

FLAME HOTLINE

Facts & Logic About the Middle East

July 3, 2018

Occupied territories? How the U.K., U.N. and Western media pervert international law to condemn Israel

Dear Friend of FLAME:

Prince William's visit to Jordan, Israel and Judea-Samaria (the "West Bank") last week highlighted a propaganda absurdity of long standing among most Western nations and many mainstream media—namely the mischaracterization of Jerusalem and Judea-Samaria as "occupied Palestinian territories."

When the question of Israel's occupation of the disputed territories is debated, its defenders blithely toss out the argument that this contention is supported by international law.

This assertion has been proven false by many scholars. While any discussion of international law can get deep in the bushes quickly, let me lay out succinctly for you (with the kind help of Eugene Kontorovich, professor of international law at Northwestern University) seven facts that absolutely disprove the occupation allegation.

1. Israel's founding was based on the British Mandate, which designated a Jewish state from the Mediterranean Sea to the Jordan River (including the biblical Jewish homelands of Judea and Samaria and Jerusalem).
2. Although in 1947 the U.N. recommended a partition plan—which would have allocated some of this territory to the Arabs—that recommendation was rejected by the Arabs and neither accepted nor enforced by the Mandate.
3. Israel's War of Independence in 1948 was an attempt to

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Palestinian Mythology
 Palestinian Arabs claim full ownership of the Holy Land, denying any Jewish connection or rights—all based on deceptive lies, all easily proven false.

What are the facts?
 It is an odd group who the right to create an area...
 1. **Palestinians are indigenous to the Holy Land.**
 2. **Israel occupies Palestinian land.**
 3. **Jerusalem is the capital of the Palestinian people.**
 4. **Palestinians have a right of return to Israel.**

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assert its sovereignty under the Mandate, but Jordan and Egypt illegally conquered territories (Judea-Samaria [including eastern Jerusalem] and Gaza respectively) for which they had no prior claim to sovereignty.

4. After being attacked by five Arab armies in 1967, Israel defeated them, liberated those illegally occupied territories and renewed its sovereignty over those lands granted it under the British Mandate.
5. Jordan's control over Judea-Samaria was accepted only by Pakistan—far from international approval of its sovereignty—but in any case, Israel entered into a peace treaty with Jordan in 1994, in which Jordan relinquished control of these territories.
6. Any reference to "international law" in this case would have to refer to the Geneva Conventions, which simply do not apply in the presence of a peace treaty between the warring nations.
7. Thus in 1967 Israel conquered land it was entitled to under the British Mandate, which was never contravened by any international body, and this land is not subject to any international legal authority. The notion of "occupied territory" under the Geneva Conventions does not in any way apply.

Which brings us to this week's FLAME *Hotline*-featured article (below), by Melanie Phillips, one of Israel's staunchest journalist supporters. Phillips succinctly reviews a new book on the subject of "occupation," which supports and clarifies many of the points above.

Perhaps most important, Phillips links the accusations of occupation to an increasingly prevalent anti-nationalism sentiment in our society. Thus, questions of right and wrong, evil and good, sovereignty and borders are no longer legitimate reasons for war—and those nations forced to battle over these issues are disdained.

No wonder that tiny Israel, fighting for its life, gets so much criticism from the U.K. the *New York Times* and the U.N.

I hope you'll forward this analysis to friends, family and fellow congregants. It will help them understand why accusations of Israel's presence in Judea-Samaria as "occupation" are a disgraceful misrepresentation.

I hope you'll also quickly review the P.S. immediately below,

editorial hasbarah messages placed in media nationwide every month: The dire threats from Iran, Hamas and Hizbollah, the injustice of BDS, Palestinian anti-Semitism and more. If you support a bold voice that tells the truth about Israel in American media, please donate now.

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FLAME'S WEEKLY HOTLINE E- NEWSLETTER



FLAME's Hotline e-newsletter keeps you up to date on the most important pro-Israel advocacy issues and features our choice of the week's most informative and thought-provoking article on Israel and the Middle East. If you only subscribe to one pro-Israel news service, make it the FLAME Hotline.

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which describes FLAME's latest *hasbarah* campaign-exposing Palestinian lies intended to dispossess Israel of its rights to a state in the Holy Land. I also hope you agree with and will support this message.

