

REFLECTIONS ON ANNEXATION

Is it Israel's responsibility to build a Palestinian state?

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THREE of our youth movements, Habo, Hashy and Netzer, have decided to join the voices of those on the political left who oppose the currently proposed annexation of 30 per cent of the West Bank (Judea and Samaria) publicly.

They say that for the sake of the Zionist dream, they oppose annexation publicly, now, even though the details of the proposed unilateral annexation remain to be clarified.

They assume that Palestinians in the annexed areas would not become citizens of Israel, and that there would be no room left for a Palestinian state in a single contiguous territory, thus precluding a two-state solution.

We agree with these youth leaders that for the love of Israel, respectful, earnest debate on an issue that impacts the entire Jewish people is very much appropriate.

It would seem ... when one takes the legal and geopolitical issues carefully into account, moving to annexation unilaterally on balance is likely to prove unwise.

The first issue that sets a baseline for our analysis is the legal effect of annexation not just in terms of physical territory but in terms of UN Charter compliance. Nothing in the UN Charter requires Israel to assist in the creation of a Palestinian Arab state in the West Bank and Gaza. To the contrary, Israel is entitled to protect her own territorial integrity and political independence as a condition of any Palestinian Arab self-determination.



View of the Israeli flag and the area known as E1, in the West Bank.

Photo: Yonatan Sindel/Flash90

Importantly, international law does not prescribe the borders of a future State of Palestine. The so-called green line is not a border in the legal sense.

Pursuant to UN Security Council Resolution 242 passed in November 1967, Israel is entitled to hold the West Bank and Gaza until a durable peace is negotiated with borders to be agreed upon. Absent such a peace treaty, Israel would only be entitled to hold any part of those territories permanently if there was no prospect of a durable peace being negotiated. It would thus seem that, legally, annexation is a declaration that Israel has given up on the peace process.

Why would Israel give up on the peace process? The answer may be that the Palestinians have never committed to peace with Israel as a Jewish State. But could they?

Assume for the purposes of discussion that: Fatah and Hamas "make up" and agree on a national unity government, the national unity government agrees that Gaza and the West Bank (with some var-

iations; land swaps) are to be the defined territory of a new Palestinian State, the claim for the new State of Palestine to run from the river to the sea is conceded, and the national unity government credibly agrees to comply with the UN Charter.

That remains rather unlikely, but can Israel simply declare it impossible? That brings us to the second question.

Would annexation be wise?

Daniel Pipes – a seasoned, conservative American commentator on Middle Eastern affairs – has given six reasons why taking over any significant part of the disputed territories would harm both US-Israel relations and Israel's status as the Jewish State.

For example, he sees it likely that Israel's expanded ties with the Sunni Arab states, especially those bordering the Persian Gulf, will be harmed by reinvigorating a focus on the Palestinians that has largely dissipated in recent years. Since he wrote, UAE Foreign Minister Anwar Gargash has spoken out against annexation, much as Pipes predicted.

The Zionist youth leaders see the effect of denying citizenship to Palestinian Arabs living in annexed territory as a reason not to annex. Pipes gets to the same position by considering the risk of granting citizenship; he does not wish for more Arab citizens of Israel. How ironic. Left and right identify the same risk, albeit differently, as a reason not to proceed with unilateral annexation.

Joe Biden opposes annexation. He is reported to have said to American Jewish leaders that the Palestinians must acknowledge Israel's right to exist, "flat out", and that while Israel should stop settlement activity, "we also shouldn't let the Palestinians off the hook" for issues like incitement and support for terrorism.

There really is little apart from right-wing rhetoric and claims for new borders based on a historic claim to Judea and Samaria, such as expressed by US ambassador to Israel David Friedman, to underpin the case for annexation. He put it this way:

Asking Israel to give up Hebron, Shiloh, Beit El, Ariel "is like asking the US to give up the Statue of Liberty".

Given that Jewish settlers in the disputed territories are mostly Israeli citizens already, no one has laid out what in substance is the new benefit to them of any form of annexation. The risks that Pipes identifies and the negative implications for a two-state solution identified by the youth leaders remain to be adequately addressed by proponents of annexation.

