

In August 1922 the League of Nations approved the mandate given to Britain, thereby recognizing, as a norm enshrined in international law, the right of the Jewish people to determine its home in the Land of Israel, its historic homeland, and establish its state therein.

To complete the picture, we would add that upon the establishment of the United Nations in 1945, Article 80 of its Charter determined the principle of recognition of the continued validity of existing rights of states and nations acquired pursuant to various mandates, including of course the right of the Jews to settle in the Land of Israel, as specified in the abovementioned documents:

Except as may be agreed upon in individual trusteeship agreements [. . .] nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties" (Article 80, Paragraph 1, UN Charter).

8. In November 1947, the United Nations General Assembly adopted the recommendations of the committee it had established regarding the partition of the Land of Israel west of the Jordan into two states. However, this plan was never carried out and accordingly did not secure a foothold in international law after the Arab states rejected it and launched a war to prevent both its implementation and the establishment of a Jewish state. The results of that war determined the political reality that followed: The Jewish state was established within the territory that was acquired in the war. On the other hand, the Arab state was not formed, and Egypt and Jordan controlled the territories they captured (Gaza, Judea and Samaria). Later, the Arab countries, which refused to accept the outcome of the war, insisted that the Armistice Agreement include a declaration that under no circumstances should the armistice demarcation lines be regarded as a political or territorial border. Despite this, in April 1950, Jordan annexed the territories of Judea and Samaria, unlike Egypt, which did not demand sovereignty over the Gaza Strip. However, Jordan's annexation did not attain legal standing and was opposed even by the majority of Arab countries, until in 1988, Jordan declared that it no longer considered itself as having any status over that area (on this matter see Supreme Court President Landau's remarks in HCJ 61/80 Haetzni v. State of Israel, IsrSC 34(3) 595, 597; HCJ 69/81 Bassil Abu Aita et al. v. The Regional Commander of Judea and Samaria et al., IsrSC 37(2) 197, 227).

This restored the legal status of the territory to its original status, i.e. territory designated to serve as the national home of the Jewish people, which retained its "right of possession" during the period of the Jordanian control, but was absent from the area for a number of years due to the war that was forced on it, but has since returned.

9. Alongside its international commitment to administer the territory and care for the rights of the local population and public order, Israel has had every right to claim sovereignty over these territories, as maintained by all Israeli governments. Despite this, they opted not to annex the territory, but rather to adopt a pragmatic approach in order to enable peace negotiations with the representatives of the Palestinian people and the Arab states. Thus, Israel has never viewed itself as an occupying power in the classic sense of the term, and subsequently, has never taken upon itself to apply the Fourth Geneva Convention to the territories of Judea, Samaria and Gaza. At this point, it should be noted that the government of

Israel did indeed ratify the Convention in 1951, although it was never made part of Israeli law by way of Knesset legislation (on this matter, see CrimA 131/67 Kamiar v. State of Israel, 22(2) IsrSC 85, 97; HCJ 393/82 Jam'iat Iscan Al-Ma'aloun v. Commander of the IDF Forces in the Area of Judea and Samaria, IsrSC 37(4) 785).

Israel voluntarily chose to uphold the humanitarian provisions of the Convention (HCJ 337/71, Christian Society for the Holy Places v. Minister of Defense, IsrSC 26(1) 574; HCJ 256/72, Electricity Company for Jerusalem District v. Minister of Defense et al., IsrSC 27(1) 124; HCJ 698/80 Kawasme et al. v. The Minister of Defense et al., IsrSC 35(1) 617; HCJ 1661/05 Hof Aza. Regional Council et al. v. Knesset of Israel et al., IsrSC 59(2) 481).

As a result, Israel pursued a policy that allowed Israelis to voluntarily establish their residence in the territory in accordance with the rules determined by the Israeli government and under the supervision of the Israeli legal system, subject to the fact that their continued presence would be subject to the outcome of the diplomatic negotiations.

In view of the above, we have no doubt that from the perspective of international law, the establishment of Jewish settlements in Judea and Samaria is not illegal.

