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Chapter 2 : United Nations Security Council Resolution - Wikipedia

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It is a piece of analysis to be commended for two important reasons. Firstly, corporate complicity in such abuses is widespread and pervasive, with the Israeli settlement enterprise as reliant on the involvement of private businesses for its furtherance, as it is upon political acquiescence among the international community. Dragging such involvement into the open can act as a catalyst for those businesses connected to Israeli settlements to review and ultimately cease their complicit acts, as well as dissuading others from conducting business in such a way that it results in serious rights abuses. Additionally, however, in adopting this business-centric angle of review, the report also draws our collective attention to a simple, ugly truth: The boundaries of permissible behaviour in the context of military occupation are prescribed by three sources of international humanitarian law IHL: IHL does not prohibit military occupation per se, as occupation is recognised as a common and often unavoidable aspect of international armed conflict. Instead, they seek to regulate the actions of the occupying power, ensuring that essential entitlements of the occupied civilian population are respected, including health standards, public safety and order. Therefore it is a body of law which operates as a bulwark; compliance with its provisions should ensure an acceptable balance between any legitimate needs of the occupier and the rights of the occupied. This is ably demonstrated in the report of Human Rights Watch, which draws particular attention to corporate complicity in Israeli confiscation of Palestinian land and in the support of settlement infrastructure. For instance, the fracturing and annexation of occupied land is in direct contravention of IHL, which strictly prohibits an occupying power from effecting permanent change to the foreign territory under its control. Indeed, the evidence points unerringly towards an underpinning motive of permanent land acquisition. East Jerusalem - recognised by the international community as a contiguous part of the West Bank and cherished by Palestinians as the future capital of their state - has been administratively and physically annexed by Israeli whilst, to the east, the bulk of the West Bank is now studded with more than settlements. The total settler population now numbers well in excess of half a million and Palestinian natural resources are exploited by and for these alien communities. Moreover, a cursory glance at the planned route of the Wall - plotted to loop around the sprawling Ariel, Etzion and Adummim blocs - reveals a crystal clear Israeli intent to artificially stitch this land to the rump of Israel itself, placing it forever beyond the reach of its lawful owners: Indeed, prominent Israeli politicians have publicly called for the complete annexation of the West Bank. Simply put, an occupation which fails to comply with the legal framework governing occupation cannot be regarded as an occupation. But if the beast has fled the cage, was the cage partly at fault? To this end, in the International Committee of the Red Cross began an extensive review into whether the law itself remains fit for purpose in its regulating of the shifting nature of contemporary military occupation. The review concluded, however, that although clarification of some areas was desirable, there existed no great failing in the form of the law itself. The issue, therefore, lies in the actions of states, but also in how we respond to such actions. Specifically, we must address our insistence on applying ill-fitting paradigms to scenarios of foreign, belligerent military presence. Perhaps the most obvious example is that of the US-led invasion of Iraq in ; a headlong rush into chaos and bloodshed, with the stated purpose of disarming Iraq, freeing its people and defending the world from grave danger. In reality, it was a military conquest launched in an attempt to protect the energy interests of Western powers , which resulted in the country being brought to its knees, a death count estimated by some sources as exceeding one million , and the genesis of ISIS. Despite this free-fall in interest, however, the Kremlin continues to entrench its presence in the peninsula. This is not the fault of the legal instruments upon which we rely to protect both the territorial integrity of invaded states and the rights of civilian populations caught up in

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foreign invasion. Rather, it is a reflection of a two-pronged failure: The research of Human Rights Watch is therefore a wake-up call, prompting us to recognise the potential for occupations to slip into deep-rooted, exploitative exercises of power; an assessment reinforced by historical review and the not uncommon examples of prolonged foreign interventions underpinned by expansionist, neo-colonialist agendas. In the case of Israel and Palestine we must refocus our analytical lens and conclude that whatever we may be looking at, an occupation it is not.

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Chapter 3 : Eyes Upon The Land: The Territorial Integrity of Israel | eBay

