**Shaul Arieli**

**So Israel Remains Israel**

**[Haaretz in Hebrew, 07/12/17]**

"You cannot enter the same river twice," wrote the Greek philosopher Heraclitus in the fifth century BCE. It seems that not many Israeli government ministers have found time to read this short sentence and internalize its implications for the future of the West Bank. And they seem to believe that its annexation due to the settlement enterprise is undeniable.

Some of them base their faith in completing the stage of "the beginning of redemption" on the determinism contained in the words of HaRav Kook, writing in London in 1917 in the context of the Balfour Declaration: "Every person who has the ability to penetrate and observe what is beyond the apparent external phenomenon knows that the hand of God appears to lead the history and is destined to lead this process to its conclusion. " However, most still believe that Israel's success in winning international recognition of the annexation of the territories occupied in the War of Independence will also be repeated in relation to the West Bank that was occupied in the Six-Day War. Or at the very least, they believe, the world will remain silent and get used to the reality of the occupation. But that is not the case.

The political goal of preserving the territories occupied by Israel during the War of Independence and designated in the partition resolution to the Arab state by establishing irreversible facts on the ground, primarily the change in the demographic balance and the creation of spatial dominance, was achieved under various basic conditions that differ, and even stand in contrast, to those existing in the West Bank since 1967. The Israeli government's lack of understanding of the differences between the current conditions and the conditions prevailing in 1949 - ignoring reality and its urgency in the hope that history will repeat itself and shape the desired reality that will achieve the same political goal - is a proven recipe for deterioration into disaster. A comparison of the conditions prevailing in 1949 with the conditions today leaves no room for doubt.

First, the position of the international community. In 1949, the international community was sympathetic to Israel and its moves because of many factors: the exposure of the horrors of the Holocaust, which aroused a sense of guilt in many countries; the consent of the Jewish Yishuv to the partition resolution (181), supported by the United States and the USSR, and by its rejection by the Arabs of the Land of Israel and the Arab world; the Arab decision to start a war in order to nullify the partition resolution, contrary to UN warnings; the UN view that the armistice agreements signed in 1949 are the basis for future peace agreements; and above all, the fact that Israel was perceived by the international community as a peace-loving state, ready for compromise, and fighting for its physical existence against continued Arab refusal to recognize it and sign peace agreements with it.

In contrast, the international political situation since 1967 has been completely different: the formula of "land for peace" to settle the conflict (according to UN Security Council Resolution 242) was set and accepted by all parties, including Israel; Egypt and Jordan have signed peace agreements with Israel and have respected them for decades; for 15 years, the Arab League has been reaffirming its peace plan, based on Resolution 242; the PLO recognized Israel der Resolutions 242 and 338, and recently gained the status of non-member observer state in the UN; and finally, Israel is perceived by world public opinion as a peace refusenik who grossly violates international conventions in the course of settlement in the West Bank and East Jerusalem.

Second, the demographic and spatial balance. Israel's success in achieving a Jewish majority and territorial control after the War of Independence is based on the fact that 711,000 Palestinians (more than half the Arabs of Mandatory Palestine) became refugees and did not return to Israel at the end of the war. Large numbers of Holocaust survivors from Europe and Jews from Arab countries, Iran and Iraq, immigrated to Israel in the years following independence, reducing the proportion of Arabs in the young state to only 16%, whereas in the Six-Day War the number of refugees was much smaller, about 250,000, and most of the Arab population remained in their homes. Though a few villages were destroyed, the rest remained standing and their inhabitants continued to cultivate their lands. Since 1967, Israel has experienced a large wave of immigration only once, following the breakup of the Soviet Union in the early 1990s. In the years that followed, there was little to negative immigration to Israel, and net migration is projected to be zero over the next few decades.

Third, the status of the territories. Immediately after the War of Independence, Israel applied its jurisdiction and administration to the occupied territories through decrees signed by the defense minister. In contrast, since the occupation of the West Bank in 1967, Israel has failed to apply Israeli law to this area, except for 70 square kilometers, which were annexed to West Jerusalem immediately after the Six-Day War. As opposed to international recognition of the 1949 acquisitions, the annexation of East Jerusalem in 1967 and the annexation of the Golan Heights in 1981 were strongly rejected by the world. The status of the territories has a significant influence on the following two factors.

