

# A Comprehensive Response to Anti-Israel Tourist Activism Talking Points, Part I

## Geography, Fences and Security

by Robert Harris (July 2016)



Betty Purcell, a member of the Irish Human Rights and Equality Commission, is best known for her former role as a current affairs producer at RTE, Ireland's public service broadcaster. Purcell is a television producer of longstanding, who wrote a book called [A boycott of Israel can help end the injustice](#)'.

Purcell's screed begins with a description of the appearance of a field of olive trees, near Bethlehem:

“It should be an idyllic scene. But we are with the farmer who owns the field, and his story is tragic.”

Purcell does not name the farmer and his family, upon which several of her claims are based. The absence of an identifying source for Purcell’s claims soon becomes significant. Of the farmer, it is said:

“Coming down the hill towards him is a massive Israeli settlement (illegal under international law, and condemned by the International Court of Justice in 2004).

It has already led to the confiscation of half of his land.”

Numerous invalid claims have been made in the media about the [merely a suburb](#) of East Jerusalem. Purcell describes this settlement as almost a living thing, coming after the unfortunate farmer, but these urban centres typically develop inward rather than outward, and do so at a relatively slow pace due to the controversy that such developments garner internationally.

Arab-Palestinian farmers make use of ‘miri’ land. Most of the contested region is made up of two classes of land: miri and ‘mewat’, the latter of which cannot be cultivated because it is barren or rocky. This legal classification was instituted under the Ottoman Empire, and remained in use throughout the British Mandate and Jordanian periods of rule, up to the present. Miri land is non-urban [predominantly Jewish nation](#) and Article Six of the Mandatory text enshrined in law the right for close Jewish habitation in this zone, with and without the British authority’s assistance. The United Nations charter enshrined the capacity of prior international frameworks in Article 80, which affirms that the UN cannot alter prior legal arrangements made by international bodies, unless the parties involved agree to alter their status.

Israel’s opponents assert that the presence of such Jewish neighbourhoods is contrary to international law, with respect to Article 49 of the Fourth Geneva Convention. This assertion is dubious because it relates to the mass transfer of peoples into and/or out of a sovereign nation during a time of war. Said Jewish people moved into a region that has not been held by a legitimate sovereign in millennia, and did so over five decades, in a voluntary gradual manner. They did so for religious and cultural reasons, given the zone constitutes the heartland of ancient Israel, from which their ancestors were ethnically cleansed, in both

ancient and quite recent times. This activity has not displaced extant local populaces.

The 2004 ruling by the International Court of Justice (ICJ) was merely an “advisory” opinion. The ICJ revealed a substantive bias, by claiming that the security barrier was a political move, rather than an act of necessary security. The assertion is an absurdity, given the death of 900 Israeli citizens, and the wounding of at least 6,000 others, in a matter of a few years. At a fundamental level, however, [which has no designated status](#). ‘Class A’ status designated the readiness for a given region to achieve national independence, with the short-term development of parliamentary democracy. By contrast, the authority of the Palestine Mandate is solely vested in the Mandatory power, and a national agency, with the sole purpose of reconstructing “the Jewish National Home”. In effect, the ICJ sought to dispossess the British Mandate – an instrument of international law – of its original intent: to reconstruct a nation, minimally from the Western-side of the Jordan River, including Judea and Samaria/West Bank. [re-write](#) prior international agreements. The Armistice Line reflects the location of two armies in 1949, after Jordan’s invasion. Article VI of the Armistice deal affirms the Line must not be a [dissenting opinion](#) by Rosalyn Higgins, Pieter H. Kooijmans, and Justice Thomas Buergenthal. Buergenthal [excludes Israel from permanent membership](#).

Later in the same article, Purcell demonises the Jewish residents of Judea and Samaria/West Bank:

“We went to Hebron, a Palestinian town of 45,000 people, which has become a ghost town since the “settling” of 500 Israelis there.”

The “ghost town” claim is difficult to reconcile with reality. In 1967, shortly after taking Hebron in a defensive war against Jordan, a small number of Jewish people took up residence against the wishes of Israel’s military. The community remained relatively small, and merely takes up a [withdrawal deal](#) with Yasser Arafat. Thus, 80% of the city is under Palestinian Authority control. H1 is a largest section of the town which has a solely Arab-Palestinian populace of over 120,000, while H2 has a smaller Arab-Palestinian populace as well as the Jewish populace. Purcell likely refers to H2 which disingenuously ignores H1. She adds:

“Under the guise of “security considerations”, many streets have been

emptied of Palestinian families, and in the Old Town, the Palestinian shopkeepers have had their market stalls closed.”

