

Israel and Their Land

End The Illusion Of Illegal Occupation.

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The Middle East Matrix

by Mark B. Kaplan

What if everything you think you know to be true is a lie, and everything you see is just an illusion? Sounds like a promo for The Matrix, but this is the reality of life in the Middle East. The rules that apply to other countries strangely change when applied to Israel. Israel becomes subject to “international law” based upon a legal foundation of facts that don’t exist. Israel has leaders, but the leaders would rather suffer the existence of abusive friendships than fight back and protect their children.

The United States is leading the crusade against Israel. President Barack Obama and Secretary of State Hillary Clinton are not only demanding Israel freeze all “settlement construction”, including natural growth, but that Jewish rights be curbed in Jerusalem. Obama is also calling Israel’s presence in Judea and Samaria an “occupation.”

Yes, Israel does have rights under international law, and the Arab propaganda accusation of Israel’s illegal occupation of Palestine is another falsehood that needs to end. Israel’s government has never stood up for Jewish land rights. Can it be that they don’t even know what those rights are?

It’s frustrating to see Israeli leaders refuse to challenge the false accusations. The fact is that international law does have a lot to say about Israel’s rights in Judea, Samaria and beyond. Israel’s leaders, President Obama, and the entire world body should look to international law before declaring that Israel should freeze construction, or even worse, surrender portions of the Jewish National Homeland.

Jerusalem attorney Howard Grief spent twenty five years researching Israel’s legal rights under international law. Grief summed up Israel’s legal rights in a new 700-page book entitled, *The Legal Foundation and Borders of Israel under International Law*. According to Grief, Israel and its legal borders were supposed to be set by the historical formula adopted by the Supreme Council of the Principal Allied Powers at the San Remo Peace Conference in April 1920. Those historical borders were supposed to encompass the Biblical formula of “from Dan to Beersheba.” Unfortunately, the French and the British conspired to cut off large portions of Jewish national land before the ink on the Mandate was dry.

The Principal Allied Powers at San Remo established the Mandate System that created Mesopotamia (Iraq), Syria, Lebanon, and the Jewish National Home in Palestine. The result of the illegal French-British land deals and the British criminal malfeasance in administering the Mandate was the removal of the northern Galilee, Golan and 78% of Palestine, which today is Jordan. However, the final borders of the Mandate include Judea, Samaria, and all of Jerusalem. Israel’s presence in those areas cannot be considered an occupation. The legal title belongs exclusively to the Jewish People.

The Mandate for Palestine was for the exclusive benefit of the Jewish People. No other beneficiary is named in the Mandate. Non-Jewish inhabitants of Palestine were guaranteed the civil and religious rights due to any minority living in a democracy. These rights do not include the right to autonomy. If they did, then every religious group would have the right to an autonomous state.

The British never intended on leaving Palestine for the Jews. Despite their obligations under the Mandate, British actions prevented Palestine from becoming Jewish.

Two years prior to the Balfour Declaration, in which the British committed to use their best endeavors to establish a Jewish country in Palestine, the British signed the secret Sykes-Picot Treaty with France, which called for conquering and dividing Palestine between the two signatories. That treaty was eventually declared illegal, but until that point, creating the Jewish state would have violated the treaty. When the British were appointed the administrators of the Mandate, they succeeded in forcing the French out of Palestine.

The Jews remained the obstacle for British plans to keep Palestine. The British knew Palestine could not be turned over to the Jews until the Jews became the majority in Palestine. The British, rather than fulfill their obligation to assist Jewish immigration, instituted the White Papers that severely limited Jewish immigration and where Jews could settle. When the British finally proposed to end the Mandate, they recommended a partition in which the Jews and Arabs would each receive portions of the land, and the British would keep Jerusalem (the grand prize) and the Negev (where the British expected to find oil). The UN rejected the British plan.

The British purposely change the demographics in Palestine to prevent the Jews from becoming the majority. They also turned a blind eye to illegal Arab immigration. Joan Peters, in her book **From Time Immemorial**, cites the lack of British documentation regarding illegal Arab immigration into Mandate Palestine. Peters quotes a 1934 article in which the governor of the Hauran region complained of the Arab flight to Palestine, saying, "In the past few months from 30,000 to 36,000 Hauranese (Syrians) had entered Palestine...." The official British records say the number of non-Jewish immigrants for the entire year of 1934 was 1,784. This tells us that an overwhelming number of Arabs identifying themselves as "Palestinians" from "time immemorial" illegally immigrated to Palestine during the Mandate.

Furthermore, the Mandate (Article 5) stipulated that "no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power." This means that under international law, no one can force the Jewish State to cede any land that is legally recognized as belonging to the Jewish homeland. This renders the 1947 UN Partition Plan an illegal resolution.

The US may not care about International law unless it's in its own interest, but every American high school graduate knows that the US Government must follow Constitutional law, right?

Apparently not.

