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January 24, 2023



The truth about Israel's "occupation": It's legal, it's moral, and it's not an occupation

Dear Friend of Israel, Friend of FLAME:

The Palestinian Authority has recently requested—and received—authorization from the United Nations' General Assembly to have the International Court of Justice take up the question of the legality of Israel's control of Judea and Samaria.

You've no doubt heard Israel's critics repeatedly accuse it of illegally occupying Judea and Samaria, aka the West Bank. Yet this accusation is a myth based on a misunderstanding of international law, as well as, often, malice directed at the world's one and only Jewish state.

In fact, Israel's presence in Judea and Samaria is perfectly legal and it's firmly morally grounded. Assertions to the contrary almost always apply standards to Israel that accusers use against no other nations, especially those most obviously guilty of illegal land grabs.

Above all, Israel's control over Judea and Samaria—and its communities in this land—are decidedly not a violation of international law. Indeed, Israel has a stronger, more legitimate legal claim to the territory than anyone.

But the Jewish state's control of Judea and Samaria is *not only* legal. It is also morally justified, since the territory constitutes the core of the Jews' ancestral homeland and is vital for Israel's defense.

Finally, Israel is clearly held to a double standard by the international community, which spends a disproportionate amount of time defaming and demonizing the Jewish state, while glossing over real violations of international law by other countries.

According to international law, an occupation is when one country takes over the sovereign territory of another country. But Judea and Samaria was never legally part of another country. Certainly, the Palestinian Arabs never

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YOU DESERVE TO KNOW THE TRUTH...

Democracy Thrives in Israel

A new report ranks the Jewish state as one of the world's strongest, most equitable democracies—despite baseless falsehoods about its oppression of Palestinians

While countless accusers brand of apartheid, genocide, and rights violations, they offer little convincing evidence. In the contrary, Israel has a superior record of civil liberties, elections, rule of law and equal opportunity at all levels of society making it the world's 24th most successful democracy.

What are the facts?

Israel's record is second only to the United States in its commitment to democratic principles. In each country, a recent survey of 100 countries, Israel ranked 1st in the world, ahead of the United States, Spain, Italy and some 19 other nations. The index ranks countries according to 15 criteria, covering each nation's performance according to its 1) electoral process and pluralism, 2) functioning of government, 3) political participation, 4) political culture and 5) civil liberties.

Israel's 2021 ranking shows consistent improvement in its democratic processes

Compared with the first such report in 2004, when the Jewish state ranked only 47, in the current report, Israel was ranked for its inclusion of an Arab party in today's ruling government coalition.

No surprise, since Israel's robust democracy has a vibrant electoral tradition, stable governing institutions, high political participation among its citizens, a vigorous, even business political culture, and broad, equal civil liberties for all its citizens.

Unfortunately, even as Israel's democracy improved in the past year, the UN's record for democracy globally actually deteriorated. This was due to the UN's 19th principle, calling for "an accelerated withdrawal of civil liberties," including "a high percentage of state power over large areas of public and personal life."

In contrast to Israel, even Middle Eastern regimes, the highest ranking of which was Tunisia, reaching only 75th place—still far out of an democracy, but as "hybrid regimes," the territory of Palestine was ranked as an "authoritarian" regime in 19th place.

Like all countries in the index, Israel's performance in the 2021 evaluation was based on the health and performance of democratic institutions among its citizens.

While critics often unfairly blame Israel for a lack of democratic freedoms in Judea and Samaria ("the West Bank") and Gaza, they ignore the fact that the Oslo Accords gave governance responsibilities of Palestinians in those territories directly to their respective counterparts—the Palestinian Authority and Hamas.

Unfortunately, neither of these Palestinian governments holds regular elections, supports basic civil liberties, nor freedom of speech.

Jewish values help guarantee Israel's democracy

State, too, that while the nation-state law declares Hebrew to be the national language, this is no different than in the United States, in which English is the mother tongue. Nor does Israel's nation-state law establish any official religion—unlike some seven European countries that declare state religions in their very constitutions.

In Israel, Israel has a great record of the Jewish people while still cherishing and improving one of the most ethnically diverse and free democracies on earth. In fact, some would argue that it is precisely Jewish values of compassion and justice that help Israel and help guarantee Israel's robust democracy. No matter which standards accusers Israel's enemies employ, the Jewish state effectively remains one of the strongest and most successful democracies on earth, providing political freedom and economic opportunity across the board to the majority of the world's nation. Moreover, the suffering and plight of the Palestinians has been a vital Israel and without which the result of authoritarian governance by its corrupt incumbent regime and their ultimate refusal to make peace.

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owned or controlled it. Instead, it was unlawfully seized by Jordan during the 1948 Arab-Israeli War.

In 1950, Jordan formally annexed Judea and Samaria, renaming it the West Bank. The annexation was almost universally rejected by the international community, though no one suggested that Jordan illegally occupied the territory. Yet, when Israel captured the stolen territory in 1967, the world suddenly screamed “occupation”.