Purcell repeatedly uses scare quotes to dismiss the concerns of the Israeli authorities, with respect to security, terrorism and other forms of violence. Hebron has been a flashpoint for violence for a protracted period of time.

“Meanwhile, the settlements, which Israel has been repeatedly asked to dismantle by the UN, are growing apace. On every piece of high land, initially a few mobile homes appear. This is a settlement outpost.

Then the army moves in to support house-building.

Next nearby houses and farms are cleared for “security reasons”. And then the settlement grows, and is linked by special road to the settlement on the next hill.”

Purcell describes a scenario that is wholly incommensurate with the facts. The Israeli State has repeatedly dismantled [destroys the structures](#) they contain. The Israeli Defense Forces (IDF) often clashes with Jewish settlers when [disrupt economic life](#). There was particular controversy several years ago when the Israeli authorities destroyed outposts and buildings all over Judea and Samaria/West Bank, where Jewish occupants have individually and repeatedly [Palestinian Authority walked away](#) from initiatory peace talks in Amman.

It can be argued that Israel’s longstanding refusal to recognise all outposts is an unacceptable, and illegal attack on the rights of Jewish residents to live in an elemental part of the mandated territory for the ‘Jewish National Home’, but it does at least demonstrate Israel’s good faith when attempting to come to a land-for-peace solution with the Arab-Palestinian community.

Purcell suggests that the Jewish residential areas of Judea and Samaria/West Bank are growing at an alarming rate but notable anti-Israel sources affirm that actual settlements take up relatively little space, circa [also stated](#) that settlements constitute 1.1% of the region.

Purcell goes on to cite settler violence. She claims that the presence of settlers makes peace impossible:

“There are now 700,000 Israeli settlers in the Palestinian West Bank and

East Jerusalem.

They become “facts on the ground”, making a two-state solution a practical impossibility.”

It is nonsense to suggest the presence of Jewish neighbourhoods and towns in Judea and Samaria/West Bank, represent an impediment to a two-state solution. It is an established fact that the PLO walked out of talks in Camp David, Taba, etc., despite substantive concessions on territory, so this is not the substantive fact holding back a solution. Almost all major Jewish towns in Judea and Samaria/West Bank, are close to the Armistice/Green Line, and it has long been accepted by both parties, within the process, that there would be some degree of land-swapping. Settlement development has not greatly increased since the 1990s so it is entirely feasible to see most remain in a two-state solution that gives a prospective second Arab-Palestinian state much of Judea and Samaria/West Bank, in a sustainable arrangement that will be contiguous even with [death of nearly a thousand Israelis](#), the majority of which were Jewish civilians, along with many thousands of non-fatal casualties.

Purcell’s article introduced a rather extraordinary claim:

“The Wall is built in the West Bank, and when it is completed will annex a further 47% of West Bank territory.”

This claim was [letter of response](#):

“...there are varying estimates as to the amount of West Bank land the Separation Wall will seize. The YMCA for instance predicts the incursion will be 47%.”

If there are varying estimates, then why did Purcell choose to go with the most extreme estimate in her article? Purcell’s 47% claim is so absurd that the reader might be forgiven for thinking that she has never seen [encircles Bethlehem](#), thereby turning the town into a prison. However, the barrier merely passes by the Western-most side of the town. The Security Barrier is a widely used anti-Israel [territorial demands](#), with mutually agreed land-swaps. Far from keeping to the line demarked by the security barrier, [make favourable remarks](#) about the plan.

Moreover, the two-state solutions, being so envisaged as 'two states for two peoples', planned that Israel would still possess a portion of Judea and Samaria/West Bank. This is in keeping with UN Security Council Resolution 242, which, as [has noted](#) that to have built the security barrier on the 1949-67 Armistice (Green) Line would have unduly pre-empted Final Status negotiations on a substantive number of issues, as envisaged in the Oslo Accords. Placing the barrier at the old Armistice Line would also negate Israel's right to a secure border, as per Resolution 242, because much of the Armistice Line follows vulnerable low-lying areas. Policing a barrier on the old Line would thus pose a very substantive long-term risk, and so undermine its very *raison d'être*.