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They agreed that "Palestine" was to be designated as an "international enclave". It was agreed that Palestine and the Vilayet of Mosul in modern-day Iraq would be part of the British sphere in exchange for British support of French influence in Syria and Lebanon. In October the British envisaged the area that is today southern Lebanon and most of southern Syria as being part of British mandatory Palestine. In the East, matters were more complicated. In July, the League of Nations approved the Palestine Mandate, which came into effect in after a dispute between France and Italy over the Syria Mandate was settled. Britain administered the part west of the Jordan as Palestine, and the part east of the Jordan as Transjordan, with the border being the Jordan River. Technically they were one mandate but most official documents referred to them as two separate mandates. Transjordan remained under British control until, when it gained independence. S government, sent immediately after the Declaration of 14 May, "that the state of Israel has been proclaimed as an independent republic within frontiers approved by the General Assembly of the United Nations in its Resolution of November 29, Jordan extended recognition to Palestine and ceded its claim to the West Bank to the Palestinian Liberation Organisation, which had been previously designated by the Arab League as the "sole legitimate representative of the Palestinian people". The treaty resolved territorial and border issues that were ongoing since the war. The treaty specified and fully recognized the international border between Israel and Jordan. Any treatment of this line shall be without prejudice to the status of the territory. Border with Syria and Lebanon French Mandate: Pauletâ€™Newcombe Agreement The Pauletâ€™Newcombe Agreement, a series of agreements between â€™23, contained the principles for the boundary between the Mandates of Palestine and Mesopotamia, attributed to Great Britain, and the Mandate of Syria and the Lebanon, attributed to France. A agreement defined the boundary between the forthcoming British and French mandates in broad terms, [20] and placed the bulk of the Golan Heights in the French sphere. The agreement also established a joint commission to settle the border and mark it on the ground. When the French Mandate of Syria ended in, the Golan Heights remained part of the newly independent state of Syria. Borders in the region of the Sea of Galilee and Golan Heights, showing the Ottoman boundaries, the agreement and the agreement In, an agreement between the United Kingdom and France, known as the Pauletâ€™Newcombe Agreement, established the border between the soon-to-be formalised British Mandate of Palestine and the French Mandate of Syria. The border was drawn so that both sides of the Jordan River and the whole of the Sea of Galilee, including a metre-wide strip along the northeastern shore, were part of Palestine. Following the Arabâ€™Israeli War, Syria seized some land that had been allocated to the Jewish state and under the Armistice Agreements with Israel retained 66 square kilometers of that territory in the Jordan Valley that lay west of the Palestinian Mandate border marked green in the map on right. It was emphasised that the armistice line was "not to be interpreted as having any relation whatsoever to ultimate territorial arrangements. Today, Israel regards the Golan Heights as its sovereign territory, and a strategic necessity. During the s, there were constant negotiations between Israel and Syria regarding a mediation of conflicts and an Israeli withdrawal from the Golan Heights but a peace treaty did not come to fruition. This line came to be called the Blue Line. At the same time, the United Nations did not have to consider the legality of the boundary between Lebanon and the Israeli-controlled Golan Heights, as that was not required for the purpose of Council Resolution. In effect that line was recognised by both Lebanon and by Israel as the international border, and not just as the Armistice Demarcation Line of [citation needed] what is commonly called the Green Line following the Arabâ€™Israeli War. On April 17, , Israel announced that it would withdraw its forces from Lebanon. The Lebanese government refused to take part in marking the border. The UN thus conducted its own survey based on the line for the purpose of Council Resolution, which called for "strict respect for the territorial integrity,

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sovereignty and political independence of Lebanon within its internationally recognized boundaries". The United Nations cartographer and his team, assisted by UNIFIL, worked on the ground to identify a line to be adopted for the practical purposes of confirming the Israeli withdrawal. While it was agreed that this would not be a formal border demarcation, the aim was to identify a line on the ground closely conforming to the internationally recognized boundaries of Lebanon, based on the best available cartographic and other documentary evidence. On May 25, 1949, Israel notified the Secretary-General that it had redeployed its forces in compliance with Council Resolution 194, that is to the Internationally recognized Lebanese border. Notwithstanding their reservations about the line, the governments of Israel and Lebanon confirmed that identifying this line was solely the responsibility of the United Nations and that they would respect the line as identified. The armistice agreement between Lebanon and Israel was signed on March 23, 1949. The main points were: The terms of the agreement were dictated exclusively by military considerations. The armistice line is. Unlike the other Green Line agreements, it contains no clause disclaiming this line as an international border, and was thereafter treated as it had been previously, as the de jure international border of Lebanon. Israel withdrew its forces from 13 villages in Lebanese territory, which were occupied during the war. On June 16, 1949, the Secretary-General reported to the Security Council that Israel had withdrawn its forces from Lebanon in accordance with Council Resolution 194 and met the requirements defined in his report of May 22, 1949. The dispute over the sovereignty over the Shebaa Farms resulted in part from the failure of French Mandate administrations, and subsequently from the failure of the Lebanon and Syria to properly demarcate the border between them. Documents from the 1920s and 1930s indicate that some local inhabitants regarded themselves as part of Lebanon, for example paying taxes to the Lebanese government. But French officials at times expressed confusion as to the actual location of the border. The region continued to be represented in the 1920s and 1930s as Syrian territory, under the French Mandate. Detailed maps showing the border were produced by the French in 1920, and again in 1936. After the French Mandate ended in 1943, the land was administered by Syria, and represented as such in all maps of the time. Border disputes arose at times, however. Shebaa Farms was not unique; several other border villages had similar discrepancies of borders versus land ownership. Syria and Lebanon formed a joint Syrian-Lebanese border committee in the late 1950s to determine a proper border between the two nations. In 1960, concluding its work, the committee suggested to the two governments that the area be deemed the property of Lebanon, and recommended that the international border be reestablished consistent with its suggestion. Thus, maps of the area continued to reflect the Farms as being in Syria. The Lebanese government showed little interest in their views. The Syrian government administered the region, and on the eve of the war, the region was under effective Syrian control. As a consequence, the Lebanese landowners were no longer able to farm it. The reason for the color difference is likely a higher level of grazing by the Bedouin-tended animal herds on the Egyptian side of the border. The international border between the Ottoman Empire and British controlled Egypt was drawn in the Ottoman-British agreement of 1 October 1906. Jennings Bramley, who influenced the negotiations, the border mainly served British military interests—it furthered the Ottomans as much as possible from the Suez Canal, and gave Britain complete control over both Red Sea gulfs—Suez and Aqaba, including the Straits of Tiran. At the time, the Aqaba branch of the Hejaz railway had not been built, and the Ottomans therefore had no simple access to the Red Sea. The British were also interested in making the border as short and patrollable as possible, and did not take into account the needs of the local residents in the negotiations. The armistice line between these countries followed the international border except along the Gaza Strip, which remained under Egyptian occupation. A dispute arose over the marking of the border line at its southernmost point, in Taba. Taba was on the Egyptian side of the armistice line of 1949, but Israel claimed that Taba had been on the Ottoman side of a border agreed between the Ottomans and British Egypt in 1906, and that there had previously been an error in marking the line. The issue was submitted to an international commission composed of one Israeli, one Egyptian, and three outsiders. The Jewish community of Mandate Palestine accepted the plan, despite its misgivings. With a few exceptions, the Arab leaders and governments rejected the plan of partition in the resolution and indicated that they would reject any other plan