Best regards,

Jim Sinkinson

President, Facts and Logic About the Middle East (FLAME)

P.S. As you may have read, Palestinian President Mahmoud Abbas and other Palestinian leaders spread blatant lies in the U.N. and other forums almost daily-about Jewish history in Jerusalem and the Holy Land in general, about Palestinian origins, Palestinian refugees and many other factual matters. No wonder FLAME has created a new editorial message—"Palestinian Mythology"—which is now running in mainstream magazines and newspapers, including college newspapers, with a combined readership of some 10 million people. In addition, it is being sent to every member of the U.S. Congress and President Trump. If you agree that this kind of public relations effort on Israel's behalf is critical, I urge you to support us. Remember: FLAME's powerful ability to influence public opinion—and U.S. support of Israel—comes from individuals like you, one by one. I hope you'll consider giving a donation now, as you're able—with \$500, \$250, \$100, or even \$18. (Remember, your donation to FLAME is tax deductible.) To donate online, just go to [donate now](#). Now, more than ever, we need your support to ensure that the American people, the U.S. Congress and President Trump stay focused on the true obstacle to peace, which is the lack of a credible Palestinian peace partner.

As of today, more than 15,000 Israel supporters receive the FLAME Hotline at no charge every week. If you're not yet a subscriber, won't you join us in receiving these timely updates, so you can more effectively tell the truth about Israel? Just go to [free subscription](#).

We must push back against the Big Lie people tell about Israel

One of the most brazen aspects of Israel's demonization is the perversion of international law as a weapon.

By Melanie Philips, *Jewish Chronicle* (UK), June 25, 2018

Israel represents law and justice against those who deny them. Yet it is falsely painted as fundamentally illegitimate and guilty of repeated illegality and breaches of international norms.

Defenders of Israel, including its own government, seldom push back publicly against this. False assertions by the Foreign and Commonwealth Office (*ed., FCO, Britain's equivalent of the U.S. State Department*) about Israel's illegal settlements or the "Occupied Palestinian Territories" are met with silence.

Not surprisingly, this failure to engage has led many perfectly decent people in Britain and elsewhere to believe the Big Lie that Israel is the principal rogue state in the region, if not the world.

A new book sets the record straight. *Israel on Trial: How International Law is being Misused to Delegitimize the State of Israel*, written by two international lawyers, Matthijs de Blois and Andrew Tucker and published by the Hague Initiative for International Co-operation, comprehensively lays out both the justice of Israel's actions and the staggering denial of international law by its tormentors.

The FCO is an egregious offender. One of its persistent falsehoods has surfaced in the official itinerary for Prince William's visit to Israel, Jordan and the Palestinian Authority next week. This implies that Jerusalem's Old City and the Western Wall are in "the Occupied Palestinian Territories."

As de Blois and Tucker make clear, the term is false. In law, the territories were never Palestinian and they are not occupied.

In 1922, the League of Nations conferred upon Britain the Mandate to facilitate the creation of a Jewish homeland in Palestine. When Israel was finally restored as a sovereign state in 1948, it inherited those rights to all the land under the Mandate—including Jerusalem and the "West Bank."

So when Israel took possession of east Jerusalem and the "West Bank" in 1967, "it was taking physical possession of territory that—as a matter of law—already belonged to Israel."

The authors go on: "The law of occupation makes no sense, and has no application... when there is no sovereign power

that is 'ousted' from the territory." There was no sovereign power to which, in 1967, the West Bank and east Jerusalem belonged. So under international law there is no occupation.

As for the Israeli settlements, these aren't illegal either. The requirement for Britain to enable the "close settlement" of Jews throughout the Mandate territories, including the "West Bank" and Jerusalem, has never been abrogated. The argument that the settlements are in breach of the Fourth Geneva Convention rests on a false and perverse reading of that convention. And so on.

Given all this, one might well ask why the British government sticks to these fictions of Israeli illegality. After all, Theresa May is sympathetic to Israel.

Earlier this week, the Foreign Secretary, Boris Johnson, condemned the UN Human Rights Council for its institutionalized anti-Israel behavior.

One principal reason is surely that the UK is part of a European progressive order for which international law is the expression of its ideology, elements of which are inimical to the security and even the existence of the state of Israel.

Out of the carnage of two world wars grew the core progressive belief: that the western nation state is the source of nationalism, prejudice and aggression, and so any war in its own defense is by definition unjustified.

In place of the nation state should come a new international order based on transnational institutions and laws representing the brotherhood of man: the UN, EU, international law and human rights law.

War must be replaced by law through negotiation, conflict resolution, peace processes. There can be no victory or defeat. Questions of right and wrong, who is the aggressor and who the victim, are irrelevant. In a fight between God and the devil, western progressives would split the difference and call that a triumph.

So the fact that Palestinian identity is a fiction invented solely to destroy the Jewish claim to Israel is ignored. The evidence that international law upholds Israeli actions is dismissed. The way the UN and international law have been hijacked to destroy Israel is denied.

In Mandatory Palestine, Britain betrayed its legal obligations to the Jews. The FCO has a history of Arabism and antisemitism. Progressive transnationalism seems to have

allowed it to progress from all that straight into lawfare
against Israel without even passing "Go."

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About the Middle East

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