In 1924, the US signed a treaty with the British in which the Mandate was adopted as part of the treaty. Article VI of the US Constitution calls a treaty the "Supreme Law of the land." The rights conveyed through the treaty still stand, including the prohibition to cede Jewish land, as well as the right of settlement.

Obama's demand that Israel halt settlement construction violates the 1924 treaty. President Obama has no right, under US law, to call Israel's presence in Judea and Samaria an "occupation." Additionally, the establishment of an Arab state within the legal boundaries of

Israel is a violation of Jewish rights under both international and US law. Therefore, the “Roadmap to Peace” (which expired in 2005) also violates the United States Constitution.

The Justice Now! organization has begun work to take legal action to compel the Obama administration to stop violating the 1924 treaty. Justice Now! Director Dr. Michael Snidecor compares Obama’s demands to a situation in which the British would say they are no longer honoring the 1783 Paris Treaty that granted the thirteen colonies independence, and instead are giving the land to a Native American nation. Justice Now! is also enlisting congressional support to demand Obama obey his own country’s laws, as well as international law regarding Israel’s rightful borders.

Bringing the Jewish People’s rights before the legal system, where propaganda will lose to factual evidence, will end the illusion of illegal occupation and firmly establish the Jewish Nation’s legal rights to all of Israel. Once the propaganda is proven to be a lie, then perhaps, just like in The Matrix, the Jewish People will also be able to stop the bullets of anti-Zionism in mid-air. Then, legal and just solutions can be found to end nearly a century of war and bloodshed.

World Leaders Ignore International Law in the name of International Law

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By Eli Hertz

The U.S. Administration, the European Union, the United Nations, and Russia’s decision to rewrite history by labeling the Territories ‘Occupied Territories,’ the Settlements as an ‘Obstacle to Peace’ and ‘Not Legitimate,’ thus endowing them with an aura of bogus statehood and a false history. The use of these dishonest loaded terms, empowers terrorism and incites Palestinian Arabs with the right to use all measures to expel Israel.

The Jewish People’s Right to the Land of Israel The “Mandate for Palestine” & the Law of War

Ban Ki-moon, Hillary Clinton and Javier Solana became victims to the ‘Occupation’ mantra their own organization has repeated over and over in their propaganda campaign to legitimize the Arab position.

The “Road Map” vision, as well as continuous pressure from the “Quartet” (U.S., the European Union, the UN and Russia) to surrender parts of the Land of Israel are contrary to international law that firmly call to “encourage ... close settlement by Jews on the land, including State lands and waste lands not required for public purposes.” It also requires “seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of the government of any foreign power.”

Any attempt to negate the Jewish people’s right to Palestine - Eretz-Israel, and to deny them access and control in the area designated for the Jewish people by the League of Nations is a serious infringement of international law.

International Law - The “Mandate for Palestine”

The “Mandate for Palestine” an historical League of Nations document, laid down the Jewish legal right under international law to settle anywhere in western Palestine, the area between the Jordan River and the Mediterranean Sea, an entitlement unaltered in international law. Fifty-one member countries - the entire League of Nations - unanimously declared on July 24, 1922:

“Whereas recognition has been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country.”

On June 30, 1922, a joint resolution of both Houses of Congress of the United States unanimously endorsed the “Mandate for Palestine”:

“Favoring the establishment in Palestine of a national home for the Jewish people.

“Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the United States of America favors the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which should prejudice the civil and religious rights of Christian and all other non-Jewish communities in Palestine, and that the holy places and religious buildings and sites in Palestine shall be adequately protected.” [italics in the original]

Law of War - Arab Unlawful Acts of Aggression in 1948

Six months before the War of Independence in 1948, Palestinian Arabs launched a series of riots, pillaging, and bloodletting. Then came the invasion of seven Arab armies from neighboring states attempting to prevent the establishment of a Jewish state in accordance with the UN’s 1947 recommendation to Partition Palestine, a plan the Arabs rejected.

The Jewish state not only survived, it came into possession of territories - land from which its adversaries launched their first attempt to destroy the newly created State of Israel.

Israel’s citizens understood that defeat meant the end of their Jewish state before it could even get off the ground. In the first critical weeks of battle, and against all odds, Israel prevailed on several fronts.

The metaphor of Israel having her back to the sea reflected the image crafted by Arab political and religious leaders’ rhetoric and incitement. Already in 1948 several car bombs had killed Jews, and massacres of Jewish civilians underscored Arab determination to wipe out the Jews and their state.

6,000 Israelis died as a result of that war, in a population of 600,000. One percent of the Jewish population was gone. In American terms, the equivalent is 3 million American civilians and soldiers killed over an 18-month period.

Israel’s War of Independence in 1948 was considered lawful and in self-defence as may be reflected in UN resolutions naming Israel a “peace loving State” when it applied for membership at the United Nations. Both the Security Council (4 March, 1949, S/RES/69) and the UN General Assembly (11 May, 1949, (A/RES/273 (III)) declared:

“[Security Council] Decides in its judgment that Israel is a peace-loving State and is able and willing to carry out the obligations contained in the Charter ...”