It would seem then that when one takes the legal and geopolitical issues carefully into account, moving to annexation unilaterally on balance is likely to prove unwise. The probable losses would seem to outweigh the symbolic gain.

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'PREOCCUPATION WITH OCCUPATION'

Myopic view of Zionism must be confronted

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FOUNDING father of Religious Zionism, Rabbi Abraham Isaac Kook – better known as Rav Kook – said that "if we persevere in fighting for what is close to our hearts, we must avoid becoming fixated on our feelings and know that the world is wide enough to contain feelings contrary to our own". This underpins the foundation of a democratic society, a society open to debate. Rav Kook alludes to the need to separate our identities from our political beliefs, to evaluate each and every idea on its merit, not on which political alignment it comes from.

This ability to think critically, to separate from our political identity when evaluating ideas is vital to societal progression. We should not be fixed on proving ourselves right, rather we must search for the right answer, no matter from where it comes. In recent years, however, a growing trend to the opposite has emerged, in particular when it comes to our connection with Israel. There has been historical consensus among Diaspora communities

– that support of the only Jewish state has been almost non-negotiable. We may not have always agreed with its government's policies, but that has never been cause to lessen or withdraw support. It is therefore extremely concerning to watch increasing tendencies to condition one's support for Israel on whether one approves of Israeli governmental policies. This belief that one's Zionism is connected to the government of the day is not only illogical but suggests a lack of complexity in one's Jewish identity.

A growing portion of the community is defining its Zionism by limiting it to the 'Palestinian conundrum'. This connection to Israel is no longer grounded in a love for the land, culture and history, our continued presence throughout millennia, or Israel's achievements in defiance of all odds. Rather it focuses on a newfound obsession with the plight of Palestinians, a 'preoccupation with occupation', as some put it. This is a myopic view of Zionism that suggests a lack of appreciation and understanding of not only Jewish history, but Middle Eastern too. While there are legitimate arguments from Israeli and Palestinian camps, one needs to develop a genuine understanding of both sides, and not allow oneself to be distracted by one troubling aspect of government policy. Failing to do so not only prevents

us from making a meaningful contribution to the discussion but endangers the future of Zionism.

Our Jewish community is known for its large Holocaust survivor population. For previous generations, the suffering of our grandparents has sufficed as motivation for raising a Jewish family. This suffering, however, has failed to resonate as strongly with the younger generation, for whom the tragedies of the Holocaust are not as raw.

Similarly, if our entire Zionist identity revolves around the predicament of Palestinians in the West Bank and Gaza – irrespective of what stance one holds on it – what hope do we have for the future? Israel is the only protection against a new wave of genocidal hatred against our people, yet how can we ensure a strong connection to Israel if we fail to view it beyond the lens of one facet of the conflict?

We do not need to believe Israel is perfect in order to proudly proclaim our Zionism. Are we not proud that Tel Aviv is widely viewed as the world's LGBTQ capital? Have we forgotten that we had a female prime minister only 20 years into Israel's existence, while our friends in the 'land of the free', almost 250 years since independence, still await a female president? What about Abdel Zuabi, the first

Arab judge to sit in the Supreme Court, or that the Arab Joint List was the Knesset's third largest faction following the 2015 and 2019 elections? Do we not take pride in the fact that Israel provided aid to 200,000 Syrians during the civil war, or that Israeli doctors treated over 11,000 Syrians injured by their own people, while the world stood idly by and watched as more than 400,000 men, women and children were killed? How did we lose sight of reality?

Discussion surrounding these issues is often overtaken by extremes on the left and right. That needs to change. It is time for us to come together and have an honest conversation. Our Zionism cannot depend on our approval of Israeli governmental decisions. As Jews in the Diaspora we have an obligation to harness our beliefs to strengthen Israel and our community's connection to it; however, when this morphs into an obsessive focus on Israel's wrongs without any recognition of the challenges facing Israel, it needs to be called out for what it is. It is time that we have the nuanced conversation that is so desperately needed. The future of our Jewish community depends on it.

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