Fourth, the status of Arab residents. In 1949, Israel granted full citizenship to Arab residents of the occupied territories. This process strengthened its status as a democratic state that grants equal rights to all its residents, in accordance with the Declaration of Independence (even if in practice there was discrimination against Israeli Arabs). In contrast, Palestinian residents of the West Bank have been denied since 1967 collective rights of self-determination and basic civil rights. The establishment of the Palestinian Authority did not provide a solution, because the PA does not have authority to conduct its own foreign affairs, security and economic policies, and does not control 60 percent of the West Bank and a quarter of its population (in East Jerusalem and Area C). Even worse, Israel maintains two different legal systems in the West Bank for the Jewish population and for the Arab population.

Fifth, the land issue. After the War of Independence, Israel enacting the Absentee Property Law, seizing control of more than 4 million dunams of agricultural land and thousands of dunams of urban land. Additionally, it expropriated much of the land owned by the Arab villages that remained under its sovereignty, as part of the military government imposed on them until December 1966. These lands were allocated to existing settlements and the establishment of nearly 300 new Jewish settlements until 1967. In contrast, since 1967, the Supreme Court held under the Elon Moreh ruling that "the legal regime that began in these areas (the West Bank and the Gaza Strip) is governed by public international law dealing with belligerent occupation (the Hague Convention and the Fourth Geneva Convention)", and since 1979 it has been forbidden to seize private land from its Palestinian owners for the purpose of establishing settlements, not even through military decree (a situation that the proposed "regulation law" seeks to change).

Sixth, the position of the Jewish Israeli public. After the War of Independence, there was a full consensus among all the Zionist parties regarding the future of the occupied territories. The first settlers to settle during the war were the kibbutzim and moshavim, who enjoyed a significant increase in the amount of land available to them. The immigrants in the 1950s and 1960s saw the settlements as their new homes. The sense of justice due to Arab aggression in the War of Independence and the security threat posed by the Arab world after the war united Jewish society in Israel. After the SixDay War, it is surprising to note that in the Gaza Strip there was unanimous agreement by the Israeli government to annex it after the refugees were resettled outside its borders. With respect to the West Bank, the views were divided, with solutions ranging from annexation to its return to Jordan as part of a peace agreement. Today there is a deep rift in Jewish society with regard to its future. A little over half of the Jewish Israelis support the two-state solution, and the rest oppose it. Many see the settlement enterprise as a destructive move that impedes the political process and, worse, threatens the identity and democratic regime of Israel and its survival as a single society.

Until 1967, Israel succeeded in shaping the reality in the territories conquered during the War of Independence and establishing Jewish majority and control, except in the Wadi Ara area, the Galilee, and part of the northeastern Negev. UN Security Council Resolution 242, which followed Israel's military victory in 1967, implicitly recognized the territories occupied in 1949 as part of Israel's territory, and conditioned the peace agreement with the Arab states, excluding the Palestinians, on an Israeli withdrawal only from territories occupied in the Six-Day War. Thus, the political goal of preserving the territories occupied by Israel during the War of Independence was achieved 19 years later, thanks to the opportunity created by the Six-Day War.

On the other hand, despite the efforts of 50 years since the Six Day War, the Jewish settlement in the West Bank is far from achieving demographic or spatial dominance, while the percentage of Arabs in the West Bank still stands at 82%, while only 11% of the settlements number more than 5,000. In the West Bank there is no significant Israeli agriculture or industry, and the Israeli "blocs", with demographic and spatial dominance, barely cover 4% of the West Bank, and the international community does not recognize the legality of the settlements or the annexation of East Jerusalem. On November 29, 2012, 138 countries recognized Palestine in its 1967 borders as a UN observer state. The only flexibility that the international community, the Arab League, and the Palestinians, has in the region is the acceptance of the idea of an exchange of territories (3-4%) that will enable Israel to annex territories housing the majority of Israeli settlers in exchange for similarly-sized territory ceded to Palestine.

Indeed, the Israeli settlement enterprise will succeed in shaping the eastern border of the State of Israel if a permanent agreement is signed, but it has not succeeded in adding a single dunam to its territory. Following the idea of Heraclitus, the 1949 territories are not the 1967 territories. Israel, the international community, the Arab world and the Palestinians are no longer as they were in 1949. In order for Israel to remain a democratic Israel with a Jewish majority, it must change its positions and adapt them to the changes that have taken place. To the extent that this understanding is internalized by the Israeli government and Israeli society, blood and resources will be spared from both sides, until the separation necessary for both of them.