Israel is indisputably the rightful sovereign power in Judea and Samaria. International law holds that a new country inherits the borders of the preceding entity. Since Israel was established inside of the former British Mandate of Palestine, it should have legally inherited the borders of the former mandate, including Judea and Samaria.

International law also holds that an occupation ceases to exist once the occupying power concludes a peace agreement with the country from which it took the territory. Israel concluded a peace agreement with Jordan in 1994. Hence, even if Israel had “occupied” Judea and Samaria, this occupation would have ceased to exist because of the peace agreement.

The Oslo Accords and the Palestinians’ refusal of several offers of statehood also render the occupation accusation false. Under the Oslo Accords, the parties agreed to Palestinians’ self-rule in the Gaza Strip and parts of Judea and Samaria. The Jewish state was under no obligation to do this under international law, but did so anyway.

In fact, Israel went even further, repeatedly offering the Palestinians statehood in 2000, 2001 and 2008. The Palestinians rejected all these offers, and by doing so, implicitly endorsed the status quo.

As for so-called Jewish “settlements” in Judea and Samaria, there is no international law saying Israelis cannot live there.

Under international law, a country cannot forcibly transfer part of its population to occupied territory. But a) we’ve already established that Israel legally controls Judea and Samaria, and b) no Israeli who lives in the territory was forced to do so.

Israel not only has a legal right to control Judea and Samaria, it also has a moral right, for two compelling reasons:

1) Judea and Samaria comprise the epicenter of the indigenous homeland of the Jewish people. The very name “Judea” implies that it is the land of the Jews. Many point to the Bible as proof the territory was always part of the Jewish homeland, but there is also massive historical and archeological evidence linking the territory to the Jewish people for thousands of years.

Since Israel is solely the nation-state of the Jewish people, it’s only fair and just that the Jewish state controls what is, without a doubt, Jewish land. Remember, too, Israel has many times endeavored to share huge parts of this territory with its Palestinian neighbors, which they have invariably refused.

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.

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2) Judea and Samaria is vital for Israel's exercise of its moral right to defend itself. The territory includes high ground overlooking the Israeli coast, where much of the Jewish state's population resides. The late Israeli politician, Abba Eban, described the frontiers of Israel prior to the 1967 war as "Auschwitz borders" because they made Israel exceedingly vulnerable to attack.

Israel cannot allow its enemies to control this territory, since it would be a perfect staging point for attacks on the Jewish state, just as the Gaza Strip became after Israel withdrew from it in 2005.

Israel is not only innocent of illegal occupation, but it is also unfairly singled out for opprobrium: It is held by critics to a double standard .

Indeed, many other countries maintain obviously illegal occupations, but are not subject to repeated demonization. Turkey has occupied the northern part of Cyprus for 51 years. China has occupied Tibet for 72 years. Yet China and Turkey are not the victims of constant smear campaigns by the international community.

It is no surprise the UN spends disproportionate effort demonizing and delegitimizing Israel. Just last year, the UN passed 15 anti-Israel resolutions, compared to only 13 resolutions critical of other countries. No resolutions were passed condemning China for its ongoing genocide of the Muslim Uighurs, nor were there any condemnations of the infamous human rights practices of countries like Pakistan, Saudi Arabia and Turkey. No wonder Alan Dershowitz has called Israel "the Jew among nations."

I urge you in conversations with friends, colleagues and family—and in letters to the editor—to point out that the myth of Israel's "occupation" of Judea and Samaria is just another example of the hypocritical standard that the international community applies to the Jewish state. Israel does not "occupy" Judea and Samaria. There is *no* occupation, but rather a legitimate exercise of control over territory that legally and morally belongs to the Jewish state.

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—"Democracy Thrives in Israel"—which exposes false claims that Israel deprives Arab Israeli citizens and Palestinian Arabs of their rights.

Best regards,

Jason Shvili, Contributing Editor
Facts and Logic About the Middle East (FLAME)

P.S. Despite Israel's guarantee of civil liberties and equal treatment for all its citizens—including two million Arab Israelis—Israel is still falsely accused of being an apartheid state. Despite Israel and the Palestinians agreeing that the Palestinian Authority will administer its own civil affairs, including elections, Israel is accused of violating human rights

because Palestinians can't vote in Israeli elections. I think you'll agree that truth is the only antidote to this lie. FLAME's new hasbarah message—called “[Democracy Thrives in Israel](#)” publicizes a new, independent “Democracy Index” in which Israel is named the world's 23rd most successful democracy—ahead of the United States, Italy, Spain and 139 other nations. This new editorial message also clarifies that Palestinians' repression is due overwhelmingly to their two ruling dictatorships. (Palestinians are ranked #109 in the Democracy Index—as “authoritarian.”) I hope you'll review this convincing, fact-based editorial, which FLAME published nationwide in the *New York Times*, *Washington Post*, *New York Post*, *Miami Herald*, *Chicago Tribune*, *Houston Chronicle*, *Los Angeles Times* and *San Jose Mercury News*. 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 in 2022 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, anti-Israel actions by individuals, politicians and commercial companies.

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