US acts on declaration settlements are legal, extends deal to West Bank

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The US is set to turn its declaration that settlements in Judea and Samaria are not necessarily illegal into action for the first time on Wednesday, expanding a set of scientific cooperation agreements with Israel to include those areas and the Golan Heights.

Prime Minister Benjamin Netanyahu and US Ambassador to Israel David Friedman plan to sign the revised agreements on Wednesday in Ariel, in Samaria, at which point there will no longer be any agreements between Israel and the US with territorial limitations.

The first agreement, signed in 1972, was the Binational Science Foundation (BSF), followed in 1976 by BIRD, the Binational Industrial Research and Development Foundation, and BARD, the Binational Agricultural Research and Development Fund in 1977. All three had large endowments that provided grants to American and Israeli academics and companies for research and technology.

The original agreements state that “cooperative projects sponsored by the Foundation may not be conducted in geographic areas which came under the administration of the Government of Israel after June 5, 1967, and may not relate to subjects primarily pertinent to such areas.”

In November of last year, US Secretary of State Mike Pompeo announced that the US was returning to the position of former president Ronald Reagan’s administration that “the establishment of Israeli civilian settlements in the West Bank is not per se inconsistent with international law.”

In light of that policy, the Trump administration moved to delete the sentence limiting BSF, BIRD and BARD to Israel’s pre-1967 lines.

Prof. Eugene Kontorovich of George Mason Law School and director of the Israeli think tank Kohelet Policy Forum was a major proponent of the policy change in recent years.

“This is really quite momentous,” he said on Tuesday. “It is the first time the US has adopted a policy that explicitly and clearly authorizes the use of funds across the green line… It’s a very strong recognition that settlements are not illegal. They announced that, but now they’re putting meat on the bones.”

Kontorovich also called the change an “explicit rejection of UN Security Council Resolution 2334,” which the US under former president Barack Obama allowed to pass, and states that settlement activity constitutes a “flagrant violation” of international law and has “no legal validity.”

Now, Kontorovich said, “the US is going in the exact opposite direction.”

Kontorovich also said the new agreements “send an important message that science has no borders and you can’t politicize science. The idea that scientific research shouldn’t be funded based on where it takes place is a problematic one; it holds progress hostage to politics.”