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of partition. On 14 May, the day before the expiration of the Mandate for Palestine, David Ben-Gurion, on behalf of the Jewish community, declared the establishment of a Jewish state in Eretz-Israel, to be known as the State of Israel. The tide of battle soon turned against the Arabs, and Israel then launched a series of military offensives, greatly expanding its territorial holdings. On September 22, during a truce in the war, the Provisional State Council of Israel passed a law annexing all land that Israel had captured in that war, and declaring that from then on, any part of Palestine taken by the Israeli army would automatically be annexed to Israel. Following internationally supervised Arab-Israeli negotiations, a boundary based on the cease-fire lines of the war with minor territorial adjustments, commonly referred to as the Green Line, was agreed upon in the Armistice Agreements. The Green Line was expressly declared in the Armistice Agreements as a temporary demarcation line, rather than a permanent border, and the Armistice Agreements relegated the issue of permanent borders to future negotiations. The area to the west of the Jordan River came to be called the West Bank, and was annexed by Jordan in 1950; [41] and the Gaza Strip was controlled by Egypt. Israel and the Palestinian territories now lay entirely within the boundaries of former British Mandate Palestine. The boundaries of a future Palestinian State, vis-a-vis Israel, are subject to ongoing negotiations in the Israel-Palestinian peace process. Israeli Foreign Minister Avigdor Lieberman proposed that the Arab-Israeli border region known as the Triangle be removed from Israeli sovereignty and transferred to the Palestinian Authority, in exchange for the border settlement blocs. The Palestinian Authority claims all of these territories including East Jerusalem for a future Palestinian State, and its position is supported by the Arab League in the Arab Peace Initiative which calls for the return by Israel to "the borders". Israel has not made claims to any portion of Gaza territory and offered the entire area to Palestinians as part of the Camp David Summit. At the same time, Israel has continued to claim a nominal strip on the border between the West Bank and Jordan, and between Gaza and Egypt as its border with those countries. This is viewed as a legalistic device to enable Israel to control the entry of people and materials into the Palestinian territories. Israel took control of West Jerusalem during the Arab-Israeli War, while Jordan took control of East Jerusalem including the walled Old City in which most holy places are located. In 1980, the Knesset passed the Jerusalem Law, declaring Jerusalem to be the "complete and united" capital of Israel. The Israeli government offered the Palestinian residents citizenship, most of whom refused, and are treated today as permanent residents under Israeli law. According to the Israeli rights organisation Hamoked, if these Palestinians live abroad for seven years, or gain citizenship or residency elsewhere, they lose their Israeli residency. The annexation was declared by the United Nations Security Council as "a violation of international law" and "null and void" in Resolution 242 and has not been recognized by the international community, and all countries have moved their embassies from Jerusalem. Upon receipt of this cable informal consultation took place between the Colonial Office legal adviser and the assistant legal adviser to the Foreign Office. Their suggestion, on the 25th by Shuckburgh, was that Wilson and Hastings Donnan. A Companion to Border Studies. Tauris; New Ed edition August 15, 2000, p. 100. Pappé suggests the French concessions were made to guarantee British support for French aims at the post-war peace conference concerning Germany and Europe. There is the boundary delimitation of the boundary between French Syria and Palestine, which will constitute the northern frontier and the eastern line of demarcation, adjoining Arab Syria. The latter is not likely to be fixed until the Emir Feisal attends the Peace Conference, probably in Paris.

