Knesset, to promote the idea.

“The two-state solution has become even more difficult because what is happening in the field, in the settlements and in Jerusalem itself.”

‘Israel’s sovereignty must extend to each and every location in Zion’

Reuven Rivlin, The President of the State expresses his ideological faith in the vision of sovereignty, but states that the process must include providing equal treatment to the entire population in the sovereign area of Israel.

In his speech at the last Jerusalem Conference, President Reuven Rivlin also related to the vision of sovereignty, expressing support in principle, but in line with his ideological approach of many years, he emphasized the obligation to grapple with the matter of equal treatment for all the citizens of the state after sovereignty has been applied.

“For 2,000 years we dreamed of returning to the Land of Israel, and there has never before been a situation when the Jewish People had more than six million Jews living in its Land. The first stirrings of our redemption that began with tens of thousands and hundreds of thousands has become a state of millions. Both political Zionism and religious Zionism believe that the return of the People to its Land depends on the People’s ability to establish themselves on the land. In each place, the challenge was different. In Jerusalem, it was the old Jewish settlement that understood that forty years after the return to the Land, it was necessary to build up the neighborhoods outside of the walls. Also political Zionism understood that without settling in the valley, in the mountain, in the Negev and the Galilee, we would not be able to establish a national infrastructure that would form the basis for independent national existence. Gradually, step by step, we built a sovereign state that was not only defined as such, but was a practical reality.” The president went on and related to the political processes that have strengthened the sovereignty of the State of Israel in the Land of Israel throughout the years, step by step: “Over the years the State of Israel knew how to act with wisdom and responsibility in applying sovereignty. In the eastern part of Jerusalem, Israeli sovereignty was applied by virtue of Clause 11b of the Law and Administration Ordinance. Afterward, during the government of Begin in 1980, the “Jerusalem, Capital of Israel” Law was passed, and in 1981, the Golan Law was passed. These laws applied sovereignty, and in this context, various laws were passed, which made the necessary arrangements.” “In each place where sovereignty was applied, it was applied equally to all residents – both Israelis and non-Israelis. It



President Reuven Rivlin Photo: La’Am

“We must determine a policy of how to live with the other residents of the Land of Israel. Whether it will be a confederation or one state, Israeli democracy, the Knesset, will decide.”

awarded residency and applied Israeli law to all,” Rivlin said, adding, “In everything related to our dilemma and conflict as a Jewish state and a democracy, we cannot apply a law that changes the rules without first deciding that this area is under our sovereignty.”

In relating to the increasing strength of the Sovereignty Campaign in Israeli discourse, he said: “Today the subject arises with added intensity. We must determine a policy of how to live with the other residents of the Land of Israel. Whether it will be a confederation or one state, Israeli democracy, the Israeli Knesset, will decide. We must make it clear that there is no contradiction between a Jewish state and a democracy.”

According to him, the way to explain this principle is to internalize the principle of equality regarding the entire population in the sovereign territory of Israel: “The whole question of settlement in the Land of Israel requires attention today. There is no possibility to ignore the

question of whether Israel seeks to annex the territories of Judea and Samaria, to settle the blocs of settlement, the Samaria bloc, the Judea bloc, the Binyamin bloc, the Jordan Valley bloc, which are all one bloc - all are the Land of Israel. But we are facing a moment when we must state and understand that international law applies to us, too, and therefore, we must make a decision regarding the application of Israeli law.”

“I say again, and especially to myself, as one who believes that all of Zion is ours, that sovereignty of the State of Israel must be in every single location with all that this entails. And sovereignty that is applied in any territory grants citizenship to all who live in the territory. There is no easy way out. There is not one law for Israelis and another law for non-Israelis. When I say that my belief is strong that all of Zion is ours, this is exactly what I mean. Sovereignty of the State of Israel must exist in all of Zion, for all of its residents. One law for all.”

The Interconnectedness of Ethics, Bible and Policy

This is Arab land? Why? Because they got it from the Turks? And was it the Turks' to give? Thieves received it from thieves. This does not make the Land theirs. Because we were forcibly exiled, we lost our rights to the Land? // An interview with Rabbi Shlomo Aviner

The discussion with Rav Aviner, head of the Ateret Yerushalayim Yeshiva, and rabbi of the community of Beit El, about the obligation for sovereignty over the Land of Israel, is seasoned with quotations, personal and historical stories, along with statements relating to Torah, Jewish law, ethics and policy. This is also how Rav Tzvi Yehuda Kook ztz"l related to the topic, comprising ethics and policy, and anchored in Torah and spirituality, notes Rav Aviner.

"The Land belongs to us for four reasons – divine, religious, ethical and national. These four aspects are all interconnected." We have no dealings with the Japanese or the Chinese, who do not believe in the Torah, but with a billion and a half Muslims and two billion Christians, who do believe in the Bible as the basis and where it is written that this Land is ours."

Already here, Rav Aviner mentions the first Rashi in the Torah, where Rashi explains why the Torah begins with the creation of the world, so that if the non-Jews will ask us why this Land is ours, we will respond that the Almighty is the One who created the Land and by His will he took it from them and gave it to us. The Rav adds, "Do the non-Jews really care about the first Rashi in the Torah? But this is not correct. They do care. Yaacov Herzog, the son of Rav Herzog, brother of President Chaim Herzog, who was a statesman and jurist who maintained diplomatic connections with representatives of the world (among other things, he was Ben-Gurion's policy adviser, responsible for the connections with the Vatican, Israeli ambassador to Canada, Israeli representative in Washington and other positions), was asked about this and he answered that, indeed, the nations of the world do care about that Rashi. Although they do not study Rashi, they do care about this claim. They have no answer for this."

We were exiled by the Romans but this does not diminish our rights here.

And there is also the ethical claim, "It is impossible to steal something from someone that belongs to him. We were here. Although the Romans did exile us, this does not diminish the degree of the Land's belonging to us. Sometimes a person leaves something of his and gives it up, but we never gave it up; we prayed, "May our eyes behold Your return to Zion" each and every day, and meanwhile, the Land passed from the Romans to others, and then to others. Just because our Land was passed from one thief to another, does that mean that it is not ours?" asks Rav Aviner, and continues, "If someone bought land here, we will not take it from him, despite the fact that actually, from whom did he buy it? From thieves. Not from Bar Kochba and not from Judah Maccabee. If he has a deed that we sold it to him, then it is his, but at this time the claim that he bought it is not significant. How did it become his? If I left my house for a period of time and someone settled in my yard, is it his? And despite this, Rav Kook says that, beyond the letter of the law, we are willing to pay for a field, just as Abraham paid for the Cave of the Patriarchs, our father Jacob paid for Nablus and King David for the Temple Mount, despite the fact that these places are ours. It is all so that they will not say that we are thieves, but this payment is only beyond the letter of the law."

Rav Aviner sharpens and emphasizes this point relating to current matters: "How is it that suddenly, Migron belongs to the Arabs? Because the King of Jordan gave it to them? And how does it belong to the King of Jordan? Did he buy it from us? No. It is ours. Non-Jews settled here without permission in our absence. It is not theirs from an ethical point of view, and therefore, all of our willingness to pay them for the land is strictly beyond the letter of the law."

"He who behaves like a lamb, will be eaten by a wolf. We must be resolute and strong."



Rabbi Shlomo Aviner Photo: La'Am

The Rav rejects the claim that is raised again and again about the many generations in which Arabs lived in Judea and Samaria on their land. "This claim that they lived here for a very long time is a false claim, as was proven in the book *From Time Immemorial*, but also, if they really were living here for so much time, it would be considered as a 'claim with no legal basis'. At most, they would have to pay rental fees for a longer period of time..."

"The commandment to settle the Land is divided into three parts – living in the Land, settling the Land and sovereignty in the Land, which is the expression of the inheritance of the Land, a war of liberation in order for the Land to be under our sovereignty. This is the religious aspect," Rav Aviner summarizes, and moves on to the national aspect.

"From the national point of view, there is no precedent in world history for a people giving

up parts of its land, except for one case – Czechoslovakia. At that time, the Germans demanded part of Czechoslovakia, the area of Sudeten, in which there were more than half a million Germans. An international conference was convened in which there were evil Germans, Italians who aided them in their evilness, and English and French cowards who helped them to instill fear. They pressured Czechoslovakia and threatened them that if they did not give away Sudetenland, a second world war might break out. Chamberlain returned by plane, waving a piece of paper that said, 'I have brought you peace,' Churchill told him, 'You brought a piece of paper,' and everyone knows how the matter ended." "Sometimes journalists come to me from abroad and ask if I would be willing to give up parts of the Land for peace. Since I know that I must condense my answer so that it will not be edited and cut, I answer with one word. If he is Belgian, I mention the Wallonians; if he is French, I tell him 'Alsace', an area between Germany and France over which there is a land dispute for which France fought an all-out war; if he is Spanish I mention the Basques, and so forth. Where have we ever heard of a country that gives away part of its land to minorities? A country knows that it is its land and doesn't surrender one millimeter of it, but when it comes to us, there is confusion. Rav Tzvi Yehuda Kook wrote an article in which he claimed that as a result of the Holocaust we lost our self-confidence and our national confidence to acknowledge that it is ours."

How is it possible to convince the world when you yourself are not convinced?

In Rav Aviner's words, political arguments and divine promise are intertwined, and to anyone who believes that the biblical arguments are relevant only for observant Jews, Rav Aviner asserts, "The People, for the most part, believe in the Almighty and



We were exiled by the Romans but this does not diminish our rights here. Titus gate. Photo: La'Am

“Where have we ever heard of a country that gives away parts of its lands to minorities? A country knows that it is its land and doesn’t surrender one millimeter of it, but when it comes to us, there is confusion.”

“Anyone who wants to live here as a minority can live here as a minority. We can provide them with individual rights, but not national rights.”

believe in what is said in the Torah. The atheists are the minority and even they respect the Bible.”

However, without faith and a willingness to present it uncompromisingly, things are likely to become difficult. Rav Aviner mentions a meeting with the late Prime Minister Yizhak Shamir during the period of the agreement with Egypt. Rav Hanan Porat happened to meet Rav Aviner at the time and asked him to join him in meeting with Shamir. After entreaties, he agreed. The two “met Shamir in a grey suit and with a grey expression in his eyes. Rav Hanan Porat spoke with fire, while PM Shamir seemed burned-out. Finally, Rav Hanan Porat urged me to speak as well. I asked Shamir if he believes that the Land is ours according to the Bible. He said yes. I asked why he does not say this aloud. He said, ‘If

I say it aloud, people in Israel and the rest of the world will laugh at me, but I will say it about Jerusalem and we will see who dares to speak...”

“After his years as ambassador in the United States, Yizhak Rabin told how, during this entire period, he never managed to convince them that Judea and Samaria are ours. Rav Hanan Porat asked him, ‘And are you convinced of this?’ Rabin admitted that he was not. How is it possible to convince others if you yourself are not convinced?” And there is also an example of another kind from a leader who spoke differently. “Once the Americans said to Golda Meir, ‘If you do not yield, we will not give you weapons.’ She answered them, ‘We’ll see how it turns out.’ Once I said this in a lesson for women and I said that, ‘She acted like a man.’ [Translator’s note: “ i.e. She was very confident and courageous]. They corrected me: ‘No, she acted like a woman!’ They were right,” says Rav Aviner and concludes, “We must be resolute.”

And as we apply sovereignty, what status can we give to the Arabs who live here?

