

## 13 Reasons ZOA Strongly Supports Israel Restoring Her Rightful Sovereignty Over Judea-Samaria-Jordan Valley Now

1. **Israeli Sovereignty Fulfills International Law:** Restoring Israeli sovereignty over Judea-Samaria-the Jordan Valley fulfills binding U.S. and international law designating these territories as within the Jewish homeland, and ends a century-long injustice to the Jewish people. The Jewish people's clear legal right to these areas is confirmed by:
  - **The San Remo Resolution** (1920), a binding international agreement, which made the Mandatory (Britain) legally obligated to put into effect the **Balfour Declaration** (1917) for "*establishment in Palestine<sup>1</sup> of a national home for the Jewish people.*"
  - **The League of Nations Covenant**, Article 22 (1919), a binding international treaty, reaffirmed that the Ottoman Empire's 400-year sovereignty over the territory ceased; and made the well-being and development of the each mandate's beneficiary, until the beneficiary could stand alone as an independent nation, "*a sacred trust of civilization.*" The Jewish people was the trust beneficiary of the British Mandate for Palestine. (Arabs were the beneficiaries of mandates in areas that became Syria, Iraq, and Lebanon.)
  - **The British Mandate for Palestine** (1922) made the Mandatory (Britain) responsible to "*secure the establishment of the Jewish national home,*" and "*for 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.*" The Mandate also reiterated that "*recognition has [] been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home.*" The Mandate territory included Judea-Samaria and the Jordan Valley.
  - **The Lodge-Fish Resolution** (1922) signed into law by the U.S. President, approved the establishment of the Jewish homeland in Palestine.
  - **1924 Anglo-American Convention [Treaty]**, signed by the U.S. president and ratified by U.S. Senate in 1925 (making it a binding U.S. treaty obligation), recognized "*the historical connection of the Jewish people with Palestine,*" and designated the area including Judea/Samaria as a "*sacred trust*" for "*reconstituting*" the Jewish homeland.
  - **The UN Charter**, Article 80 (1945) (the "Jewish people's clause), preserved intact all rights granted to the Jewish people under the Mandate, even after the Mandate's

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<sup>1</sup> Palestine was never a country. Palestine was a geographical area encompassing Judea, Samaria, the Jordan Valley, Jerusalem, Israel within the green line, and present-day Jordan. The Romans renamed the area "Palestine" to de-Judaize them, after the Romans vanquished the Jewish revolt in 132 CE.

expiration in 1948. **Article 80 prohibits the UN from transferring rights over any part of Palestine to any non-Jewish entity, such as a “Palestinian state.”** UN resolutions that contradict the Charter are void. (See [Howard Grief.](#))

- Further, the fundamental, well-established, clear border-determination rule of international law called *uti possidetis juris* (“as you possess under law”) entitles a new country (e.g., the reestablished state of Israel) to the borders of the preceding top level administrative mandated territory (e.g., the British Mandate for Palestine, including Judea/Samaria). This international legal entitlement to the full mandatory borders applies regardless of whether sectarian groups are happy with a new country’s borders.

2. **No Legal Impediments**: The Jewish people’s legal rights to these territories have never been abrogated. No U.S. or binding international law impedes Israel’s rights to Judea, Samaria and the Jordan Valley. Specifically:

- The 1947 UN “Partition Resolution” (UN Res. 181) was merely a [non-binding recommendation](#). The Arabs rejected the recommendation, and instead went to war to annihilate the Jewish state and people, killing 1% of Israel’s Jewish population. The partition resolution thus did not become an internationally binding agreement.

- The 1949 ceasefire lines (a.k.a the “1949 Armistice Demarcation Lines,” “Green Line” or “pre-1967 lines”) were non-binding lines merely marking approximately where the fighting stopped in 1949, after six Arab nations invaded Israel, and Jordan illegally seized Judea, Samaria, the Jordan Valley and eastern Jerusalem. Israel, Egypt and Jordan specifically [agreed](#) in the Armistice Agreements that these ceasefire lines were “*without prejudice to an ultimate political settlement between the parties.*”

- [UN Security Council Resolution 242](#), adopted after the 1967 Six Day War, called for Israel to have “*recognized and secure*” borders, and did *not* call for Israel to surrender “all” lands Israel recaptured in 1967. Then-U.S. President Lyndon Johnson [declared](#): “*It is clear . . . that a return to the situation of June 4, 1967, will not bring peace.*” Israel moreover more than complied with Res. 242 by returning the Sinai to Egypt.

