

presence in Judea and Samaria (“the West Bank”) an “illegal occupation.” This claim is often fortified by citing a “consensus of international opinion” or the Fourth Geneva Convention.

Just as words like apartheid and genocide have actual definitions, so does “occupation” have strict definition under international law and precedent.

First, just because a preponderance of countries in the United Nations vote to condemn Israel’s “occupation” doesn’t make it true. In fact, notorious anti-Israel voting patterns of UN members are well documented.

To put a sharper point on it: *Opinions expressed by members of the UN General Assembly—no matter how many of them—do not make international law.*

Second, citing the Fourth Geneva Convention to prove Israel illegally “occupies” Judea and Samaria exposes equally serious flaws in the anti-Zionist argument.

It’s true that a provision of the Convention holds that the “Occupying Power shall not deport or transfer parts of its civilian population into the territory it occupies.”

However, according to international legal expert, Eugene Kontorovich, Professor at George Mason University Scalia Law School, “Under international law, occupation occurs when a country takes over the *sovereign* territory of another country.”

However, the Arab Palestinians have never had sovereignty over any of the Holy Land.

Palestinians never governed any land until Israel turned over control of some areas in Judea and Samaria under the Oslo Accords in 1993-95, then unilaterally left Gaza in 2005.

Rather, Judea and Samaria were illegally seized by Jordan in 1949—during Israel’s War of Independence—at which time the Jordanians ethnically cleansed it of all Jews.

Notably, the Jordanians did not offer Palestinian Arabs a state on this land . . . nor did the Palestinians demand one. They didn’t try to form a state or make a claim to the land until Israel conquered it.

The League of Nations Mandate for Palestine—endorsed by its successor, the UN—actually included Judea and Samaria in its borders. Thus, according to Dr. Kontorovich, when Jordan attacked Israel in 1967 and was driven out, under international law and practice the new prevailing country “inherits the borders of the prior geopolitical unit in that territory.”

In other words, when Israel defeated Jordan, sovereignty of Judea and Samaria legally reverted to the Jewish state.

What’s more, Israel in 1994 made an unconditional peace with the defeated sovereign nation, Jordan. This, also according to international law, would in any

FLAME is the only organization that defends Israel with paid 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.

DONATE NOW »



**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.

SUBSCRIBE NOW »

case end any alleged state of occupation.

As for forcibly moving citizens into the conquered land, Israel has never “deported or transferred” parts of its population to Judea and Samaria. While it’s true that many Israeli citizens have established communities in these territories, this was never done at behest of the Israeli government or organized by it.

Rather, these Jewish communities were established voluntarily by passionate Jews seeking to live in their ancient, indigenous homeland—including families who had been driven out in 1948.

While the State of Israel has not opposed many of these Jewish communities in Judea and Samaria, there is no stricture in the Geneva Convention in any case requiring the inheritor of the new territory to *oppose* settlement of its nationals.

Finally, we should remind those, like the UN’s Special Commission of Inquiry, like Amnesty International, and like the UK’s official government travel advice page—all of which refer to the “Occupied Palestinian Territories” in their communications—that many countries globally are *truly* occupied under international law.

Consider this: Russia occupies the sovereign states of Georgia and Ukraine, Turkey occupies Northern Cyprus, Morocco occupies Western Sahara, and Indonesia occupies East Timor. All these occupiers have transferred their nationals to their occupied territories to fortify illegal occupations.

When was the last time the UN—or the *New York Times*, NPR or CNN—covered, let alone *condemned* those true, illegal occupiers who are indisputably violating the Fourth Geneva Convention?

It seems that only Israel is consistently excoriated for “occupying” land—to which it has iron-clad legal rights—even as true criminals under the Fourth Geneva Convention, are given a pass.

Please point out to friends, family, elected representatives—and in letters to the editor—that Israel is not an occupier under international law . . . and it is certainly not occupying “Palestinian territory,” since the Palestinian Arabs have never owned or controlled any territories.

Emphasize, too, that the media, the UN and many NGOs ignore blatant, indefensible violations of the Fourth Geneva Convention by many nations, while attacking Israel’s clear rights to control Judea and Samaria until the Palestinians agree to make peace.

I hope you’ll also take a minute, while you have this material front and center, to forward this message to friends, visit FLAME’s lively [Facebook page](#) and review the P.S. immediately below. It describes FLAME’s new *hasbarah* campaign—“The Palestinian Catastrophe”—which exposes the false narrative of “Nakba Day,” commemorating Palestinians’ missed opportunity for independence.

Best regards,

James Sinkinson, President

Facts and Logic About the Middle East (FLAME)

P.S. U.S. Representative and “Squad” member Rashida Tlaib has introduced a bill that would make Palestinian Nakba (“*Catastrophe*”) Day a national observance. The resolution promotes the false narrative that Israel’s statehood in 1948 prevented Palestinian Arabs from achieving independence. I think you’ll agree that truth is the only antidote to this lie. FLAME’s new *hasbarah* message called “[The Palestinian Catastrophe](#)”—shows it was in fact Arab refusal to accept the U.N. proposal of two states for two peoples that created the problem. I hope you’ll review this convincing, fact-based paid editorial, which recently ran in the *Washington Post*, *New York Post*, *Chicago Tribune*, *Houston Chronicle*, *Los Angeles Times* and other media nationwide. It spells out how it was actually Arab states who stole the land designated for Palestinians. This piece will also be sent to all members of Congress, Vice President Harris and President Biden. 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 Biden stay committed to fighting antisemitic actions by individuals, politicians and commercial companies.

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](#).



Facts and Logic
About the Middle East
PO Box 3460
Berkeley, CA 94703

Copyright 2022 FLAME. All rights reserved.

Unsubscribe