We will tell them, ‘You have five times as much territory as us in 22 states.’ If there is an Arab who wants to live here as an individual, it will be permitted, but if he is engaged in trying to kill us – no. But we do not have the courage to say that it is ours. They have their own states. If they want sovereignty, they should go to one of their states. Anyone who wants to live as a minority can live here as a minority. We can provide them with individual rights, but not national rights.”

From what you are saying, it sounds like you also object to giving them autonomy.

“Of course. Not autonomy either. Why autonomy? When the French give autonomy to their minorities, when the Belgians give autonomy to the Flemish and the Americans give autonomy to the Indians, then we can talk... what nonsense.”

And maybe we are in the stage of doing things gradually and should not rush into applying sovereignty?

“I do not say that we should conquer the area on the other side of the Jordan River right now, which is ours, nor conquer Lebanon, which is also ours, or parts of Syria, which are also ours, but regarding what is already in our hands, we cannot go back. We must always increase in holiness and not retreat.”

And what about the need to take other nations into account?

“Clearly, we must consider this. We are not alone. But the old saying is, ‘He who behaves as a lamb will be eaten by a wolf.’ The Americans try very hard to behave like Uncle Sam, not to force things. If they see that the People who reside in Zion are resolute, they will honor us, but if they hear stammering, they will put pressure on us. Whenever we stood with resolution, they did not put pressure on us, but when they detect cracks, they enter these cracks. We are the cause of this. We must be resolute and strong.”

From Greater Jerusalem



fotolia



MK Tsippy Hotovely
Photo: Yisrael Bardugo

MK Tsippy Hotovely, Deputy Foreign Minister,

believes that sovereignty in Ma'ale Adumim will be too limited and too small an area. We should apply sovereignty over Greater Jerusalem and progress toward sovereignty which will benefit the Arabs of Judea and Samaria as well.

If anyone thought that her term as deputy foreign minister and her familiarity with the diplomatic complexities and international pressures that Israel is subject to would lead to any change in her

position or even a smoothing of the edges in any matter connected with the vision of sovereignty, he or she would be in for a disappointment. "Between the Mediterranean and the Jordan there must be Israeli sovereignty. This is the guiding principle," states Hotovely, laying out the ways to present and implement the political aspect of this principle.

"When it comes to historical decisions of such magnitude, it is important for the People of Israel to stand behind the process of the application of sovereignty and not only for the government - elected because of its commitment to the future of the settlement enterprise - to lead it. The will of the people is the key, and the people indeed desire it," she firmly asserts.

In her estimation, the People of Israel feel that for too many years the question of the future of Judea and Samaria has been hanging in the air. The time has come, especially in the fiftieth year since the Six Day War, that a resolution is needed. Hotovely does not dwell on the vision and the goal, which are clear, but proceeds to the practical steps that will lead to implementation:

"I have no doubt that just as everything else in the course of Zionism, this too must be done gradually, but also logically. I hear my colleagues talk about the annexation of Ma'ale Adumim but in my eyes, it is too limited and too small an area and especially - there is no specific principle behind such a step. If the reason for a discussion about Ma'ale Adumim is the consensus, there is also Israeli consensus

regarding Gush Etzion. The necessary course of action, and I am happy to report that there are many of my colleagues in the Likud who also share this view, is the application of sovereignty in Greater Jerusalem."

Coordination with the Americans is very desirable but not essential

Hotovely sees choosing Greater Jerusalem as the first objective, as an added value, since Jerusalem is the heart of the battle, also for the Palestinian side which encourages its youth to carry out violent intifadas and terror knifings in the name of devotion for Jerusalem, the Temple Mount and al-Aqsa. "Since this is the situation, we must create an anchor of Jerusalem while creating a greater municipality that would strengthen the Jerusalem municipally and expand its area of jurisdiction, as has been done in other cities throughout the world. At this time, fifty years after the liberation of the city, it is important to begin with the symbol, with Greater Jerusalem, and not to begin with 'the place where Israelis think is Israeli.' In my opinion this not a good reason."

"The next phase is the application of the law in all areas of Jewish settlement, and not after several years. Such a step can be taken even during the present term of government. "It is important to remember that the governments of Israel in the past have carried out annexations without coordinating with any international body. Levy Eshkol did not ask for international coordination before annexing Jerusalem and neither did Menahem Begin before annexing the Golan Heights. I believe that it would be very important and beneficial if we could succeed in obtaining not only the backing of the People of Israel for this plan, but also coordination with the

Americans with a regional working plan laid out before them that is principally based on the fact that political history teaches us that the Palestinians do not want a state. I have checked with the Foreign Affairs Department and discovered that there is no minority in the world that has refused independence due to the size of the territory. A minority that truly desires independence is willing to have independence in any sort of territory. We have offered Palestinian citizenship, Jordanian citizenship and even Israeli citizenship to the Arabs of East Jerusalem, but they have consistently refused everything. We cannot force independence on someone that does not desire it. Now it is possible to come to the international community and say that for 25 years Israel has tried to offer various solutions to the Palestinians but they have refused any sort of solution and therefore the time has come to say that those plans for partitioning are not good for us, nor for the Middle East and regional stability, and not for the Palestinians who would implode upon themselves, as was the case with Gaza. Since this is the situation, and the plan that has been proposed until now was also refused and very bad for all parties, it is essential to think about alternative plans."

When discussing long-term alternative plans, Hotovely draws on Israel's past policies and discovers that on the Right as well as on the Left, there was talk of the Arabs of Judea and Samaria's connection with Jordan and the Arabs of Gaza's connection with Egypt, "and perhaps in the long range, Gaza could be under Egyptian jurisdiction. We have an opportunity to open things beyond the narrow borders of an Israeli-Palestinian discussion."

Realistically, the deputy minister knows that such a proposal, which speaks of a future

to Full Sovereignty



Palestinian connection with Jordan, will not win much approbation on the eastern side of the Jordan River, but nevertheless, she believes that if American incentives are introduced to the process and if the process comes not only from Israel, such a plan may be regarded in a totally different way. "Jordan and Egypt are faced with a number of very complex fronts, including economics, as well as terror threats against them. They cooperate with Israel and understand that they need strong American backing. Since this is the situation, the US has the power to open the discussion on the conflict to a broader regional perspective." The present reality, explains Hotovely, is not good, first and foremost for the Arabs of Judea and Samaria themselves and "the time has come for it to be good for them. I want it to be good for anyone who lives in this Land, and in the present reality, it is not possible because children grow up there with incitement, with an idea that we do not have a right to exist, with lies about history. Therefore, we need to shuffle the cards and say that it is impossible to continue this way, both because of our rights to the Land and for the good of the area. I believe that if we can begin these steps of applying sovereignty, with a guiding American hand and full American backing, this would have great value because we would not be in constant conflict with the international community. I emphasize that in my view, Israel has the right to carry out these steps even unilaterally, but of course, if there is international support it will be much more valuable."

"The Americans must understand that "proposals such as that put forth in the Bar Ilan speech [of Benjamin Netanyahu in June, 2009] have been answered with

violent Palestinian rejection and actually, the current situation is turning Israel into a Palestinian hostage and the Palestinians into victims of their own tragic story. Now, what is required is a regional process in which Israel applies sovereignty in the areas of consensus and the Jewish communities of Judea and Samaria, and then we will talk about cooperation with the Palestinians and we will deal with all the internal Palestinian matters such as education and more."

The Left and the international community have instilled into the Palestinians the sense that we are an extremely weak society.

In a discussion with Hotovely, we seek to glimpse into the future, to the vision, and ask her how she views the future regarding the dense population that has produced more than a few attackers and terrorists. "If there are no steps taken to reverse the ruinous processes that exist now, those people will not be able to be part of us. We cannot take terrorists and supporters of terror and turn them into part of the State of Israel and then say that there is no problem. This is not correct. There is a problem and we must not bury our heads in the sand. People ask me about freedom of movement and the answer is that it depends on the degree of danger. If they continue to support terror, a population that educates toward hatred and terror, then unfortunately, Israel as a state that defends itself, must continue to defend itself. I am speaking about a long-range process in which the Palestinians must recognize that they need to live alongside us and not replace us. This process has not yet begun,

but the application of sovereignty will be part of the understanding that Israel is not only ceasing its policy of withdrawals, but is changing direction and making a clear statement about our rights here."

"We believe in processes. Israel, in '48, managed to expand the borders of the territory of partition and in '67 we unified Jerusalem and liberated Judea and Samaria. This is how Zionism works – in stages. What is happening here is almost a revolution in consciousness on the Right, which for years has been involved with building and not with policy. These days, many on the Right understand that we must deal with the Palestinian issue. I believe that at this time, our responsibility is to present a positive vision that speaks of a new situation regarding our relationship with the Land of Israel, not only to speak about holding onto the territory because Ben-Gurion Airport is threatened, although this is true, but it is not the essence. The essence is that I have no right to exist in Herzliya or in Tel Aviv if I do not have the right to exist in Ofra and Beit El. That is where the entire Jewish saga began and that is where our roots are."

"The Left and the international community have instilled in the Palestinians the sense that in a short while, we will retreat, that we are an extremely weak society that will keep retreating until extinction. We have turned this trend around and we are beginning a new process of speaking about sovereignty, of building according to our needs as a state and not a building here and a building there. Things will not be solved in one moment. It will be a process, but I believe that ultimately there will be peace here, after they understand that we are not going anywhere."

"Jordan and Egypt are faced with a number of very complex fronts, including economics, as well as terror threats against them. They cooperate with Israel and understand that they need strong American backing. Since this is the situation, the US has the power to open the discussion on the conflict to a broader regional perspective."

"Proposals such as that put forth in the Bar Ilan speech [of Benjamin Netanyahu in June, 2009] have been answered with violent Palestinian rejection and actually, the current situation is turning Israel into a Palestinian hostage and the Palestinians into victims of their own tragic story."

This is how, step after step, we achieved sovereignty in the Golan Heights

Yehuda Harel speaks with the Sovereignty Journal about the political and public complexities along the way, the struggles, negotiations and exploitation of the political situations that guided the proponents of the Golan Law until they were successful, and what can be applied from that precedent to the present campaign, 35 years later.



Yehuda Harel Photo La'Am

“We did not know when the right moment would come, but it was clear that when the topic was on the agenda with constant pressure on the decision-makers, suddenly a window opens when it is possible to act, and then when you are prepared with a proposal of law and political support; it will pass.”

Thirty five years have passed since the government of Israel, under the leadership of Menahem Begin, applied Israeli law in the Golan Heights. The vicissitudes of recent years in the Middle East in general and in Syria in particular, have proven how essential and critical this step was for the security of Israel. There is no knowledgeable Israeli who would want to see Assad's skirmishes, the rebels, and violent involvement of Hizballah in one place and ISIS in another place on the eastern shore of the Sea of Galilee. Will the imperative for Israeli sovereignty in Judea and Samaria become so decisively clear in the future? And perhaps even more so, since if it is so in the North of the country, how much more so in the country's center.

In order to learn about the determination and persistence that ultimately led to the application of sovereignty in the Golan Heights, and in order to get a few tips to help increase the momentum in the campaign for sovereignty in Judea and Samaria, we conversed with Yehuda Harel, former head of the Committee for the Golan and one of the leaders of that successful campaign and later, also a member of Knesset.