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Chapter 4 : Israel and Palestine: The occupation that isn't | Middle East Eye

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Preamble The second preambular reference states: He says that principle had been expressed through numerous international conferences, doctrines and treaties since the late 19th Century. He says that even if a war is lawful in origin it cannot exceed the limits of legitimate self-defense. Land for peace The resolution also calls for the implementation of the "land for peace" formula, calling for Israeli withdrawal from "territories" it had occupied in exchange for peace with its neighbors. Jordan renounced its claims regarding the West Bank in favor of the Palestine Liberation Organization, and has signed the Israel-Jordan peace treaty in 1994, that established the Jordan River as the boundary of Jordan. Throughout the 1970s, there were Israeli-Syrian negotiations regarding a normalization of relations and an Israeli withdrawal from the Golan Heights. As the United Nations recognizes only the borders, there is little support for the Syrian position outside the Arab bloc nor in resolving the Golan Heights issue. It is easy to say that now, but I am quite sure that if we had attempted to raise or settle the question of Jerusalem as a separate issue at that time our task in attempting to find a unanimous decision would have been far greater if not impossible. Security Council resolution envisages that these long-standing obligations are to be secured In the view of my Government, this language could be taken to indicate sovereignty, a matter which both Israel and the PLO have agreed must be decided in negotiations on the final status of the territories. In fact, we are today voting against a resolution in the Commission on the Status of Women precisely because it implies that Jerusalem is "occupied Palestinian territory". We will not accept a state without borders or with borders based on UN Resolution 242, which we believe is no longer suitable. On the contrary, Resolution 242 has come to be used by Israel as a way to procrastinate. The Quartet Plan calls for direct, bilateral negotiations as part of a comprehensive resolution of the Arab-Israeli conflict, on the basis of UN Security Council Resolutions 242, 338, 181, and the Madrid principles. The Quartet has reiterated that the only viable solution to the Israeli-Palestinian conflict is an agreement that ends the occupation that began in 1967; resolves all permanent status issues as previously defined by the parties; and fulfils the aspirations of both parties for independent homelands through two states for two peoples, Israel and an independent, contiguous and viable state of Palestine, living side by side in peace and security. Thus, Israeli officials have been arguing for the final-status borders to be readjusted to reflect security concerns. Settlement of the refugee problem The resolution advocates a "just settlement of the refugee problem". Lord Caradon said "It has been said that in the Resolution we treated Palestinians only as refugees, but this is unjustified. We provided that Israel should withdraw from occupied territories and it was together with that requirement for a restoration of Arab territory that we also called for a settlement of the refugee problem. De Gaulle cited "the pitiful condition of the Arabs who had sought refuge in Jordan or were relegated to Gaza" and stated that provided Israel withdrew her forces, it appeared it would be possible to reach a solution "within the framework of the United Nations that included the assurance of a dignified and fair future for the refugees and minorities in the Middle East. He explained that it must be presumed that the Council did not adopt decisions that validated mass deportation or displacement, since expulsion or deportation are crimes against humanity or an exceptionally serious war crime. English version of text The English version of the clause: Withdrawal of Israeli armed forces from territories occupied in the recent conflict is given in French as: Although some have dismissed the controversy by suggesting that the use of the word "des" in the French version is a translation error and should therefore be ignored in interpreting the document, the debate has retained its force since both versions are of equal legal force, as recognized languages of the United Nations and in international law. Dogs must be kept on the lead near ponds in the park. In spite of the lack of definite articles, according to McHugo, it is clear that such an instruction cannot legitimately be taken to imply that some dogs need not be kept on the lead or that the rule applies only near some ponds. Further, McHugo points

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out a potential consequence of the logic employed by advocates of a "some" reading. Paragraph 2 a of the resolution, which guarantees "freedom of navigation through international waterways in the area," may allow Arab states to interfere with navigation through some international waterways of their choosing. He argues that "it is an accepted rule that the various language versions must be considered together, with the ambiguities of one version elucidated by the other". The Committee for Accuracy in Middle East Reporting in America argues the practice at the UN is that the binding version of any resolution is the one voted upon. In the case of that version was in English, so they assert the English version the only binding one. Korn asserts that this was indeed the position held by the United States and United Kingdom: We were likewise gratified to hear the United Kingdom representative stress the link between this paragraph of his resolution and the principle of inadmissibility of the acquisition of territories by force They argue that, in interpreting a resolution of an international organization, one must look to the process of the negotiation and adoption of the text. This would make the text in English, the language of the discussion, take precedence. The State Department report concluded: Support for the concept of total withdrawal was widespread in the Security Council, and it was only through intensive American efforts that a resolution was adopted which employed indefinite language in the withdrawal clause. In the process of obtaining this result, the United States made clear to the Arab states and several other members of the Security Council that the United States envisioned only insubstantial revisions of the armistice lines. Israel did not protest the approach. Secretary of State Henry Kissinger recalled the first time he heard someone invoke "the sacramental language of United Nations Security Council Resolution , mumbling about the need for a just and lasting peace within secure and recognized borders". He said the phrase was so platitudinous that he thought the speaker was pulling his leg. Kissinger said that, at that time, he did not appreciate how the flood of words used to justify the various demands obscured rather than illuminated the fundamental positions. Kissinger said those "clashing perspectives" prevented any real bargaining and explained: The Israelis had by now annexed de facto, if not formally, large new areas of Arab land, and there were now very many more Arab refugees. It was clear that what Israel or at least many of her leaders, really wanted was permanently to colonize much of this newly annexed Arab territory, particularly the Jordan valley, Jerusalem, and other sensitive areas. It declares "the inadmissibility of territory by war" and it also affirms the necessity "for guaranteeing the territorial inviolability and political independence of every state in the area". It calls for "withdrawal of Israeli forces from territories occupied during the recent conflict. It would have been impossible to get the resolution through if either of these words had been included, but it does set out the lines on which negotiations for a settlement must take place. Each side must be prepared to give up something: His focus seems to be that the lack of a definite article is intended to deny permanence to the "unsatisfactory" pre border , rather than to allow Israel to retain land taken by force. Such a view would appear to allow for the possibility that the borders could be varied through negotiation: Knowing as I did the unsatisfactory nature of the line I was not prepared to use wording in the Resolution which would have made that line permanent. Nevertheless it is necessary to say again that the overriding principle was the "inadmissibility of the acquisition of territory by war" and that meant that there could be no justification for annexation of territory on the Arab side of the line merely because it had been conquered in the war. The sensible way to decide permanent "secure and recognized" boundaries would be to set up a Boundary Commission and hear both sides and then to make impartial recommendations for a new frontier line, bearing in mind, of course, the "inadmissibility" principle. And then the essential phrase which is not sufficiently recognized is that withdrawal should take place to secure and recognized boundaries, and these words were very carefully chosen: They will not be secure unless they are recognized. And that is why one has to work for agreement. I would defend absolutely what we did. It was not for us to lay down exactly where the border should be. I know the border very well. It is not a satisfactory border, it is where troops had to stop in , just where they happened to be that night, that is not a permanent boundary Does Resolution as unanimously adopted by the UN Security Council require the withdrawal of Israeli armed forces from all of the territories occupied by Israel during the war? The answer is no. In the resolution, the words the and all are omitted.