Arab Unlawful Acts of Aggression in 1967

In June 1967, the combined armies of Egypt, Syria, and Jordan attacked Israel with the clear purpose expressed by Egypt's President: "Destruction of Israel." At the end of what is now known as the Six-Day War, Israel, against all odds, was victorious and in possession of the territories of Judea and Samaria [E.H., The West Bank], Sinai and the Golan Heights.

International law makes a clear distinction between defensive wars and wars of aggression. More than half a century after the 1948 War, and more than four decades since the 1967 Six-Day War, it is hard to imagine the dire circumstances Israel faced and the price it paid to fend off its neighbors' attacks.

Who Starts Wars Does Matter

Professor, Judge Stephen M. Schwebel, past President of the International Court of Justice (ICJ) states the following facts:

"The facts of the June 1967 'Six Day War' demonstrate that Israel reacted defensively against the threat and use of force against her by her Arab neighbors. This is indicated by the fact that Israel responded to Egypt's prior closure of the Straits of Tiran, its proclamation of a blockade of the Israeli port of Eilat, and the manifest threat of the UAR's [The state formed by the union of the republics of Egypt and Syria in 1958] use of force inherent in its massing of troops in Sinai, coupled with its ejection of UNEF.

"It is indicated by the fact that, upon Israeli responsive action against the UAR, Jordan initiated hostilities against Israel. It is suggested as well by the fact that, despite the most intense efforts by the Arab States and their supporters, led by the Premier of the Soviet Union, to gain condemnation of Israel as an aggressor by the hospitable organs of the United Nations, those efforts were decisively defeated.

"The conclusion to which these facts lead is that the Israeli conquest of Arab and Arab-held territory was defensive rather than aggressive conquest."

Judge Sir Elihu Lauterpacht wrote in 1968, one year after the 1967 Six-Day War:

"On 5th June, 1967, Jordan deliberately overthrew the Armistice Agreement by attacking the Israeli-held part of Jerusalem. There was no question of this Jordanian action being a reaction to any Israeli attack. It took place notwithstanding explicit Israeli assurances, conveyed to King Hussein through the U.N. Commander, that if Jordan did not attack Israel, Israel would not attack Jordan.

"Although the charge of aggression is freely made against Israel in relation to the Six-Days War the fact remains that the two attempts made in the General Assembly in June-July 1967 to secure the condemnation of Israel as an aggressor failed. A clear and striking majority of the members of the U.N. voted against the proposition that Israel was an aggressor."

Israel Has the Better Title to the Territory of What Was Palestine, Including the Whole of Jerusalem

International law makes it clear: All of Israel's wars with its Arab neighbors were in self-defence.

Professor, Judge Schwebel, wrote in *What Weight to Conquest*:

“(a) a state [Israel] acting in lawful exercise of its right of self-defense may seize and occupy foreign territory as long as such seizure and occupation are necessary to its self-defense;

“(b) as a condition of its withdrawal from such territory, that State may require the institution of security measures reasonably designed to ensure that that territory shall not again be used to mount a threat or use of force against it of such a nature as to justify exercise of self-defense;

“(c) Where the prior holder of territory had seized that territory unlawfully, the state which subsequently takes that territory in the lawful exercise of self-defense has, against that prior holder, better title.

“... as between Israel, acting defensively in 1948 and 1967, on the one hand, and her Arab neighbors, acting aggressively, in 1948 and 1967, on the other, Israel has the better title in the territory of what was Palestine, including the whole of Jerusalem, than do Jordan and Egypt.”

“No legal Right Shall Spring from a Wrong”

Professor Schwebel explains that the principle of “acquisition of territory by war is inadmissible” must be read together with other principles:

“... namely, that no legal right shall spring from a wrong, and the Charter principle that the Members of the United Nations shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State.”

Simply stated: Arab illegal aggression against the territorial integrity and political independence of Israel, cannot and should not be rewarded.

Professor Julius Stone, a leading authority on the Law of Nations, stated:

“Territorial Rights Under International Law.... By their [Arab countries] armed attacks against the State of Israel in 1948, 1967, and 1973, and by various acts of belligerency throughout this period, these Arab states flouted their basic obligations as United Nations members to refrain from threat or use of force against Israel’s territorial integrity and political independence. These acts were in flagrant violation inter alia of Article 2(4) and paragraphs (1), (2), and (3) of the same article.”

Thus, under international law Israel acted lawfully by exercising its right to self-defence when it redeemed and legally reoccupied Judea and Samaria, known also as the West Bank.

Legalities aside, before 1967 there were no Jewish settlements in the West Bank, and for the first ten years of so-called occupation there were almost no Jewish settlers in the West Bank. And still there was no peace with the Palestinian Arabs. **The notion that Jewish communities pose an obstacle to peace is a red herring designed to blame Israel for lack of progress in the ‘Peace Process’ and enable Palestinian leadership to continue to reject any form of compromise and reconciliation with Israel as a Jewish state.**