With the slogan, “We must not lose the North,” a public relations activity was begun throughout the entire Land. “The greatest achievement was the very fact that we set out on a campaign for the application of the law at such an early period. Until then, we didn't think that it was important or urgent, just as our friends in Judea and Samaria did not think that it was important until recently. The approach that we were taught early on was that the settlement enterprise would determine what would be and not necessarily the law. We were convinced that wherever there was a settlement, that was where the border would be. That is how we were educated and that is what history has proven.”

It was Menahem Begin who was responsible for the turning point that shook our naive confidence in the power of the settlements to determine the irreversible facts on the ground. “With the uprooting of the communities of northern Sinai and the Gulf of Eilat, he proved to us that the reality is different. Magnificent communities were uprooted and thus Begin persuaded us that in fact building settlements is not enough.”

The passage of the law of Israeli sovereignty in the Golan Heights was the end of a campaign that lasted three years. Harel remembers well the day that it all began and what caused the whole process – one sentence by the foreign minister at the time, Moshe Dayan.

“This was the period of the Camp David Accords. Moshe Dayan traveled through the Jordan Valley and met Jews living there who anxiously asked if their communities were also in danger after the uprooting of the communities of Sinai and Pitchat Rafiah. Dayan told them that they have nothing to fear because in the agreement with Egypt it was written that it would be a precedent for agreements with other Arab countries, and since the Jordan Valley did not belong to any country, it was not included in the precedent. For the Golan Heights, however, it would be a precedent.”

“That same day we set out in protest and demanded that the government fire the foreign minister. At that time, I was head of the Golan settlement committee. Arik Sharon called me that morning as minister of agriculture and

asked if he could come to express his protest together with us against the things Dayan had said. I told him, ‘I will not let you come unless you make a commitment to establish at least one more community.’ The following day he called back and agreed to this commitment.”

Harel continues and recalls details of those dramatic days: “In the evening, the committee met to discuss what could be done in light of Dayan's declaration. It was clear that we could hold protests, but they would not be effective. Action was necessary. I said that the action must have a defined goal and intermediate objectives. I proposed that the defined goal be the application of Israeli law in the Golan Heights.”

Setting out on a long journey, beginning ironically with the Left

The person who was mobilized to be the campaign project director later became the head of the prime minister's office for Yizhak Rabin, Shimon Shabas. “We chose him because of a shared ideology, even before we knew how well he could move the project along. I suggested his name almost instinctively, and when he agreed, I gave up my place as head of the committee and became his assistant.”

From that moment on, a continuous flow of public relations activity began, which from the point of view of the government, might have been defined as harassment, but Harel is convinced that this persistence was the secret of its success. “Three years began when we did not know when the right moment would come, but it was clear that when the topic was on the agenda with constant pressure on the decision-makers, suddenly a window opens when it is possible to act, and then if you are prepared with a proposal of law and political and media support, and you apply pressure, it will pass exactly at that moment. It may be said that the law was passed by virtue of taking advantage of one moment, but that moment was the direct result of ongoing work that continued even when it seemed that it would not happen, month after month, year after year.”

In this spirit of stubbornness and persistence, Harel mentions that the Basic Law of the referendum, the same law that actually restricted the abilities of Israeli leaders to carry out political withdrawals on land that was recognized as being under Israeli sovereignty, passed only after ten years of persistent hard work, and here as well, when the opportune moment presented itself, the legal and publicity foundation was prepared and ready.

Harel and members of the campaign saw, and still see, another critical item as a key element that led Begin to carry out the step that required a bold political move – the support of the Left. “What helped Begin to be bold was that we obtained support for the law from the Left side of the map. We focused our main efforts on the Left because it was clear to us that the Right would not oppose it, and therefore, the first to join us were the Upper Galilee Local Council, the Jordan Valley, the mayor of Safed, the Kibbutz Movement and others from the left side of the political map. It was MK Katz-Oz of the Labor party who stood at the head of the Knesset lobby for the legislation. Thus, an agreement with the Left gradually developed. Clearly, the entire Left did not agree and not the entire Labor party; Beilin and others opposed it, but the demand to pass a law arose from the Left as well, and this helped Begin.”



The People are with the Golan Photo La'Am

In this context, Harel mentions that the wording of the petition, which was signed by a million citizens calling for the application of Israeli law in the Golan, was formulated together with Yigal Alon. "It was not exactly the wording that we wanted, but it was important to us that it was together with Yigal Alon. We sat with him on the porch at Kibbutz Ginosar for three hours until we arrived at the version which proclaimed: 'The Golan is an inseparable part of the Land of Israel – Israeli sovereignty in the Golan will guarantee peace and security.'"

"Afterward, we approached the organization of the moshavim of the 'Zionist Worker,' an organization that was not disbanded but had in fact already ceased to exist. We discovered that the coordinator of the organization was a supporter of the Golan. He passed a resolution of support that reached the media, and this too came from the Left. Members of Knesset saw and added their support, including even the United Kibbutz movement with whom we had a difficult argument; I debated against Amos Oz and I won by two-thirds. This was thanks to the help of Yigal Alon and with the support of Yisrael Galili. It was hard work, in stages, slowly but surely."

And there were also schemes behind the scenes. "We wanted to bring most of the members of Knesset to the Golan Heights to have them sign the petition. We invited them to a conference of Knesset members who support the Golan. Usually, in an important meeting in the Knesset, about 20 come, but this time more than 50 came. How did this happen? We made an agreement with the Chief of Staff Rafal that he would allocate two large helicopters to bring them with their wives from the Center to the Golan. This, too, was not easy, but we convinced him that the

Harel cites the Sisyphean and constant work, waiting for the opportune moment, as the key to success. "It was hard work that cost a lot of money and lasted almost three years, until the specific moment when it was convenient for Begin, and it happened."

members of Knesset wanted it, etc. Ultimately, a large gathering took place in Katzrin and they signed on the spot, and whoever did not come then was signed on afterward. In this way, we obtained the signatures of 70 members of Knesset on the petition. It was difficult and strenuous work that was also quite expensive."

As mentioned, Harel cites this Sisyphean and constant work, waiting for the opportune moment, as the key to success. "It was hard work that cost a lot of money and lasted almost three years, until the specific moment when it was convenient for Begin, and it happened. After the uprooting of communities of Pithat Rafiah, he had to balance the deed of expulsion, and he indeed agreed. Everything was ready and just waiting for his decision."

'Assad would not have promoted negotiations if he had known that ultimately, it would have to pass the test of a referendum'

Yehuda Harel admits that there are those who have not forgotten that, despite the passage of the law and despite the sovereignty in the Golan Heights, this did not prevent Ehud Barak from negotiating with Syrian President Assad over that same tract of land, and it seems that also Netanyahu continued contacts of this sort. Nevertheless, Harel

is convinced that the combination of the law of Israeli sovereignty in the Golan and the Referendum Law, prevents the future possibility of withdrawals. "If Netanyahu had entered into a practical discussion with Assad, as it seems he wanted to but did not have enough time, he would have had to say that everything that was agreed upon would have to stand up to a referendum. Assad would not have agreed to a situation in which he would have to compromise and might hear that the agreement did not pass a referendum, so in any case, the negotiations would have failed. Moreover, if there had been a referendum, I don't know what the results would have been and also Netanyahu did not know."

Regarding the Referendum Law as well, Harel mentions the persistent work of waiting for the opportune moment. "We were not content even after the Golan Law, because we knew that it was possible to annul the application of the law. We proposed that the referendum would be binding, and we worked on this for several years until the decision on the referendum was made. It was said that it required passing a Basic Law and that the opposition of the ultra-Orthodox to the basic laws negated any chance of passing such a law. We continued to work another two years with the prime minister among the leaders of

the opponents, but one day it was decided in the coalition that each of the parties could propose one law that is important to it and each party would be obligated to support the laws of the other parties. Tzipi Livni vehemently objected at that time to the Referendum Law, but we always remained prepared. We contacted Bennett and suggested that the law that his party, HaBayit HaYehudi, would propose, would be the Referendum Law. Bennett agreed and in that same package of coalition laws, the Referendum Law passed, despite all the opposition and that no one believed it would be possible to pass a basic law, and especially, that the law won the support of Tzipi Livni."

"Today, in order to withdraw from the Golan, it is impossible to give up sovereignty without a referendum. However, we know that although this does not pose an insurmountable obstacle, it would make it very difficult and each year that passes renders the idea of withdrawing and retreating that much more difficult and distant."

Harel is well aware of the advantages of the Golan Heights, which were exploited by the leaders of that campaign, among others, the varied population there including both religious and secular, Jews and Druze, city dwellers, people from agricultural communities and kibbutzim, rightists and leftists, so that it was possible to create a connection with a broad range of people within Israeli society. However, he remarks, the Golan Heights began the campaign in a difficult situation, as he defines it, since "everyone knows that Hevron is part of the Land of Israel and belongs to the Land of Israel even more than Tel Aviv, and the only argument that remains is if it should also be part of the state. In contrast, the Golan was considered to be Syrian heights, it was not part of mandatory Israel, and therefore, the project was much more difficult."

'Leave the topic of sovereignty on the table until the opportune moment'

Toward the end of the discussion, Harel also related to the current Sovereignty Campaign regarding Judea and Samaria, which has been receiving broader and greater support. "I would suggest to them to begin with the areas where there is a national consensus. It is correct to begin with Ma'ale Adumim and the territory between Jerusalem and Ma'ale Adumim. Building up area E is no less important than application of the law. Later it will be easier to speak about Gush Etzion and similar places. It is good to bring up this demand. Is this the right time? I don't know and it is not my role to determine this, but we must keep saying it. The subject must remain on the agenda until the opportune moment."

And what about the ability to mobilize people of the Left on behalf of the process? Even here, Harel does not despair. In his opinion, measured steps that relate to the areas of consensus should be able to win the support of Yair Lapid and his party, Yesh Atid, which will give the claim for sovereignty an additional political dimension.

He concludes by saying, "Sovereignty does not contradict the settlement enterprise. We need both."

We will not skip the first essential step toward sovereignty just because of the difficulties of the overall process

MK Shuli Mualem Refaeli, the head of the Bayit HaYehudi (Jewish Home) faction in the Knesset, one of the leading proponents of the vision of sovereignty in the Knesset, relates, in an interview with Sovereignty, to the complex challenges of this vision and the solutions that begin with a gradual process.



MK Shuli Mualem Refaeli Photo: La'Am

In various forums, in politics and outside of politics, you explain again and again why Israeli sovereignty in Judea and Samaria is the necessary political solution, but when you see the opposition of the government's Attorney General to the Regulation Law, a step that is less dramatic than sovereignty, and his concern about the international and legal reaction, do you not believe that the reaction to sovereignty would be much more severe and make the actual application of sovereignty a hopeless case?

"We must sharpen the essential difference between regulation and sovereignty. In the process of regulation, unfortunately, we say that the rights to the land are Palestinian and we want to expropriate rights to usage. I believe that, as a result of this, a problematic sense has been created in the eyes of the opposition that asks, if one does not want to give you these rights of use, it is theft, you are taking something without permission, etc. On the other hand, when you apply sovereignty, you are saying that this is part of the State of Israel, and let's now conduct ourselves there as we do in the State of Israel. They will act in Judea and Samaria similarly to the case where there are fruit groves in Kfar Saba and they want to establish a neighborhood - they would compensate the owner of the grove as required by

law.

