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Why the Israel "Occupation" Myth is False—and How to Defeat It Using Actual Facts

Dear Friend of FLAME:

Violent attacks by enemies against Israel exact a high price of <u>blood and lives</u> from the Jewish people. But enemy attacks in the media and by international organizations also exact a high price—in good will, and political and economic support among Israel's friends and partners around the world.

Most anti-Israel attacks in the media and by other enemies are launched in the form of <u>lies</u>—from apartheid to ethnic genocide to slaughter of Palestinian children.

These "big" lies have sharp edges. The words have powerful emotional impact . . . which <u>makes them sting</u> when they land. But because these words—apartheid, genocide, slaughter—have common specific meanings, they are also relatively easy to refute among rational people.

Indeed, by no rational stretch of these words' meanings can Israel be guilty of such slanders. No separation of or discrimination against citizens by race or ethnicity—no apartheid. No methodical, mass murder of people because of race or ethnicity—no genocide. No targeted, purposeful killing of innocent children—no slaughter.

But one libelous accusation persists—largely because the lie is so plain-sounding and its meaning so vague and diffuse: *Occupation*.

We occupy a hotel room, a restaurant table. Protestors occupy the college president's office. Occupy implies temporary—that <u>it doesn't belong</u> to you.

Thus, in mainstream and social media—as well as in reports from UN agencies and certain NGOs—we learn that Israel "occupies Palestinian territory." This lie would be bad enough.

But some of these commentaries raise the stakes, going so far as to call Israel's

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presence in Judea and Samaria ("the West Bank") an "<u>illegal occupation</u>." 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 <u>strict definition</u> under international law and precedent.

First, just because a preponderance of countries in the United Nations vote to condemn Israel's "occupation" <u>doesn't make it true</u>. 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 <u>equally serious flaws</u> 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 <u>some</u> <u>areas</u> 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 <u>ethnically cleansed</u> it of all Jews.

Notably, the Jordanians <u>did not offer</u> 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 <u>unconditional peace</u> with the defeated sovereign nation, Jordan. This, also according to international law, would in any

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case end any alleged state of occupation.

As for forcibly moving citizens into the conquered land, Israel has <u>never</u> "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 <u>never</u> done at behest of the Israeli government or organized by it.

Rather, these Jewish communities were <u>established voluntarily</u> 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 <u>transferred their nationals</u> 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 <u>true criminals</u> 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 <u>not an occupier</u> 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 <u>Facebook page</u> 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,

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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.

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