After being criticised by the Israeli Embassy for failing to advise that the security barrier was built to stop terrorist attacks, Purcell stuck to her guns, and refused to acknowledge there are any security risks to Israel. It is however a fact that Israel suffered a dramatic escalation in terrorism during the Second Intifada, for which the barrier [has been re-routed](#) by the Israeli military in reaction to rulings by the Israeli Supreme Court, in 2004 and 2005. The Court was petitioned by NGOs representing Arab-Palestinian issues. Whilst rejecting the ICJ position that the barrier was illegal, the Supreme Court nonetheless affirmed that security measures must be proportionate to the welfare of the local populace so affected. Consequently, the barrier now covers approximately eight percent of the disputed region.

### **Could the security barrier be good for progress?**

Arab-Palestinian society prospered during the Oslo-era process, but improvements came abruptly to an end with the Second Intifada. It is a fact that the security barrier played a fundamental role in bringing about the end of a phase of unprecedented violence originating from Judea and Samaria/West Bank.

Ultimately, in conflict situations, choices need to be made between greater or lesser evils. Such moral complexity is afforded no space in the simplified propagandistic narratives of the anti-Israel movement.

Whilst the barrier would inconvenience local residents to a varying degree, it also affords these people a far greater degree of safety, particularly in residential areas like Bethlehem, from which many Arab-Palestinians initiated attacks. The land taken for the purposes of the separation barrier is [essential](#)

[to Bethlehem](#), which can only flourish in times of peace. Moreover, [such as Peter Beinart](#), make similarly flawed leaps of argument. Purcell continues:

“A friend of our family worked as a labourer in Jerusalem. He left at 3.30 in the morning to get to the checkpoint, leaving himself three hours waiting time.

Sometimes he got through more quickly, but he had to be sure...”

Checkpoints during times of societal and sectarian strife are typically slow due to security risks. The process is no doubt a considerable inconvenience but this person no doubt makes the effort to work in Israel because wages are substantially higher than within Judea and Samaria/West Bank. During the Second Intifada, Israel stopped issuing work permits due to security risks. This decision was changed in the aftermath of that era, but levels of violence has ebbed and flowed since that time, requiring continued vigilance. Ironically, Purcell objects to the very thing that helps limit the risk of terrorist attacks. Israel would likely be compelled to revoke the permits, if the scale of terror were to rise again.

In a letter, Purcell raises another old propaganda stroke: “the issue of Apartheid roads, which allow settlers unique and speedy access to all parts of the West Bank and into Israel”, adding in her article:

“...the settlers have their own roads and distinctive yellow number plates, which allow them to zip quickly into Jerusalem in 15 minutes.

The Palestinians, with their white number plates are restricted to circuitous, road blocked roads, which can be closed off at any time by the military for ‘security reasons’.”

Purcell rehashes a [substantive casualties on a daily basis](#). Rather than a reflection on Israeli-Jewish intolerance, this is a reaction to Arab-Palestinian sectarianism over successive generations.

“The only West Bank Palestinians who have permission to go there [Israel], are people with work permits which allow them access, like South African black people under apartheid, who similarly were allowed permits for work, but not to live in certain parts of the city.”

The claim that Israel echoes Apartheid-era South Africa often relies on an argument that Arab-Palestinians live in isolated 'bantustans', a type of township to which Black South African people were deported from areas that were designated solely for white habitation. Black people were deemed citizens of these townships. The South African 'Pass Laws' required a kind of passport to merely travel outside these zones to their place of work. These 'passports' often included [comparison between the two Nations](#). Secondly, Israel has long-accepted the principle of an independent and contiguous [substantive peace negotiations](#).

If there was truth to the apartheid charge, based on ethno-religious lines, there would be segregation in Israel for the 20% of its Arabs. However, the minority mix freely, worship freely, have no proscription on employment, and vote and stand for election. Arabic is one of Israel's two official languages. The evidence is plentiful: Israeli Arabs [command ranks in the army](#) and have political grouping in the State legislature. An Israeli-Arab man is the [suffering visited upon the indigenous people](#) of South Africa

Jewish and Arab populaces in Judea and Samaria/West Bank operate under different legal frameworks. This fact is also [eirael.blogspot.com](#) and *lives in Ireland*.

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