In my opinion it is not correct to talk about the Regulation Law as sovereignty through the back door. This also obligates us, the supporters of sovereignty, not to stop with regulation. The fact that the state will act according to the Regulation Law does not give us legitimacy; beyond the joy regarding the strategic change, we must continue the process toward the main goal, which is the application of sovereignty."

You speak about the principle and the goal, but I ask if the position of the Attorney General, who is considered to be a serious legal authority, doesn't cause a certain measure of concern for the promoters of sovereignty, since in his eyes, sovereignty will not be easier than regulation.

"I don't know what will be easier in his eyes, and I don't think that this is relevant. Regarding sovereignty, as well as regulation, it is important to remember that the Attorney General is an employee of the government and not the opposite. Therefore, if a decision is taken on regulation and God-willing, when there will be a decision on sovereignty, he will need to state whether or not he can stand behind this decision of the government. If he can stand behind it, wonderful, and if not, he will need to decide how to proceed, but this should not be the cause of a delay among those who believe in sovereignty as a goal that we need to pursue.

It is important to me that no one interpret my words as minimizing the great importance of the Regulation Law. The Regulation Law is a strategic achievement for the settlement enterprise; it represents steering the ship from a course of destruction to the regulation of settlements, from terrible options that the state offered in the past to other ideas that have seeped into the Department of Justice during the past year and a half."

Is it reasonable, in your opinion, that he might appear himself in the High Court of Justice in order to take a stand against the government's stance regarding the Regulation Law?

Perhaps he might also be summoned by those who oppose the process to present his stand.

"This will not happen. I do not see any possibility that he would present a stand opposing the government. He cannot be summoned to express a stand opposing the government. If he does not want to go against the High Court in this matter, there is a long list of senior attorneys, including retired judges, who have said that they would have no professional or ideological problem in representing the government regarding this law, which meets all the requirements of constitutional and international law."

Either way, do you not see a connection between the current objection of the Attorney General to the Regulation Law and a future objection to sovereignty?

"Even those who oppose the Regulation Law say that if you want, apply sovereignty, or in their language, 'annex' the territory. So it might be that really, after application of sovereignty, or in the more accurate terminology, after transferring Judea and Samaria from military rule to become part of the State of Israel, there will continue to be a legitimate ideological and political argument, but it would be in the correct sphere, the political sphere and not the legal sphere, into which we are repeatedly dragged. Unfortunately, the State of Israel did not make a decision over the years, but only said that we do not see ourselves as occupiers in Judea

and Samaria - all the governments said this - but we never said what we truly are, and the time has come to say it, and applying sovereignty is making such a statement."

How do you see the process of sovereignty actually happening practically from a political perspective?

"It is clear to me that the process of sovereignty must be gradual. I would like to think that it would be possible to bring everything in one day as Begin did in the Golan, but I do not believe that we are in a similar place vis-à-vis Judea and Samaria. Indeed, I hear those who contend that it is not correct to speak about Ma'ale Adumim and Gush Etzion first, because we will be condemned in any case, and there is no point in bearing the brunt of international condemnation time after time, yet nevertheless, I think it should be carried out in stages, beginning with Area C through to the entire territory. I think that from a national perspective, we cannot carry out the process as we did in the Golan Heights, because there is much greater public discourse regarding this process."

What, in your opinion, is the most troubling and complex aspect to take into consideration in promoting the vision of sovereignty?

"The most troubling aspect is the disparity between sovereignty in all of Area C, which is clear to all, and sovereignty in Judea and Samaria, with two or two and a half million Arabs. In my opinion, it is not only a demographic question, because I don't think it is a question of whether the Jews will remain a majority here. I believe this is guaranteed. The last birthrate report shows that, contrary to all countries in the OECD, countries several times more developed than we are where the birthrate is decreasing and the number of elderly is growing, in Israel the miracle continues wherein Jewish women have a consistently higher birthrate. The more we progress, the more children we have, which is an opposite trend in the rest of the world. Therefore, I have no doubt about a Jewish majority. The question is what will be the status of the



MK Shuli Mualem Refaeli: “With great sorrow, I say that I have not heard the prime minister recant the irrational concept of two states”. Photo: Reuters, Kevin Lamarque

Arab residents when sovereignty is applied. Will they become citizens with equal rights and obligations who will be able to vote and be elected?”

We hear several answers to this question – a status of resident, a structure of autonomy, a connection with Jordan and others. What is your response to this question?

“This question brings me to the approach that there will be two stages and it will not happen instantaneously - starting with Area C and later, A and B. Regarding Area C, there is no question and I accept the position of Prof. Eugene Kontorovich who asserts that we must apply sovereignty in all of Area C at once. For the Arabs of this area, about 75,000 Arabs, we will grant citizenship like the residents of east Jerusalem. This is the easiest and most suitable plan. Clearly, we can no longer have a situation whereby the Jewish residents of Judea and Samaria are citizens with no legal status. Without sovereignty, they are not considered residents, and are therefore treated in a distorted manner. There is already a fourth generation who are not considered residents of the area and odd things happen to them, which the Regulation Law seeks, in part, to repair. After the necessity of applying sovereignty in Area C is clear to us, the only question that remains is the status of the Arabs in Areas A and B. I know that this is difficult for supporters of sovereignty, but I think that the right thing is for Israel to say that we are applying sovereignty across the board, and all of the residents there will have equal rights and can vote and stand for election, despite the difficulty this poses for many of my friends. It seems to me that it is impossible to carry out such a significant process without going all the way.”

Doesn't the reality of 30 or 40 Arab mandates trouble you?

“This is the difficulty: What will the ramifications be? Can we live with a situation where there are 40 Arab mandates in the Israel Knesset and what effect would this have on the identity of Israel? This is a real question and the solution relates to the status of the residents. We are in a complicated situation that will require clarification throughout the process, but one of the things that I fear is happening to us is that because of the complex question regarding the end of the process, we are delaying the execution of the beginning of the process, despite it being a stage agreed on by all, that is, applying sovereignty in Area C. Therefore, I differentiate between the two stages. This, in my opinion, is the reason that more and more people, like myself, believe that it is necessary to apply sovereignty on the entire territory, and say that we must first do what is clear to all of us – apply

sovereignty and citizenship in Area C, and they will decide whether or not they want to vote, but let's not delay this stage any longer.”

Doesn't the security situation worry you? Doesn't a situation where tens of thousands more Israeli Arabs will obtain citizenship and freedom of movement in all areas of the country further complicate matters for us?

“I don't think that the security matter is relevant because if we were concerned with security, we would have left the country and gone somewhere else. The security aspect should not prevent us from doing the right thing. When you apply sovereignty, all your actions are on a totally different plane. The conversation is no longer about external security (the army), but rather about internal security (the police). A sovereign state has rules of enforcement. Clearly this demands that Israel assumes a clear position vis-à-vis its citizens. Incidentally, in my opinion, the fact that the police and not the military were tasked with evacuating Amona is a change in approach on the part of the State of Israel towards the residents of Judea and Samaria.

I have the feeling that the topic of security is raised only in order to find excuses as to why we have not proceeded with the necessary steps to apply sovereignty. It appears to be an attempt to use the security matter as a stick in the wheels of sovereignty and no more. As one who lives in this area with Arabs, I sense that all they want is a normal life, a livelihood, family, health and to raise their children in a better place than they are today.”

In the final analysis, do you see anyone in our current political leadership adopting the idea of sovereignty and initiating serious action or is promotion of the idea intended mainly for the post-Netanyahu era?

“With great sorrow, I say that I have not heard the prime minister recant the irrational concept of two states. It will be a long process. Therefore, it is important that it begin already during the tenure of the current prime minister, without waiting for his successor. We cannot implement the process in one day; therefore, each day that passes without progress in the necessary steps toward sovereignty is a missed opportunity, from the perspective of the international legal and diplomatic infrastructure and from the perspective of the internal Israeli discourse to remove the concept of a Palestinian state from the agenda. Therefore, the entire discussion that we have been conducting in recent years, a discussion in which the public does not hear only about a Palestinian state every day, but also hears about sovereignty without apology, is a very important discussion.”

“The process of sovereignty must be gradual. I would like to think that it would be possible to bring everything in one day as Begin did in the Golan, but I do not believe that we are in a similar place vis-à-vis Judea and Samaria.”

“I don't think it is a question of whether the Jews will remain a majority here. I believe this is guaranteed. The last birthrate report shows that, contrary to all countries in the OECD, countries several times more developed than we are where the birthrate is decreasing and the number of elderly is growing, in Israel the miracle continues wherein Jewish women have a consistently higher birthrate.”

The Legality of Israeli Sovereignty over Judea and Samaria according to International Law

Karen Stahl-Don, LLM, MA



fotolia

This essay is a brief summary of a more extensive article. The complete article with citations and sources is available for download at www.IsraelSovereigntyInstitute.com

I. Introduction and Overview

International law supports Israeli sovereignty in Judea and Samaria. The most logical reading of the documents through which international law has traditionally been construed debunks the claim that Israel is an illegal occupier. These legal historical documents speak the truth to all who choose to read them. It is common to analyze the issue of sovereignty beginning either in 1947 with UN General Assembly Resolution 181 "partition plan", or in 1967 with the Six Day War. Either starting point works to Israel's great detriment: omitting the World War I era obscures the binding international commitment that established the modern foundations of Israel's sovereignty in Judea and Samaria. Such omission will inevitably improperly apply international law and lead to inaccurate conclusions.

Moreover, such a narrative perpetuates the misconception that Israel was created in response to the Holocaust. In fact, the Balfour Declaration and relevant documents supporting Jewish return to Israel preceded the Holocaust by almost three decades.

This article presents the following points of law and history:

1. In 1917, the Balfour Declaration initiated international support of the Jewish people's reconstituting their national home in Palestine.
2. At the end of World War I, the Allies controlled the former Ottoman territories. Some Allied powers wanted to annex that land. Others wanted to grant self-determination. The Mandate system was a novel compromise. The League of Nations Covenant, which created the Mandate system, forms the preamble of the Peace Treaty of Versailles and the other WWI peace treaties. Article 22 defined the Mandate system as a "principle of guardianship over certain undeveloped peoples." Nations would act as guardians to these less advanced peoples temporarily until they could adapt to the "strenuous conditions of the modern world" and stand on their own.
3. The Balfour Declaration was incorporated into the British Mandate for Palestine. The International Court of Justice has recognized the international

mandate as an international agreement with the status of a treaty.

4. The Principal Allied Powers explicitly defined the realization of the Balfour Declaration as the purpose of the Palestine Mandate. At the San Remo Conference of 1920, representatives of the four Allied powers of World War I—Britain, France, Italy, and Japan—distributed the Mandate for Palestine to Great Britain, charging Britain with the responsibility of implementing the Balfour Declaration. The international community committed to creating a Jewish State in the entire territory designated in the British Mandate, which included present-day Jordan along with Judea and Samaria. Article 6 of the Mandate explicitly encouraged Jewish



Karen Stahl-Don, LLM, MA

- settlement on this land.
5. However, in 1922 the Mandate was amended to separate the administration of Jordan, granting Britain discretion to abstain from implementing provisions of the Balfour Declaration to the area of Transjordan thereby preventing Jewish immigration and settlement east of the Jordan River. Thus, the area designated to be the Jewish state has already been reduced by 78% (the area of Jordan) to allow for Arab self-determination. This historic fact, often ignored, clarifies to an even greater extent that the final version of the Mandate designated all of the remaining territory west of the Jordan River as the Jewish National Home – including Judea and Samaria.
6. The Mandate, legally defined as an offspring of the law of Trusts, was always intended to be temporary and to terminate when its mission was accomplished. International recognition of Israel as an independent state constituted formal acknowledgement that the purpose of the Mandate was fulfilled. This international recognition triggered the termination of the Palestine Mandate.