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Resolution calls for the withdrawal of Israeli armed forces from territories occupied in the conflict, without specifying the extent of the withdrawal. The resolution, therefore, neither commands nor prohibits total withdrawal. If the resolution is ambiguous, and purposely so, on this crucial issue, how is the withdrawal issue to be settled? By direct negotiations between the concerned parties. Resolution calls for agreement between them to achieve a peaceful and accepted settlement. Agreement and acceptance necessarily require negotiations. The Resolution said that the parties must negotiate to achieve agreement on the so-called final secure and recognized borders. In other words, the question of the final borders is a matter of negotiations between the parties. Sisco was actively involved in drafting the resolution in his capacity as Assistant Secretary of State for International Organization Affairs in Fifth, the crisis underlines the importance of respect for political independence and territorial integrity of all the states of the area. We reaffirmed that principle at the height of this crisis. We reaffirm it again today on behalf of all. This principle can be effective in the Middle East only on the basis of peace between the parties. The nations of the region have had only fragile and violated truce lines for 20 years. What they now need are recognized boundaries and other arrangements that will give them security against terror, destruction, and war. There are some who have urged, as a single, simple solution, an immediate return to the situation as it was on June 4. As our distinguished and able Ambassador, Mr. Arthur Goldberg, has already said, this is not a prescription for peace but for renewed hostilities. Certainly troops must be withdrawn, but there must also be recognized rights of national life, progress in solving the refugee problem, freedom of innocent maritime passage, limitation of the arms race, and respect for political independence and territorial integrity. He pledged the U. Government would "do its part for peace in every forum, at every level, at every hour". Pedersen, called on King Hussein of Jordan. Goldberg said the US was committed to the principle of political independence and territorial integrity and was ready to reaffirm it bilaterally and publicly in the Security Council resolution. Goldberg said the US believes in territorial integrity, withdrawal, and recognition of secure boundaries. Goldberg said the principle of territorial integrity has two important sub-principles: Eban that US support for secure permanent frontiers does not mean the US supports territorial changes. Rostow told Harman that he had already stressed to Foreign Minister Eban that the US expected the thrust of the settlement would be toward security and demilitarization arrangements rather than toward major changes in the Armistice lines. Harman said the Israeli position was that Jerusalem should be an open city under unified administration but that the Jordanian interest in Jerusalem could be met through arrangements including "sovereignty". Rostow said the US government assumed and Harman confirmed that despite public statements to the contrary, the Government of Israel position on Jerusalem was that which Eban, Harman, and Evron had given several times, that Jerusalem was negotiable. Goldberg said the US did not view Jordan as a country that consisted only of the East Bank, and that the US was prepared to support a return of the West Bank to Jordan with minor boundary rectifications. The US would use its influence to obtain compensation to Jordan for any territory it would be required to give up. He said this possibility was evident from a speech given by Prime Minister Eshkol in which it had been claimed that both Gaza and the West Bank had been "occupied territory". The President agreed, and promised he would talk to Ambassador Goldberg about inserting Israel in that clause. Ambassador Goldberg told King Hussein that after taking into account legitimate Arab concerns and suggestions, the US would be willing to add the word "Israeli" before "Armed Forces" in the first operative paragraph. The President replied "In six months.

