

## **Most Israelis Demonstrate Extraordinary Self-Restraint**

December 21, 2009 | **Eli E. Hertz**

**Calls for a freeze on Jewish construction in Judea and Samaria – while Arab construction, which far exceeds Jewish development, continues unfettered – are clearly biased and by itself a violation of international law.**

Israel, as a party to the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) is obligated to use "all appropriate means" to promote and protect the right to housing, including the prohibition on *forced evictions*.

Arabs claim that Jewish settlements “change the status” of the Territories and represent a distortion of the Oslo Accords. This phrase applies to acts that change the political status of the disputed territory – such as outright Israeli annexation or a Palestinian declaration of statehood. Since Jewish settlements are legal, they should be promoted and supported in accordance of the “Mandate for Palestine” – The historical League of Nations document, that laid down the Jewish legal right to settle anywhere in western Palestine, the area between the Jordan River and the Mediterranean Sea.

The Oslo Accords do not forbid Israeli or Arab settlement activity. Charges that further Jewish settlement activity preempts final negotiations by establishing realities requires reciprocity. If the West Bank and Gaza were *de jure* part of the British Mandate, and if the Mandate borders [article 25] are the last legal document concerning this territory; and if Jews were forcibly expelled from the West Bank and Gaza in 1948 during a war of aggression aimed at them – then these Territories must be considered disputed Territories, at the least.

The Israeli-Palestinian border dispute is like every other major and minor boundary dispute around the globe. Since the West Bank and Gaza were redeemed in 1967 in a defensive war and are not “Occupied Territories” gained illegally by a bellicose power; and since this fact is recognized in the wording of UN Resolutions 242 and 338 that call for a settlement to institute “secure and recognized borders,” calling for a construction freeze on Jewish settlements should, logically, be paralleled by a freeze on Arab construction in the West Bank.

**The Oslo II Agreement recognizes de facto the special status and security needs of Jewish communities in the West Bank.**

Rather than negotiate a settlement, as agreed to in September 1993, Palestinians elected to break their commitment and to intensify the use of terrorism as a political vehicle in a low-tech war of aggression.

The status issue has been co-opted and warped by the Palestinians in an attempt to curtail Jewish settlement. Neither the 1993 “Oslo I” (the Declaration of Principles) nor the 1995 Oslo II (Interim Agreement) stipulate that the construction of settlements, neighborhoods, houses, roads or other building projects cease.<sup>1</sup>

According to a former policy planning official,<sup>2</sup> the pace of Arab construction is “more than 10 times the number of buildings under construction [in the Territories] than those approved [by the Israeli government] for the [Jewish] settlers.” Calls for a freeze on Jewish construction in the Territories – while Arab construction continues unfettered, are discriminatory– all the more so, in light of the fact that Jews were forcibly expelled in 1948.

**Most Israelis living in the Territories demonstrated extraordinary self-restraint in recent years.**

Palestinian Arabs create the impression that they are at risk from violent Israelis. A close analysis of realities reveals who is really endangered. All Jewish Israeli schools, both in sensitive areas inside Israel and settlements in the Territories, are surrounded by perimeter fences and alarm systems. Public places from restaurants and banks to wedding halls and hospitals, have armed guards at the entrance. This is not the case in Israeli Arab communities or among Palestinian Arabs in the Territories, who are not exposed to terrorist attacks on civilians.

**Settlers as a community attempt systematically to avoid conflict.**

Settlers travel on bypass roads built by Israel that detour around Arab villages. They ride in bulletproof buses or wear flak jackets on their commute in their cars. More recently, some settlers have surrounded their villages with security fences. Except in rare instances, Jewish settlers, have not taken wholesale retaliation against Palestinian Arab villages, or attempted to establish a balance of terror.<sup>3</sup>

The late Professor Ehud Sprinzak, a fellow at the Counter-Terrorism Institute in Herzliya, an expert on right-wing extremism, published a study entitled *Brother Against Brother: Violence and Extremism in Israeli politics from Altalena to the Rabin Assassination*. Professor Sprinzak not only stated that in his estimation, Israelis, including settlers, would not resort to armed resistance if ordered by their government to abandon their homes; he said that had other Western nations faced Israel’s external and internal challenges, their streets would have been flooded with blood.”<sup>4</sup> This was said before the quantum leap in levels of violence since September 2000. There were 18,787 (!) incidents<sup>5</sup> where Jews were targeted by Palestinian Arab terrorists between September 2000 and May 2003 alone (with and without casualties) on both sides of the Green Line.

Legalities aside, before 1967 there were no Jewish settlements in the West Bank and for the first ten years of so-called occupation there were almost no Jewish settlers in the West Bank. And still there was no peace with the Palestinian Arabs. The notion that Jewish communities pose an obstacle to peace is a red herring designed to blame Israel for lack of progress in the Peace Process and enable Palestinian leadership to continue to reject any form of compromise and reconciliation.

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<sup>1</sup> "Har Homa, Legal Aspects," Israel Ministry of Foreign Affairs, March 3 1997, at: [www.israel.org/mfa/go.asp?MFAH01gi0](http://www.israel.org/mfa/go.asp?MFAH01gi0)

<sup>2</sup> *Ibid.* David Bar-Ilan was Director of Policy Planning and Communications under the Benjamin Netanyahu administration. Also see Arab Construction in Territories Rises by 27% at: [www.imra.org.il/story.php3?id=21286](http://www.imra.org.il/story.php3?id=21286)

<sup>3</sup> The worst was a massacre by a lone Israeli in the Cave of the Patriarchs in Hebron in 1994 that took the lives of 29 Muslim worshipers. Three 2002 B'tselem reports show the overwhelming majority of violent acts of retribution after murders and other attacks on Jews focused on property damage – from turning over vegetable carts and smashing windshields to ransacking and arson of Arab property at crime scenes and disruption of olive harvests.

<sup>4</sup> Sprinzak's conclusions, cited in a book review of his work. See Amazon.com: [www.amazon.com/exec/obidos/tg/stores/detail/-/books/0684853442/reviews/qid=1054505277/sr=8-2/ref=sr\\_8\\_2/002-8938003-3157608](http://www.amazon.com/exec/obidos/tg/stores/detail/-/books/0684853442/reviews/qid=1054505277/sr=8-2/ref=sr_8_2/002-8938003-3157608)

<sup>5</sup> Total of Attacks in the West Bank, Gaza Strip and Home Front Since September 2000, see: [www.woodsidepark.org.uk/israel/publications/counterbalance/Issue%2027,%2026-09-03.pdf](http://www.woodsidepark.org.uk/israel/publications/counterbalance/Issue%2027,%2026-09-03.pdf)