“In 1917, the Balfour Declaration initiated international support of the Jewish People’s reconstituting their national home in Palestine”

7. Thus, in 1948, the Mandate terminated in accordance with the terms and borders that had been set forth within. When that happened, the Jewish people acquired sovereignty over all of Israel—including Judea and Samaria. Such border designation is consistent with *uti possidetis juris*, a concept that the International Court of Justice has applied when recognizing historically designated administrative boundaries.

8. Israel ended illegal Jordanian occupation of Judea and Samaria during the 1967 war. Jordan was never the legitimate sovereign as would have been required to trump Israeli sovereignty. No country has a more legitimate claim to sovereignty over Judea and Samaria than Israel. These facts establish the inapplicability of *de jure* (obligatory) application of the Hague and Geneva Conventions.

II. To date, no binding international agreement or event has altered the inclusion of Judea and Samaria within the borders of the Mandate, and thus within the borders of Israel. No valid binding agreement or negotiation (including the “partition plan” UN Resolution 181 of 1947, Resolution 242, the Oslo Accords, the 2003 “Road Map for Peace”) has altered the borders of Judea and Samaria. The Israeli government has not altered or relinquished the sovereignty acquired upon termination of the Mandate.

Why it is important to understand that the mandate was a trust.

The international mandate is analogous to a trust for several reasons:

1. First, the language of Article 22 of the League of Nations Covenant which created the Mandate system, describes the Mandate as a trust (a “sacred trust of civilization”).

2. Second, Mandates were never considered to be a possession of the Mandatory trustee. The trustee’s authority was limited by dictates of the Mandate.

3. Third, similar to the understanding that the guardianship of a minor will be temporary and will terminate when

the infant reaches the age of majority, Mandates were created to last only until the beneficiaries (the nation and its people) would develop sufficient ability to survive in the modern world.

4. Fourth, jurists consider sovereignty of the Mandated territory to have been the res (property) held in trust. This sovereignty was suspended, or held in abeyance, until the beneficiaries demonstrated the ability to “stand on their own.” At that point, the Mandate was designed to terminate. Then, sovereignty, which had been suspended or held in trust, would vest in the newly independent state.

III. The Legal Invalidity of Resolution 181 (“The Partition Plan”)

The League of Nations ceased to exist



“Israel retains the right to legal sovereignty over Judea and Samaria. A Jewish presence and Jewish communities in the area are legal according to international law.”

as a legal entity on April 20, 1946. The International Court of Justice has ruled that the Mandates survived and did not terminate upon the League’s demise. The Palestine Mandate created an international status, “valid in rem,” (a right that is valid ‘against all of the world’) designating the borders of the Mandate territory as the national home of the Jewish people, while guaranteeing the rights of the non-Jewish population specifically as a protected minority within the Jewish state. This status and these rights survived the demise of the League of Nations.

On November 29, 1947, the UN General Assembly passed Resolution 181, which proposed terminating the Mandate and

partitioning Palestine into two states. The Jews accepted this plan and the Arabs did not.

Resolution 181 never became a valid partition plan. First, Articles 10 and 14 of the United Nations Charter clearly indicate that the General Assembly can only make non-binding recommendations. Second, the resolution specified a “Plan of Partition With Economic Union” (our emphasis) - with partition being only one aspect of this extensive elaborate resolution, premised upon economic cooperation and peaceful co-existence. Jewish acceptance of Resolution 181 in 1947 was an agreement of its time, premised on Arab cooperation with the entire Partition Plan with Economic Union. Finally, the Security Council never implemented the resolution. Thus, with no agreement and no implementation, Resolution 181 never took root, could not affect the borders set forth in the Mandate and is certainly not valid today.

The Inapplicability of the Hague and Geneva Conventions

On May 15, 1948, Israel declared independence – and five Arab armies immediately invaded. Jordan seized control of Judea and Samaria. The fighting ended following a series of Armistice agreements, each containing explicit signed provisions

of an imminent peace agreement—Israel refrained from exercising legal sovereignty over Judea and Samaria, choosing instead to *de facto* (“for practical purposes”) apply the “humanitarian provisions” of the international conventions designed for “belligerent occupation of foreign territory”: the 1907 Hague Regulations and the 1949 Fourth Geneva Convention. Moreover, per Article 43 of the Hague Regulations, Israel chose to leave in place most of the (primarily Ottoman and Jordanian) civil law in effect at the time.

The Mandate - a basis for sovereignty under international law.

The British Mandate for Palestine, upon its termination over sixty years ago, vested sovereignty in the Jewish state. This document established the modern-day legal status of Judea and Samaria as part of Israel, and remains decisive today. The purpose of the Mandate has been fully executed and realized. Israel is a Jewish homeland with a Jewish majority, civil and religious rights of the non-Jewish minority are protected, and access to the holy places in Jerusalem is guaranteed to all religions.

This international agreement, constituting a binding international treaty “in fact and in law,” designated Mandatory Palestine as the intended national home of the Jewish people, and recognized the territory of “Palestine” as including the area of Judea and Samaria. Despite concerted efforts to obscure this historical and legal truth, no valid treaty, document, or resolution has altered this reality.

Thus, despite the overwhelming efforts to obfuscate the Jewish connection and deny Israel’s legal rights, epitomized by recent international attempts to strip even the most obvious of Jewish sites of their Jewish identity, we dare not allow the world to be dissuaded or distracted by such blatant use of smoke and mirrors. Most important, we ourselves must be aware, and our discussions premised upon the knowledge, that Israel retains the right to legal sovereignty over Judea and Samaria, and that a Jewish presence and Jewish communities in the area are legal according to international law.

The author, Karen Stahl-Don, an attorney, is a graduate of the University of Michigan, pursued Arab studies at the American University in Cairo and Tunis and Law at Hebrew University. Her Master’s thesis in Law School was on the topic of the legality of settlement in Judea and Samaria according to international law.

“A Trump Administration – A Historic Opportunity not to be Wasted”

Marc Zell, the Head of the Republican Party in Israel, sees the Trump presidency as a historic opportunity to bring about a dramatic change in the Israeli-Arab conflict, but only if the government of Israel will know how to present its requirements and objectives.



Photo: Reuters, Mike Segar

“A historic point in time whose importance is difficult to overstate,” is how the head of the Republican Party in Israel, Atty. Marc Zell, describes Donald Trump’s entry to the presidency of the United States.

In a lecture that he gave at the Oz veGaon Preserve in Gush Etzion, Atty. Zell presented the first steps that prove the dramatic changes the Trump administration is implementing in U.S. policy towards the Middle East in general and the Israeli-Arab conflict in particular. During the course of his speech, he also related to the declarations of the White House, which some have defined as evidence of Trump’s reservations regarding his pre-election promises.

Regarding the policy of the new administration toward Israel, the kernel of

his speech, Zell says that the main approach is that the administration in Washington will respect Israeli sovereignty and its decisions regarding the future of the Land of Israel. “Trump will not tell Israel whether or not to build or whether or not to annex territory. He will respect the decision of the government as to the destiny of the country. This policy is revolutionary. It has been 50 years since the Six Day War and no American administration has agreed to adopt this policy, rather the opposite is true. They presented a framework for a process that would lead to peace using varied terminology –‘land for peace,’ ‘two states for two nations,’ and so forth, and all were dictated by the government in Washington regarding what we must do. During this time, we managed to act ‘between the raindrops’; we built, and we did it with the help of the

Almighty, in Judea and Samaria and then Gaza, in Jerusalem and in the Golan Heights, we built a thriving and amazing settlement enterprise. Now, there is a change in Washington’s policy that we could never have dreamed of. We prayed for it, but we did not dream that it could possibly come true.”

This policy, explains Zell, is what led, among other things, to the promise to move the embassy from Tel Aviv to Jerusalem, a decision whose importance extends far beyond the symbolic. “Since 1948, the policy of the U.S. has been that Jerusalem does not belong to Israel, both the eastern and western parts of the city. According to the Arabists in the U.S. State Department, Jerusalem is an independent area that does not belong to anyone and should be under international supervision. This is the legal,

diplomatic fiction that constituted the policy of the U.S. The significance of this was that it was prohibited, from this political perspective, to place the American embassy in Jerusalem because it was not the capital of Israel.”

Zell adds that since the liberation and unification of Jerusalem in 1967, the Consulate, which has been in Jerusalem since the middle of the 19th century, became the embassy for the Palestinian Arabs, and after Oslo, it was the PLO. This is how they defined it.”

About the practical ramifications of this policy, he told of the discriminating treatment by the Arab clerks in the Consulate towards Israelis with American citizenship who required their services. Likewise, he cited the disgraceful attitude of the Arab guards. “Therefore, the topic



Marc Zell gives lecture at Oz veGaon
Photo: Women in Green

of transferring the embassy from Tel Aviv to Jerusalem is not a symbolic matter," says Zell, who notes another aspect of the current situation. "During all the years since '67, the consulate in Jerusalem was not at all subordinate to the embassy in Tel Aviv, to the extent that the consulate in Jerusalem would report to a different desk in the State Department in Washington, the same desk to which the embassy in Amman reports, with no connection to what was happening in Tel Aviv." Now, he hopes and believes that an end will be put to this policy, whose ramifications are many regarding the American attitude toward what is happening in Israel.

Another issue which arises from the policy that respects Israel's decisions and resolutions regarding its future, is that of settlement in Judea and Samaria. "This means that if Israel decides to settle and develop a Jewish presence in Judea and Samaria, the administration in Washington would accept it. I am not saying that they would agree or would like it. Perhaps so. But they would honor the decision. This is a huge thing," Zell states.

Zell also discussed the topic of American military economic support for Israel. "Obama's people said during the campaign that the Obama administration gave the most, 38 billion dollars in the last decade, and that was simply deceptive. What happened was that the U.S., during the past decade under Bush and Obama, gave 32 billion dollars, but at the same time, transferred 600 million dollars each year to the development of our missile defense – the Arrow and Iron Dome. Multiplying this amount brings us to six billion dollars and together 38 billion. But Obama not only gave the same amount (which indeed was generous and the U.S. is not obligated to give it to us), but this was not an unprecedented amount, besides the fact that what Obama did is place several limitations on these amounts, meaning, that if Congress would decide to give additional support to Israel, for instance, if Iran develops nuclear weapons and we need additional defenses, according to the Obama plan, we would not be able to request it. In contrast, the Trump policy is that what was signed by Obama is only a first step and this means that if we need additional support, with Trump everything is possible."

Also in the matter of the agreement with Iran, significant changes are expected, even if at the beginning of Trump's presidency, it is clear to him that he cannot withdraw

Trump will not tell Israel whether or not to build or whether or not to annex territory. He will respect the decision of the government as to the destiny of the country. This policy is revolutionary.

When the government of Israel announced that it would build 5000 new housing units, the response from the administration in Washington was total silence, while the Europeans and others hastened to condemn this decision. The silence in Washington was simply incredible. There is no precedent for this in the history of relations between the U.S. and Israel.