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Chapter 5 : Haredi Voters, Choose Yachad! - Israel National News

*Eyes Upon The Land: The Territorial Integrity of Israel: a Life-threatening Concern [Eliyahu Touger, Uri Kaploun] on calendrierdelascience.com *FREE* shipping on qualifying offers. A synopsis of talks by the Rebbe on the territorial integrity of the Holy Land, an issue which concerns the well-being and lives of Jews.*

He represented a wing of the Israeli left, and of the military establishment, that became sidelined within the Labor party in favor of the faction led by Moshe Dayan and Shimon Peres. The starting point of the Allon Plan. To this can be added our right to self-defense and the fact that the West Bank and Gaza were liberated in a just war forced upon us. There is therefore no justification for the demand that we withdraw. Although the plan was never officially adopted, the settlement program of Israeli governments between the Six-Day War and the [] rise of Likud to power was based on it. This was the path of the Labor party until the Barak era in Scroll down to read the full text. Even when he proposed a territorial compromise he did it on the basis of defensible borders. A new book sheds light on the contribution of the Palmach commander as a statesman and politician. Udi Manor, Yigal Allon: Biographiya Politit , Dvir , p. In , the long-awaited biography of Yigal Allon, one of the great leaders of the State of Israel was finally published. But for some reason the author decided to kill the hero in In her opinion, Allon peaked in and from then on was a disappointment, unimportant and uninteresting, and thus not meriting a second volume. She almost took pride in the mercy killing she carried out, thanks to which he remained young, handsome, and promising. Fortunately, I was wrong: Yigal has a redeemer. In the beginning, when we debated the name of the new movement, we considered calling it the Allon Movement. Eventually, we adopted the name proposed by [the poet and Palmach veteran] Haim Guri. The four left the movement when it became a party. This was the path of Allon, and as Manor puts it: The article was the basis for the collection of essays Connected Vessels [Hebrew] which came out after his death. Connected Vessels expresses a broad, overarching outlook of a complete and all-encompassing Zionist-socialist worldview, which discusses foreign affairs and defense, society and economics, education and culture, religion and state, aliyah to Israel, and ties to diaspora Jewry, and all as a single package: This is a correct approach to life, certainly for a leader. Since he accepts it, the book lacks the criticism and skepticism appropriate for a scholarly biography. Allon published the book a second time with an up-to-date epilogue, after the Six-Day War. This is an interesting choice in light of the upheaval which took place in his views, from a prominent believer in the territorial integrity of the historical land of Israel to a leading exponent of territorial compromise. In the War of Independence the Arabs abandoned the areas liberated by the IDF, and when Allon demanded the liberation of Judea, Samaria, and Gaza, it was on the assumption the Arabs would flee once again. He therefore lamented the decision to avoid doing so over the years and opposed the armistice agreements. He also estimated that the result would be the same in a future war: This was almost inconceivable: For me, the Allon Plan was his greatest contribution to Israeli political history, and the chapter dealing with the subject is the most important in the book. Although the plan was never officially adopted, the settlement plan of Israeli governments between the Six-Day War and the rise of Likud to power was based on it. I believe that even today, despite the changes that have taken place, the Allon Plan, with appropriate adjustments, is the correct path Israel must follow. Allon believed his plan, which included an unending political effort for peace with moderate parties in the Arab world and among the Palestinians, would bring peace. Manor also believes so. I reject this assessment. The Arabs have yet to make peace with our existence. Unfortunately, this reality is not set to change in the near future. Wagner and his disciples, firmly on the left, supported the Allon Plan and wished for Allon himself, rather than Rabin or Peres, to take the reins of the Labor party. They are also known for their somewhat esoteric approach to interpreting history and contemporary politics]. Manor is very far from Wagneristic dogmatism. This division, which Manor uses to interpret reality, is influenced by the Wagner theory. Reading this book did not convince me of its correctness. I also believe that presenting the disputes between Allon and his opponents as solely an

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expression of ideological conflict goes too far. Tabenkin saw Allon as his top student, but Allon demonstrated independence all along the way and continued to break new political ground. He was first among his comrades to adopt a pro-western orientation in the cold war. This drama was not given its due in the book. This is not true. Yigal was the man who was. The man was the greatest of the commanders of the War of Independence: Indeed, Allon himself was in no way a missed opportunity, but the fact that he was not appointed chief of staff after the War of Independence, defense minister before the Six-Day War and never became prime minister, was definitely a missed opportunity. Not for him, but for the state of Israel. The book contains historical errors which should be corrected, but they do not affect its quality. After noting that I read some of the drafts and made comments on them, I can definitely sum up and say that Yigal Allon: Biografiyah Politit is a fascinating biography of one of the most important leaders in the history of Zionism and the State of Israel—a leader, strategist, statesman, military commander, and political and social thinker of the first order.

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Chapter 6 : Eliyahu Touger | LibraryThing

[PDF]Free Eyes Upon The Land download Book Eyes Upon The calendrierdelascience.com Eyes Upon The Land - Wisdom & Teachings Sat, 13 Oct GMT A presentation of the Lubavitcher Rebbe's views on the Jewish people's connection with the Holy Land, the Arab-Israeli conflict.