IN RECOGNITION OF ANU NATARAJAN

HON. ERIC SWALWELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 2014

Mr. SWALWELL of California. Mr. Speaker, I rise today to honor Ms. Anu Natarajan, an exemplary public servant from my district.

Anu began her career almost 20 years ago as a member of the City of Fremont's planning staff. She was appointed to the Fremont Planning Commission, with which she served for two years before her appointment to the City Council at the end of 2004.

During her time as an elected official, she helped guide the development of Fremont as it transformed itself into an extension of Silicon Valley and oversaw dramatic growth in the high technology and manufacturing sectors of Fremont's economy.

Just as importantly, throughout her tenure she has advocated for a community-based planning process to create well-designed, sustainable, and livable communities to further economic growth.

Anu also has served important roles for a variety of community and economic development organizations, including the MidPen Housing Corporation and the American Leadership Forum. As a board member of StopWaste.org, she helped establish our country's first countywide ban on single use plastic bags. She also has served for more than a decade as a Commissioner of the Housing Authority of Alameda County.

Anu's passion for community building has left an indelible mark on the City of Fremont and her tireless public service sets an example for us all.

Anu's tenure on the Fremont City Council ended this month, but she will not soon be forgotten. I want to offer her my thanks for her years of public service and to congratulate her on a job well done.

H.R. 5759, THE "PREVENTING EXECUTIVE OVERREACH ON IMMIGRATION ACT," AND H.R. 3979, THE "NATIONAL DEFENSE AUTHORIZATION ACT OF 2015"

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 4, 2014

Mr. BLUMENAUER. Mr. Speaker, I submit the following:

H.R. 5759, THE PREVENTING EXECUTIVE OVERREACH ON IMMIGRATION ACT

Today I voted against H.R. 5759, the "Preventing Executive Overreach on Immigration Act." This year, House Republicans have stonewalled on immigration reform and refused to work with Democrats. Instead of allowing a vote on the bipartisan immigration reform bill that passed the Senate nearly a year and a half ago, the House voted on a resolution that is as unproductive as it is insulting to those harmed by our broken immigration system. Today's actions are another example of the loudest voices on Capitol Hill turning their backs on our businesses, our faith leaders, law enforcement, and hard-working immigrant families.

The President's bold action is the right path forward, bringing millions out of the shadows, strengthening families, and growing our economy. The executive order is no substitute for comprehensive immigration reform, but, until then, this is a critical step in the right direction.

The President's action is not without precedent. Over the years, there have been dozens of executive actions taken on immigration matters, including from five Republican presidents. We cannot afford to lose billions in economic growth, totaling \$1 trillion over the next 20 years, that economists estimate the federal budget will lose as a result of our failed immigration policies.

We must build on the President's action—and the advocacy that inspired it—to enact comprehensive immigration reform. There is no other solution.

H.R. 3979, THE NATIONAL DEFENSE AUTHORIZATION ACT OF 2015

Today I voted against H.R. 3979, the National Defense Authorization Act of 2015. This is a critical time for the U.S. military, yet at the exact moment Congress should be having an in-depth debate over these difficult issues, we will be voting on a bill that's nearly 2,000 pages long and asked to take it or leave it, without amendment.

Support for this bill sidesteps critical issues. Those include dealing with a far-reaching interpretation of the 2001 Authorization for the Use of Military Force (AUMF) currently used to justify U.S. air strikes in Syria; the recent doubling of U.S. troops in Iraq and their role; and, the recent authorization of an expanded role for U.S. troops in Afghanistan next year, instead of ending that war this year, as planned.

This Defense Authorization would also extend for a period of nearly two years the President's authority to train and equip highly vetted Syrian opposition fighters focused on combating ISIS and Syria's dictator, Bashar al-Assad. While not an authorization for U.S. boots on the ground in Syria, it does commit us to a long-term engagement in Syria. Congress should have taken this opportunity to debate the implications. But we did not.