We have a golden opportunity to reverse the damage that has been done over many years and to strengthen our Zionist enterprise – this is our challenge.

from all the agreements made with Iran, some of which, indeed, have already been implemented, such as releasing 150 billion dollars for Iran and transferring about two billion dollars that were flown to Iran in jets, "but regarding the rest – things that Obama did not relate to, such as the ballistic missiles that they are developing and with which they threaten us, Obama did not want to deal with it, but Trump will deal with it, and so, too,

other matters regarding Obama's decision to turn Iran into a hegemon in the Middle East. This is something that is unacceptable to the Trump administration."

In his lecture, Zell emphasized the unprecedented speed with which Trump is acting to implement his promises with the signing of the executive orders in many spheres.

Later on, he related to the way in which already now, one can sense the actual change in the American attitude toward Israel and its actions in a palpable way. "When the government of Israel announced that it would build 5000 new housing units, the response from the administration in Washington was total silence, while the Europeans and others hastened to condemn this decision. The silence in Washington was simply incredible. There is no precedent for this in the history of relations between the U.S. and Israel since 1967 in this area. It happened again when the Regulation Law was passed in the Knesset. Washington's reaction was silence. The Europeans are outraged, and also the Attorney General says that the law is problematic and will not be passed by the High Court, but the American response was silence."

In this context, Zell related to declarations by the White House from which it seemed that they were beginning to retreat from campaign promises, however, in his opinion, it is correct and worthwhile to listen carefully to the nuances of that declaration. "I divide this declaration into two parts – the White House spokesperson said that settlements are not an obstacle to peace. To Israeli ears, this does not sound good, but to Americans, who are familiar with American policy for the past 50 years, it's unbelievable, because since the first Jewish settlement was established in Judea and Samaria, every American administration, both Republican and Democrat, has said that Jewish settlement in the heart of the Land of Israel is an obstacle to peace with the Arabs. Some said that it is illegal and illegitimate, but everyone said that it is an obstacle to peace. When the White House spokesperson specifically says that this is not the situation, ladies and gentlemen, these are the birth pangs of the Messiah!"

The second part of the spokesperson's words included a reference to building within existing Jewish settlements of Judea and Samaria beyond their municipal borders, which we call the Blue Line." In this context, Zell cites the words of senior senators until now, who say that even natural growth within the settlements themselves is contrary to American policy and is considered an obstacle to peace. In contrast, the current spokesperson considers only building outside the municipal jurisdiction as problematic. "This part of the declaration is also revolutionary and amazing." Regarding new Jewish settlements in Judea and Samaria, he said that it might be that it is not helpful to the pursuit of peace. I say that it is true that new settlements would be problematic for the Arabs and the Left who do not want any Jewish presence in Judea and Samaria. The declaration of the White House was music to my ears and to others." And what about moving the embassy? This is something that seemed, at least according

to some of the declarations, would happen almost the day after Trump's inauguration and has not yet happened. Instead, the new president said in an interview that the matter would be considered and would be implemented in a measured way. Regarding this, Zell says that we must be able to identify and nullify false news that has been spread about the difficulties of acquiring and building a good facility for the embassy, because there is no need for such a building and acquisition, rather, it is just a matter of changing the sign at the Consulate in Jerusalem, and thus we already have an embassy, for all intents and purposes.

As to the delay in carrying out this promise, Zell says that between the promise and the interview when Trump claimed that these things would be considered, there was about a half hour telephone conversation between Prime Minister Netanyahu and President Trump and afterward came the 'go slowly.' I am not criticizing the prime minister. They simply are not ready for Trump's pace of work, since he works like a racehorse, and it was clear that he was on the verge of announcing the transfer of the embassy to Jerusalem, but the relevant bodies in Israel were simply not ready for it."

"I am familiar with Trump's team and the designated ambassador. They intend to move the embassy but they also respect the government of Israel, which is the sovereign in Israel, and if the Israeli government says 'go slowly,' then the U.S. will go slowly. The same is true of Jewish settlement in Judea and Samaria. During the transitional period, I received more than a few calls from the Trump people who are responsible for foreign policy, the Middle East and Israel. They asked me where is Israel, where is its wish list. They are ready, but Israel feared Obama's reaction until the very last moment, and indeed, we saw what he was capable of doing in the UN at the last moment when he caused us irreversible short-term damage, and therefore, I don't criticize what was done or not done before January 20, but after January 20, it is a new world."

Zell continues, emphasizing that, "There is another side to the Trump administration's revolutionary policy of respecting the decisions of Israel regarding the Land of Israel. For the first time since the Six Day War, Israel can decide what are its strategic interests in all the Land of Israel, Jerusalem, Judea, Samaria, the Golan Heights, and I add Gaza to this list as well. What do we want and what will we decide about our destiny? Thanks to our hard work, in volunteering, in the elections, we have reached a situation that we did not dream of, but now our destiny is in our hands and we must decide what we want as a people and as a state in Judea and Samaria and other places in the Land of Israel. The ball is in our court and we must decide. We are at a historic point in time that we did not dream could have happened. We have a golden opportunity to reverse the damage that has been done over many years and to strengthen our Zionist enterprise – this is our challenge. I do not know if in Washington they support or object to sovereignty, but they respect us and the time has come for our leadership to decide that the Land of Israel really does belong to the People of Israel."

Do you care about the environment? We need sovereignty!

Yitzhak "Itche" Meir, CEO of the Samaria Municipal Environmental Association describes the deplorable situation in the absence of sovereignty and Israeli law in Judea and Samaria where there is air and ground pollution and unrestrained trampling of nature, causing damage also in the coastal lowland. And who cares about this?



Itche Meir

Despite endless declarations and vows about love for the Land of Israel, for some reason, the Israeli Right is still portrayed as not caring about the quality of the environment, preservation, recycling and ecology. This, they will tell you or at least they will think, you can leave to the environmentalists "from Shenkin in Tel Aviv." For Yitzhak "Itche" Meir, head of the Samaria Municipal Environmental Association, the battle against air and ground pollution, and concern for a cleaner and greener future are, among other things, an integral part of a nationalist worldview. In a discussion with Sovereignty, he tells how much the fact that until now, Israeli sovereignty has not been applied in Judea and Samaria, has damaged and continues to damage not only the residents of these areas but also the residents of Gush Dan and other areas throughout the country. Already at the start of the discussion, we ask him to list different aspects of the environment that are being severely harmed by the absence of full Israeli sovereignty in the territory, and Itche lists them, one

after another: "Regarding sewage – between 40 and 60 million cubic meters of sewage flow in the streams of Samaria and most of them flow west over the Green Line . This is extremely problematic. Another subject is refuse. There is an enormous gap between the way refuse is treated by the Israeli population, which conducts itself according to the standards of sovereign Israel, including recycling and utilization of minimal polluting methods, and the situation in the Palestinian Authority, and it doesn't matter whether it is in Area A, B or C. It is estimated that there is refuse in about 200 locations there, burning refuse which causes pollution that seeps into the groundwater and smoke that harms the health of all the residents of the area." Another area that Itche Meir describes and which is directly connected to the smoke from burning trash is air quality. In the Israeli communities, there are two air monitoring stations, one in Ariel and the other in Alon Shvut. "This is an area that is one of the best in the country from the point of view of air pollution and despite this, there are many locations



Photo: La'Am. " Itche Meir: Palestinians open quarries without any plans or permits"



Between 40 and 60 million cubic meters of sewage flow in the streams of Samaria and most of them flow west over the Green Line.



“The legal system, which is the mother of all misfortune, says about each law that it is not at all sure if it indeed must apply in Judea and Samaria too – who said that if the Knesset passes a law on the emission of pollutants that is good for Tel Aviv is also good for Judea and Samaria?”

where there is air pollution as a result of burning trash and coal, which is non-existent in places where there is Israeli law.”

The lawless way that the Palestinians treat the environment is expressed in a number of ways, few of which reach the headlines but whose influence on our lives is significant and long-term. Meir mentions the pirate quarries as an example of the Palestinian treatment, including open areas. “While, for us, quarries have permits, a blueprint and supervision, taxes and quality requirements, for the Palestinians, all of this does not exist. Anyone who has land pays to the governor of the area and can open a quarry, do what he wants without any plan or any limitations, and we all see the results. Usually, many of the owners of these quarries are close associates of the governor.”

Animals have learned where it is best to live and where to be careful

Also those who advocate protection of plant and animal life are reconsidering whether Arab dominion in the area does any good for these values. “A number of nature preserves that were handed over with Oslo no longer exist, and those that do exist have been damaged. The number of deer, jackals, foxes, rock hares and wild boars in the open areas around the Jewish communities of Samaria, Binyamin and Gush Etzion has increased dramatically. These animals are almost not found at all near the Palestinian villages, a place where there are no hunting laws and no supervision of hunting and where there are poisonings. The animals really know where it is safer to live.”

Also, pollution of the ground from oils and fuel from dozens of unsupervised gas stations is becoming increasingly worse since the place lacks control and the application of Israeli law. “These gas stations pollute the ground without any monitoring, the entire subject of hazardous materials is supervised by us, with procedures, licenses, bylaws, etc. For them, it does not exist. I can also reveal a secret – radioactive waste from medical clinics, dental clinics and hospitals are not disposed of in an organized way and are spilled into the wadis.”

A lesser known problem is the area of dealing with invasive plants. Meir gives an example of this in the ragweed plant that came to Israel from South America and is spreading uncontrollably; this plant is pleasant to the eye but because of its rapid spread destroys all other vegetation, “and when you try to fight it, it becomes even stronger,” explains Meir, adding, “This plant is destroying the vegetation of the Land of Israel. It arrived to the area of Nablus with a delivery of trees and is now spreading in a worrisome way in the area of Nahal Alexander. It is simply a catastrophe. It takes over entire areas. Our supervisors are unable to enter Areas A and B and so, cannot fight this. There is also the problem that the rock hares have brought a disease called Leishmaniasis, which has hit western Samaria hard; many children have been stricken and have had to undergo difficult radiation and other treatments. When there is no consistent oversight and control, there is no possibility to cope with these phenomena.”

And we have still not talked about the theft of

antiquities from heritage and archaeological sites. We almost do not go to those places, we don’t monitor them and the damage is huge. Sebastia and Herodion are the ones that are well-known, but there are many more sites where very serious theft of antiquities has occurred. Recently, we established an organization of volunteers to battle this phenomenon, but the problem is the lack of legislation. Because there isn’t sovereignty in this area, the necessary laws do not exist, such as the Clean Air Law, the Asbestos Law and many others. The reality in which the head of a regional council can appoint inspectors and law enforcers, and impose fines that contribute to the stability of the authority, all of this will not happen until there is sovereignty. There is no other solution.”

Adjudication in service of separation – the mother of all sin

The absurd situation whereby every Israeli law must pass through the filter of the military authority in order to be applied in Judea and Samaria renders the barrier of legislation almost impassable for any law related to quality of the environment and health. Meir tells how, about 20 years ago, when the Knesset passed laws in civil areas that related to settlement, the laws were applied according to the command of a military general within a few months. However, over the years, with the rise in the scope of legislation, the procedure has become so complicated that it is almost impossible. “The legal system, which is the mother of all misfortune, says about each law that it is not at all sure if it indeed must apply in Judea and Samaria too – who said that if the Knesset passes a law on the emission of pollutants that is good for Tel Aviv is also good for Judea and Samaria?”

Itche Meir sharpens his language when speaking about the subordination to the legal level, stating that “the head of the civil administration, the coordinator of activities in the field, the Commanding General, none of them can do a thing without the deputy or the 24-year-old lieutenant who was appointed to the role of legal adviser in the civil administration, who must approve or disapprove every proposal of law.”