Customs of a longstanding nature can be codified by formal treaties. In this context, "practice" relates to official state practice and therefore includes formal statements by states. A contrary practice by some states is possible because if this contrary practice is condemned by the other states, or subsequently denied by the government itself, the original rule is actually confirmed. They were also incorporated through the agreement of the High Contracting Parties into the Geneva Conventions of 12 August and the Hague Convention IV of 18 October had become part of international customary law, and should be part of the subject matter jurisdiction of the International Criminal Tribunal for the former Yugoslavia. The offenses against unwritten customary international law were amenable to prosecution by international tribunals, like the Nuremberg Tribunal, long before they were codified and incorporated into the subsequent treaties. Forms of evidence In , the International Law Commission listed the following sources as forms of evidence to customary international law: They include the principle of *uti possidetis* of [12] and the related Monroe Doctrine of , regarding non-colonization and non-intervention. In , the First International Conference of American States adopted a proscription against territorial conquest and agreed upon the non-recognition of all acquisitions made by force. The Kellogg-Briand Pact of , and the League of Nations approval of the Stimson Doctrine in were efforts designed to end the practice of coercive territorial revisionism through international law. After World War II , the principles of international law that upheld the territorial integrity of states were incorporated in the Charter of the United Nations, [15] and subsequently reaffirmed in the Declaration on the Granting of Independence to Colonial Countries and Peoples , the Organization of African Unity charter respecting the integrity of inherited boundaries, and the CSCE Helsinki Final Act which contained a proscription that boundaries could only be altered by consent. The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized. Legal issues related to sovereignty In their relations with other peoples and countries during the colonial era the Concert of Europe adopted a fundamental legal principle that the supreme legal authority, or sovereignty, lay outside the indigenous nations. That legal principle resulted in the creation of a large number of dependent states with restricted sovereignty or colonial autonomy. Various terms were used to describe different types of dependent states, such as condominium, mandate, protectorate, colony, and vassal state. After World War II there was strong international pressure to eliminate dependencies associated with colonialism. Prior to World War II many states were formed as a result of wars that were resolved through peace treaties. Some of these peace treaties were imposed on the losing side in a war; others came about as a result of negotiations that followed wars, or were entered into under the threat of war. In these cases, the applicable law was bound in peace treaties among the states. The Charter requires that members shall refrain from the threat of, or use of force. According to *communis opinio* the obligations imposed by those provisions of the Charter have become part of customary international law and are binding on all States, whether they are members of the United Nations or not. For example, the International Court of Justice advisory opinion noted that access to the Christian, Jewish and Islamic Holy Places had been protected by various laws dating back to the early Ottoman Empire, with the latest provisions having been incorporated into the UN Partition Plan, article 13 of the League of Nations Mandate, and Article 62 of the Treaty of Berlin of 13 July The Treaty of Paris in called for a congress of the Great Powers of Europe to settle the future boundaries of the continent. Nearly every state in Europe was

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represented, and among other things a prohibition on unilateral annexation was adopted. This bolstered the concept of territorial integrity, which was enshrined in the Congress of Vienna in 1815. Because it modified the terms of the Treaty of Paris of 1763, the other signatories called for a Congress to obtain its revision. The Treaty of Berlin of 1878 was the result. Montenegro, Serbia, and Romania were recognized as new independent states and granted specific territory on condition that religious, political, and property rights of minorities were guaranteed on a nondiscriminatory basis. It stated that the aim of Zionism was the creation of a home for the Jewish people in Palestine, secured by public law. During the course of the British mandate in Palestine, the British government sought to reconcile the two claims in different ways. A number of proposals and declarations were put forward, all of which were rejected by one party or the other, and usually both. Again, two different interpretations apply: The Israeli perspective is that the United Kingdom only had the mandate to propose solutions in keeping with the resolutions adopted at the San Remo Conference, not to amend them. In other words, that the relevant resolutions adopted at the San Remo Conference are the public law that awarded the Jewish people de jure sovereignty over Palestine. The recommendation was a partition plan that would result in an Arab and a Jewish state in the remaining mandate, and Jerusalem under UN rule, was approved by the General Assembly. Many states granted the State of Israel either de facto or de jure recognition. Israel was accepted as a sovereign member state in the United Nations and has diplomatic relations with many, but not all, sovereign states. The legal consequence of subsequent events Several events have affected the legal issues related to the conflict: After the war in 1948, the mandate ended up being split between Israel, Egypt and Jordan. Israel and Jordan annexed all areas under their administration; Egypt maintained a military occupation of Gaza. The United Nations attempted to assert its authority over Jerusalem but the designated mediator, Count Bernadotte, was killed by the militant Zionist group Lehi while pursuing his official duties, and the city ended up being split between Israel and Jordan. The war in 1967 brought all remaining parts of the Mandate as defined by Great Britain in 1922 as well as parts of the Golan Heights under Israeli administration. Israel subsequently annexed East Jerusalem, asserting that the West Bank and Gaza were "disputed territories". Both as a result of the wars in 1948 and 1967, Arab residents of the former Mandate were displaced and classified by the United Nations as "refugees". In approximately the same time frame, most Jews in Arab states fled or were forced to leave, with most of them absorbed by Israel. United Nations Security Council issued resolution that set the framework for a resolution through "land for peace". In 1978, Egypt and Israel signed a peace treaty, agreeing on international borders between the two states, but leaving the disposition of Gaza for peace negotiations between Israel and the Palestinians. In 1994, Jordan and Israel also signed a peace treaty. A formal state of war still exists between Israel and several Arab states, though armistice agreements govern interaction between the states. Several attempts at finalizing the terms for a peace agreement between Israel and the PLO have failed. In the 1980s, the Palestinians elected Hamas into power, a party that does not recognize Israel as legitimate. Legal issues related to the wars Sovereign states have the right to defend themselves against overt external aggression, in the form of an invasion or other attack. A number of states assert that this principle extends to the right to launch military actions to reduce a threat, protect vital interests, or pre-empt a possible attack or emerging threat. Wars between Israel and Arab states Security Council resolution 242, emphasized "the inadmissibility of the acquisition of territory by war," setting the stage for controversy on the legal status of areas captured in 1967, and in 1948. The Israeli position is that: Territories captured in the course of those wars are therefore legitimately under Israeli administration for both security reasons and to deter hostile states from belligerence. In the absence of peace treaties between all the parties at war, Israel has under all circumstances the right to maintain control of the captured territories. Their ultimate disposition should be a result of peace treaties, and not a condition for them. Even so, Israel asserts that: The war was caused by a pattern of Egyptian belligerence against Israel, culminating with the nationalization of the Suez Canal and the blockage of the canal for Israeli traffic in violation of the Convention of Constantinople and other relevant treaties, in their view a clear casus belli i. Jordan and Syria entered the war in spite of Israeli efforts to keep these frontiers peaceful. The war was a surprise attack against Israel by Syria and Egypt. The Arab position is that: Egypt claimed several legal