One of the bizarre incidents in which the quality of the environment suffered because of the agendas of those who oppose any Israeli hold on territory, is the matter of the sewage purification facility in Ofra. The building of the facility was delayed because of difficulty in locating available land, until the residents of Ofra submitted a petition to the head of the council at the time, Pinhas Wallerstein, demanding treatment of the sewage for the community. Later, the Office of Environmental Quality summoned Wallerstein to a hearing regarding a criminal complaint that he was not dealing with the sewage. As a result of the processes, Itche Meir set out in his capacity as head of the Samaria Municipal Environmental Association, together with members of the civil administration, to try to locate a plot of land with the least legal problems. “We came to a wadi and marked the place with red spray. The council took out a loan of about seven million shekels and began to build a facility for sewage purification. Within a short time, Peace Now submitted a petition, the civil administration

issued a stop-work order and since 2008, the building has been standing with no progress.”

The stop-work order became a demolition order in the hands of the civil administration, as a result of the petition of Peace Now, but even in the civil administration, they understood the need for the facility and the absurdity of its demolition and froze the orders. Peace Now did not back down and petitioned the High Court with a demand to carry out the demolition, but the court ruled that although indeed an infraction was committed and that it was forbidden to build the facility on land that was not state land, nevertheless, since the good of all the residents required the building, it was agreed to accept the suggestion of Itche and his people to designate the facility for the entire population, Jews and Arabs alike. “Since the Arab villages do not have organized sewage lines, but instead, order a tanker to extract the sewage from the septic tank in their yards, a pit would be established where the tankers could spill the sewage and the purification facility would treat the sewage for both populations.”

During the entire period in which there still was not a purification facility, the damage to the environment was severe, for both Jews and Arabs - and the damage to the Arabs’ olive groves in the surrounding villages is just one example of many. “The legal adviser of Judea and Samaria said that he would not appear before the High Court of Justice and offered the attorney of Peace Now the option to take part in all of the meetings and see all of the documentation. The matter was stuck for years because legal advisers said that was unacceptable to them that the sewage of Ofra would be treated on ground that was listed as private, despite the fact that the ground did not belong to anyone, rocky ground on a slope which clearly had never been cultivated,” says Meir, noting that “Everywhere in Israel, for the purpose of sewage, roads, electricity, etc. the state appropriates land and compensates the owner of the land. Here, this does not happen. They stop all these processes and cause tremendous damage.”

“Fifty years have passed since the Six Day War, and instead of the State of Israel formulating what to do in the meantime, that whoever establishes a sewage purification facility in Ariel will also treat the sewage of the villages in the area, and the facility in Beit El will also treat the sewage of the nearby village and so forth in other places, however, the state does not allow this to happen because the trend is towards separation. It is interesting that ironically, it is the “settlers” who are seeking cooperation because the Arabs are unable to establish these facilities, but the state does not allow joint systems, and in the area of waste, it is very clear.” As mentioned, ground and air pollution does not recognize the Green Line or the separation fence; the sewage and pollution flow deeply into the population centers in the area of the coastal plain. “The majority of the sewage that reaches the streams of Judea and Samaria comes from the Palestinians, most obvious is the sewage from Hebron, which flows into the Hebron Stream and from there, in the direction of the Valley of Beer Sheva; Nahal Shechem still flows despite the sewage purification facility that was established recently financed by the Bank of Germany. The pollution in this stream continues flowing, reaching and polluting Nahal Alexander. The sewage of Ramallah seeps into the groundwater in the direction of Nahal Ayalon. This is long-range damage.”

Meir is confident that the only answer is for sovereignty to be applied in the entire area. “When there will be sovereignty, there will be a sovereign responsible to deal with hazards. Today, they say that the situation is amorphous and it is not exactly us, it is partly them... One law and one sovereign that do not distinguish between various administrative areas lead to matters being dealt with in the best place and in the most efficient way.”

The Humanitarian Paradigm: “If you will it, it is no dream”

Dr. Martin Sherman, Israel Institute for Strategic Studies

Extending Israeli sovereignty over Judea-Samaria (and eventually over the Gaza Strip) is indeed a necessary condition for ensuring the ability of Israel to endure as the nation state of the Jewish people. It is, however, not a sufficient condition to ensure that worthy objective. In fact, without additional complementary measures, such an initiative on its own is very likely to imperil Jewish sovereignty over the Land of Israel...in its entirety on both sides of the pre - 1967 Green Line.

Twin Imperative

Accordingly, in order to ensure its long term survivability as the Jewish nation-state, Israel has to deal effectively with two imperatives: The Geographic Imperative and the Demographic Imperative.

The first of these imperative calls for Israeli control (i.e. sovereignty) over all the territory east of the coastal plain up to the Jordan River—to prevent intolerable risks to its physical survival; the second imperative calls for significant reduction of the Arab presence in the territory under Jewish sovereignty to forestall the emergence of an intolerable demographic threat to its dominant Jewish character.

The need to contend with the exigencies of this twin imperative is virtually axiomatic. After all, if it fails to do so, Israel will either become untenable as the nation-state of the Jews geographically or demographically—or both.

Clearly then, any demand for Israeli sovereignty over Judea-Samaria must simultaneously provide a blueprint for the future of the Arab population resident there after the application of Israeli sovereignty.

“The Lebanonization” of Israeli society

Regrettably, as I have pointed out repeatedly in the past, virtually all the proposals of the prominent advocates of Israeli sovereignty are, in this regard, arguably worse than the “two-state” formula, which they purport to replace, and constitute an even greater menace to the Zionist endeavor.

Of course, in a brief essay such as this, it is not possible to elaborate fully on the disastrous detriments entailed in most the proffered alternatives to the “two-state” principle. Accordingly, I will restrict myself to pointing out that annexation of Judea-Samaria together with the Arab population resident in these areas, will totally preclude Israel’s ability to contend adequately with the Demographic Imperative.

This dour assertion is valid even if the optimistic demographic assessments of the size of the Arab population in these areas



Dr. Martin Sherman at the 3rd Sovereignty Conference organized by Women in Green and the Forum for Sovereignty, Jerusalem 2013 Photo: Gershon Ellinson

“Israel must undertake assertive measures to reduce the scope of the Arab presence within the borders of its sovereign territory.”

are correct.

After all, with a Muslim minority of 35-40%—the vast majority of which not only do not identify with the Jewish character of the state but vehemently reject it—it will not be possible to forge a coherent cohesive society, especially not one with a predominantly Jewish nature. Indeed, any such step would constitute a certain recipe for the “Lebanonization” of Israeli society and an inevitable erosion of the Jewish component in it.

Incentives for leaving; disincentives for staying

Accordingly, the unavoidable conclusion is that to contend effectively with the Demographic Imperative, Israel must undertake assertive measures to reduce the scope of the Arab presence within the borders of its sovereign territory.

In the absence of conditions of wide-scale warfare, in which more “kinetic” measures may be acceptable, the only non-coercive manner to achieve this objective is to put in place an overall system of economic/material inducements designed to increase the incentives for the Arab population, resident across the pre-1967 lines to emigrate, on the one hand, and disincentives for them to remain, on the other.

In order to accomplish this, Israel must declare the Palestinian-Arab collective what it, itself, declares itself to be: An implacable

enemy, dedicated to the total destruction of the Jewish-Zionist entity, wherever it may be in the Land of Israel—as is clearly articulated in the founding documents of all the major Palestinian organizations.

Israel, therefore, has no obligation—moral, legal or practical—to sustain the socio-economic edifice of a hostile collective, committed to its demise as an entity and to the slaying of its citizens, as individuals. Quite the opposite! Israel has a moral duty to induce its collapse—to stymie the efforts to destroy it and to slaughter its citizens, for whose fate it is responsible.

Gradual denial of service

Accordingly, Israel must publically retract its recognition of the Palestinian Authority, and announce its intention to gradually reduce—and eventually, totally terminate—the provision of all merchandise and services to the Arab population in Judea-Samaria, including water, electricity, fuel, port services and tax collection (as a disincentive for staying).

At the same time, in order to prevent the grave humanitarian suffering such a step would entail, Israel should offer generous relocation grants to non-belligerent Palestinian-Arab individuals and their families (as an incentive for emigrating)—so as to allow them to build a better and safer life for themselves, out of harm’s way, in third party countries, free from the clutches

of the cruel, corrupt cliques, who controlled their lives for decades, leading them astray into disaster after disaster.

The only non-violent prescription

This policy prescription—which redefines the context of the “Palestinian context” and transfers it from the political/collective sphere to the humanitarian/individual one is the only non-violent paradigm that contends, simultaneously, with both the geographic and demographic pre-requisites for the long term survival of Israel as the nation state of the Jewish people.

Clearly, this brief synopsis, is a brutally condensed presentation of the Humanitarian Paradigm, and leaves open numerous questions regarding its feasibility as an actionable policy proposal that can be implemented in practice. (“What would the cost be?”; “Which countries would accept the Palestinian-Arab emigrants?”; “How are the recipients of the relocation grants to be protected from the fratricidal wrath of their more radical kin-folk?”... and so on).

These are weighty considerations, and the obstacles and challenges that stand in the way of the adoption and implementation of this policy paradigm should not be underestimated. These difficulties do not, however, reduce the urgent need for it.

Moreover, it will be vital to accompany—even precede—its implementation with a robust global public diplomacy initiative to drive home not only the unavoidable necessity for the Humanitarian Approach, but to underscore its moral and practical merits, relative to all other alternatives.

Learning from the Palestinian experience

There will, undoubtedly, be those who will raise a skeptical eyebrow as to the chances of convincing the public, at home and abroad, as to the practical feasibility, the pressing need and the moral justification of the proposal. To these skeptics I would suggest learning from the experience of... the Palestinian-Arabs. After all, imagine how hopeless and gloomy their situation must have seemed in July 1967—with the IDF’s crushing victory, the humiliating defeat of the Arab armies and the worldwide admiration for Israel. But because they demonstrated resolve, resourcefulness and the ability to raise resources for their struggle, they managed to convert what appeared a seemingly lost cause into the dominant position in the mainstream discourse on the Arab Israeli conflict.

Could it be that, paradoxically, it is the Palestinian-Arab who need to remind the Jews: If you will it, it is no dream?

From Military Rule to Sovereignty

The new Council Head for Gush Etzion

The vision of sovereignty in Gush Etzion was the slogan for the election campaign that led **Shlomo Ne'eman** to head the Gush Etzion Council. We spoke with him about the goal and how to achieve it.



At the end of a not very long election campaign Shlomo Ne'eman, who, until a few weeks ago was not a well-known figure among the Israeli public, was elected as Head of the Gush Etzion Council. The highlight of the campaign that led him to this role was a call for the application of sovereignty in Gush Etzion. As he hurried from one meeting to another, from a discussion to a survey of the field, we spoke with him about the choice of sovereignty as the leading factor in his election campaign.

"I was looking for things that on one hand, I believe in, and sovereignty is prominent among these things, and that is why it was strongly considered. Also, it is my opinion that a council head should lead beyond the day-to-day conduct of council business, and sovereignty is one of the things that stand out as a vision. Moreover, this is one of the key areas where the residents of Gush Etzion feel overlooked in the recent period of the campaign for sovereignty in Ma'ale Adumim", says Ne'eman, and emphasizes: "Just to be clear, I would be very happy if Ma'ale Adumim becomes part of the State of Israel, as with all of Judea and Samaria. My stand on Gush Etzion is in addition, or from the wish to see Gush Etzion as the first step toward sovereignty, not as an objection". Aren't you taking on a role that belongs in the national arena? They will tell you that the role of the council head is to collect taxes, street lights, sanitation and building and not sovereignty, which belongs to the sphere of the prime minister and foreign minister. "All of the things that you mentioned are the roles of the head of the authority and the roles of the heads of ministries. The role of a council head is to lead the public and his council toward strategic goals, to lead the council".

And how, practically, from your role, and as someone who is familiar with the functions of government offices, among other things, as someone who worked together with Minister Elkin, do you intend to lead to sovereignty?

"The moment that I am leader of the public, I become a leader of the state on behalf of the people that I have been a part of for 25 years, and I claim ownership of this area, whose residents I am responsible for, and I say that we are no longer willing to be second class citizens, who must depend on military rule and live under a civil administration. We are citizens of the state with a full list of obligations and we must also

enjoy the list of rights. This is a matter of principle and I intend to demand it by lobbying the Knesset and the administration, as is done with all other matters. Every commercial company that wants to decrease or increase a levy on a certain product, establishes a lobby organization that will promote the matter. So shouldn't we, as a council, also organize in order to demand rights that are the basis for our existence?"

Ne'eman's efforts to promote sovereignty do not begin and end with activism in the government and the Knesset. Ne'eman also mentions the third side, and in the case of Judea and Samaria, the more important side – the military sovereign, which has the final word in Judea and Samaria as long as sovereignty is not applied there. "We also have work to do regarding the commanding general, regarding the army. It is not only the declaration of sovereignty and the annexation of Judea and Samaria as a political, governmental matter. There is also the matter regarding the laws, most of which do not apply in Judea and Samaria. Simultaneously with the campaign to present laws of sovereignty to the Knesset, I believe that we must also act specifically toward the commanding general to apply entire packages of laws to Judea and Samaria".

And perhaps, we ask, his role as head of the council is to focus entirely on the comparison between the regional laws of the military rule and the other parts of the country and less on the national, administrative aspects? Ne'eman finds no reason to leave any path untried. For him, activism regarding the government and activism regarding the civil administration must come in parallel in order to bear fruit. "We will work in every direction to promote the application of Israeli law in Judea and Samaria and in Gush Etzion as the first, and any step that will serve to equalize the rights of its residents to the rest of the citizens of Israel".

For the time being Ne'eman, as one who is learning about his new role, is careful not to vote on specific laws that are top priority vis a vis the commanding general or the government. There is staff work to do on this matter, he says, and mentions that his activism in this field is not done alone and he "joins a highly respected team of people who are active in this field. I am not alone".

Toward the end of the discussion, which emphasized sovereignty in Gush Etzion time and again, Ne'eman clarifies that "my mandate is Gush Etzion, but of course, I believe in sovereignty in all of Judea and Samaria".



MK Miki Makhlouf Zohar (Likud):
"The time has come to change the political discourse and stop talking about a Palestinian state – there is another plan"

Principles of policy plan:

1. Application of full sovereignty in all of territories of the Land of Israel, without exception.
2. Objective of the plan: to bring about a creative and realistic solution for full government administration that would bring about economic, educational and cultural benefits for the Arab population of Judea and Samaria.
3. The solution will be conditioned on refraining from engaging in terror and in exchange, the population will be encouraged to work in Israel, with an emphasis on economic and personal growth for those residents.
4. Every community outside of the Green Line where Arabs live, within Judea, Samaria and Gaza, will be defined as an administrative autonomy and will be referred to as a "Palestinian local authority".
5. Powers of the local Palestinian authority: exclusive and extended municipal administration with no involvement from external factors – except in matters of security, which will be in the hands of the State of Israel.
6. The authority will conduct labor relations with the Jewish communities in Judea and Samaria, while formulating agreements regarding territory, in accordance with the original municipal borders that will be determined on the day that the agreement is signed.
7. Relevant conditions for implementation of the plan: establishing an airport for the exclusive use of Palestinians, under the State of Israel's total responsibility for security, and under its full supervision and control.
8. For every Palestinian administrative council, there will be a clear, specific Urban Building Plan from which there can be no deviation. Free access to holy places for the members of all religions with security coordination. The area outside the administrative council will be under the responsibility, jurisdiction and authority of the State of Israel in all respects.

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Responses: ribonut@gmail.com Fax: 972-2-9309148 Cellphone: 050-5500834

Women in Green POB 7352 Jerusalem, 91072 www.ribonut.co.il

The Sovereignty Forum

Uri Bank / Ruthie Ben Hayim / Shimon Cohen / Yehudit Katsover
Ruthie Lieberman / Renee Margolis / Nadia Matar
Sam Salomon / Meryl Salomon / Shosh Shilo / Dr. Aviya Shoham
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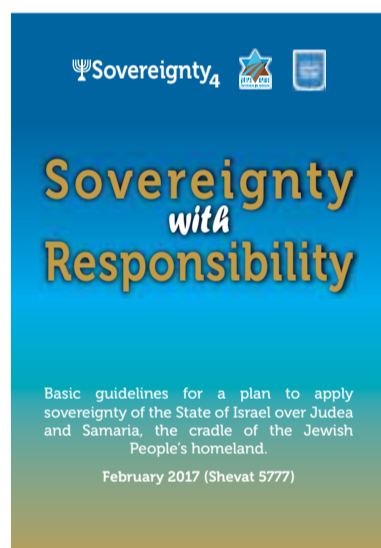
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The Plan: Sovereignty with Responsibility

Israeli sovereignty in the entire expanse of Judea and Samaria is the required political solution and is the most just, Zionist and ethical option. Nevertheless, the process of applying sovereignty necessitates carefully planned and measured steps distributed over a number of phases, one after another. The main Principle is the application of Israeli sovereignty over all of Judea and Samaria. The second principle is the establishment of Arab autonomies subject to the rule of the Israeli sovereign, in densely populated Arab areas of Judea and Samaria. These autonomies under the governance of the State of Israel, will be established on a regional clan-tribal basis that matches Arab tradition, irrelevant of the terms of Oslo, because the division of the territory into areas A, B and C, a division that characterized the Oslo period, are no longer relevant. The establishment of autonomies (in some of the areas defined today as areas A and B, according to the interests and security and political considerations of the government of Israel and considering the Arab population data) would be performed immediately after the application of Israeli law in Judea and Samaria. In the Arab autonomous areas that will be established after the abolition of the Palestinian Authority the day to day lives and the welfare of the Arab population will be administered by local tribal leaders. The security and national umbrella of the autonomous areas will be under the strict control of the State of Israel. Each autonomous area will have its own agreement with the State of Israel attesting to its establishment and agreed cooperation. Regulations, contracts and agreements will be spelled out in detail between the autonomy and the State of Israel. In calm security conditions there would be freedom of movement between the autonomies and the State of Israel. A transportation system that would allow for inspection and detachment would be planned and carried out. All of the western part of the State of Israel would be considered as one economic area, including the autonomies. The autonomies would be connected to the infrastructure of the authorities (water, electricity) of the State of Israel with the objective to assure orderly supply in exchange for payment. Joint committees would be established to coordinate matters such as: security, interior, development, transportation, infrastructure, environmental quality, communications and more. The remaining area of Judea and Samaria would be an organic part of the State of Israel. Arab residents who live in areas outside of the autonomous areas would be granted the status of residency. Residency grants a status of permanent resident with social benefits and rights to health insurance, national insurance, education, freedom of movement in Israel, the freedom to work in Israel, freedom to vote in municipal elections, but not for Knesset. In special cases and according to individual application and in accordance with proof of loyalty and conditions that will be determined by Israeli law one may seek Israeli citizenship. It is estimated that approximately 80,000 Arab residents might qualify for citizenship. In the unlikely case that all might do so this is still a fairly negligible number demographically. These residents would also be permitted to select an autonomy of their choice in the vicinity of their residence.

At the Fourth Annual Sovereignty Conference, for the first time, the Forum for Sovereignty and the Women in Green Movement presented a structured program for the application of Israeli sovereignty, under the headline: Sovereignty with Responsibility.

We bring you the main points here. If you would like to order copies of the booklet, contact: ribonut@gmail.com



Martial law

Martial law, denoting a status of an area under military occupation will be cancelled. All authorities, duties and provision of services would be transferred to government offices as in any properly functioning state. In the autonomous areas government bodies would be established that would fulfill all of the civil functions.

Oslo Accords

The Oslo Accords were a mistake from the start. The agreement gave a terror organization control of the local population in Judea and Samaria and allowed the entry of 45,000 armed terrorists.

The agreement was violated dozens of times by the body that was established within its framework (the Palestinian Authority).

Within this framework, the terror "authority" called the Palestinian Authority, whose goal is the destruction of the State of Israel, would be cancelled and dismantled.

Refugees

There is not nor will there be an Arab right of return to the areas of the western Land of Israel, including the autonomies. The UNRWA organization, which perpetuates the refugee status of Palestinians and educates for terror, will be dismantled. The UN refugee organization, UNHCR, will be given the responsibility for the refugees of 1948

and after proof of refugee status would settle them in various places throughout the world as was done with tens of millions of other refugees of various nationalities in the aftermath of countless wars throughout world history.

Land allocation

In Judea and Samaria, approximately 60% of the lands are not registered. Instead of definitive land registration in the TABU books, there are old registrations from the Mandate era and from tax books of the Jordanian rule. In practice, ownership is determined by working and holding the land for a long period of 10 consecutive years. This situation causes conflicts and lack of clarification regarding which are state lands, complicates land transactions and readily leads to complicity and corruption.

Immediately upon application of Israeli sovereignty, all lands will be surveyed and ownership legitimized which is not currently the case. This verification process will be done systematically and will include neighbors' testimony, evidence of the land being worked and maintained. Assessors and other land experts will map out areas legally owned after exhaustive research with the end result being all

legitimately owned properties will be registered officially in the tabu, including properties owned by the state.

Holy Sites

Ultimate responsibility for the Holy Places of all religions is under the Ministry of Religious Affairs of the State of Israel. In all of western Israel all holy sites will be accessible to believers of all religions. At all holy sites, holy to more than one religion an acceptable system of visitation and access will be formulated. In such places, its proper functioning will be overseen by the Ministry of Religion in cooperation with the local religious authorities. The Temple Mount will be operated accordingly and will be open with free access and rights to prayer for all who desire it. There will be no special status for foreign countries in the Holy Sites anywhere in the country and all the more so in Jerusalem.

The Gaza Strip

The Gaza Strip is an organic part of the western Land of Israel. The Gaza Strip is under the control of a terror organization. If the State of Israel would have to take over the Gaza Strip in a defensive war it would exercise her rights in the territory of the Gaza Strip and apply Israeli sovereignty over it. If this happens, Arab autonomies would arise in the area of the Gaza Strip as in Judea and Samaria. The refugee population in Gaza would be dealt with by UNHCR and would be settled throughout the world. The areas of Jewish settlement in the Gaza Strip that were destroyed would be built anew. Here as well, lands would be registered in all of the places that have not been registered.

This plan is a just and practical plan that would allow the application of Israeli sovereignty in Judea and Samaria without disrupting the demographics of the State of Israel as a Jewish and democratic state, and along with this, would allow the local Arab population to live in full autonomy, security and economic prosperity.