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justifications for refusing Israel use of the Suez Canal, including the right of self-defence. The war in was an unprovoked act of aggression aimed at expanding the boundaries of Israel, and the territories captured during this war are illegally occupied. As a result, the territories must be ceded in order for peace to be achieved. As noted above, Israel, Egypt, and Jordan have resolved this impasse and have recognized international borders between these states. The dispute has now shifted to the conflict between the Palestinians and Israel. This includes special protection of individuals in those territories, limitations on the use of land in those territories, and access by international relief agencies. This was approved by the General Assembly in November , accepted by the Jews and rejected by the Arabs. However, the " war resulted in Israel occupying the western portion of the city. Israel made Jerusalem its capital in , establishing governmental offices in areas it controlled. Soon afterward in , Jordan annexed the eastern part along with the remainder of the West Bank. After the war, Israel put the parts of Jerusalem that had been captured during the war under its jurisdiction and civilian administration, establishing new municipal borders. Arguing that this did not amount to annexation at the time, subsequent legal actions have been interpreted as consistent with an annexation. On July 30, , the Knesset passed a basic law making "Jerusalem, complete and united" the capital of Israel. Israel has filed strenuous protests [1] against this policy, asserting that: Israel has the sovereign right to establish its capital at the most meaningful place for its people, and its claim is unique. In its advisory opinion on the legality of the Israeli West Bank barrier , the International Court of Justice concluded that the lands captured by Israel in the war, including East Jerusalem, are occupied territory. Article 49 of the Fourth Geneva Convention states in paragraph 1, [2] Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive. The Committee has on several occasions described the establishment of Israeli settlements in the occupied territories as a violation of the Fourth Geneva Convention. Arguments supporting the position that settlement in the territories does not violate international law are, Israel ministry of foreign affairs argues "As the West Bank and Gaza Strip were not under the legitimate and recognized sovereignty of any state prior to the Six Day War, they should not be considered occupied territories. The Palestinians, as part of the Oslo Accords [10] , agreed that the issue of settlements in the territories shall fall under the jurisdiction of final status negotiations Article V, Section 3. Jews have a legal right to settle the areas according to the Mandate for Palestine specifically Article 6 of the mandate concerning Jewish settlements and to such documents as the Faisal Weizmann Agreement. The British Mandate granted by the League of Nations specifically encouraged "close settlement by Jews on the land. Those who question the legality of the barrier make the following arguments: The barrier has been found to be illegal by the legal arm of the United Nations the International Court of Justice. At various locations, the selected route of the barrier required the demolition of homes and the expulsion of the residents of those homes, in violation of Article 49 of the Fourth Geneva Convention. Article 33 of the Fourth Geneva Convention categorize collective punishment in occupied territories as a war crime. At various locations, the selected route of the barrier required the demolition of Palestinian property, in violation of article 53 of the Fourth Geneva Conventions. The barrier is an attempt to establish de facto borders between Israel and a future Palestinian state, in effect annexing large parts of West Bank and all of East Jerusalem, in violation of numerous United Nations Security Council Resolutions. The barrier attempts to separate Palestinians from their means of livelihood and from interaction with others and it, therefore, qualifies as Apartheid. Apartheid is illegal as per the Rome Statute of the International Criminal Court and is considered a crime against humanity see also: Israel and the apartheid analogy. The barrier is constructed inside of the West Bank, making it completely in violation of international law. Israel defends the security barrier by arguing that: The barrier and its route are solely security measures that will have no bearing on future peace negotiations. The land is not subject to the Geneva Conventions. The Geneva Conventions explicitly allows structures to be built for purposes of self-defense.

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