- Jordan’s capture and 19-year illegal occupation of Judea, Samaria etc. (1948-1967) did *not* abrogate Israel’s sovereign rights. Jordan attacked Israel again in 1967, resulting in Israel recapturing these areas during the defensive Six-Day War. The Levy Commission (headed by esteemed former Israeli Supreme Court Justice Edmund Levy) [concluded](#) that when Israel recaptured these areas “*the original legal status of the territory was restored, namely, a territory designated as a national home for the Jewish people, who had a “right of possession” to it during Jordanian rule while they were absent from the territory for several years due to a war imposed on them, and have now returned to it.*”

Further, in 1988, Jordan publicly relinquished any claims to Judea/Samaria. The 1994 [Israel-Jordan Peace Treaty](#) recognized the Jordan River as the international boundary, thereby admitting Judea, Samaria and the Jordan Valley are within Israel.

- The Oslo Accords (1993-1995) do not impede Israel's sovereign rights. Instead, Oslo contemplated Israeli sovereignty over the areas discussed today. Oslo never endorsed or even mentioned a Palestinian Arab state. Then-Israeli Prime Minister Rabin [told](#) the Knesset that the contemplated "permanent solution" resulting from the Oslo process, will be a State of Israel that "*will include most of the area of the Land of Israel as it was under the rule of the British Mandate*" including Ma'aleh Adumim and Givat Ze'ev, and that Israel's borders "*will be beyond the lines which existed before the Six Day War. We will not return to the 4 June 1967 lines.*" Rabin also noted that a Palestinian entity that runs Palestinian Arabs' lives would be "less than a state." The Arabs moreover breached and voided the Oslo Accords, by launching intifadas, BDS, paying terrorists to murder Jews, and refusing to negotiate peace.

- The Geneva Convention (Article 49) is inapplicable, because it only applies to signatory nations (Israel never signed) and only concerns occupation of another sovereign nation's territory. Israel has the sovereign rights, and is not occupying another sovereign nation's territory.

3. **Assures Israeli Security and Defensible Borders, and Gives Israel the Ability to Protect Herself Without Relying on Anyone Else:** Israeli sovereignty over the Jordan Valley, and over Judea and Samaria's elevated terrain is essential to assure Israel's security and maintenance of defensible borders. Without these areas, Iranian-proxy terror groups would launch constant rocket attacks on *all* of Israel, including Israel's major population centers and airport; and Israel would be only nine miles wide and indefensible. The "Protectors of Israel" movement, of over 1,000 high-ranking Israeli Defense Forces officers and commanders, [explains](#) that sovereignty will secure Israel for decades; that the Jordan Valley "*is the natural eastern border and defensive barrier for the land of Israel – [a] fact well known to all of its conquerors and rulers since ancient times*"; and that Israel cannot count on any Arab country in the fragile Middle East to secure Israel's safety, but must instead count on her own strength to deter her enemies.

Judaism has long recognized the same principle. Jewish law prohibits relinquishing parts of the land, and requires defense of border areas even if this violates the Sabbath, because if an enemy captures a town on the border, it will be easier for the enemy to capture the entire land of Israel. (Talmud, [Eruvin 45a](#); *Shulchan Aruch* (Code of Jewish Law), [Orach Chayim, § 329.6](#)) Protecting all parts of the land ultimately saves lives, and is required by the overarching principle of Pikuach Nefesh (saving life).

4. **Provides stability, normality and human rights to 500,000 Jewish residents, and prevents ethnic cleansing of Jews:** The 500,000 Jews who live in Judea, Samaria and the Jordan Valley need to have their communities fully integrated with the rest of Israel and

governed by Israeli law. Sovereignty will restore stability and normalcy to these Israeli citizens' lives; end decades of limbo; and provide with these Israelis with full humanitarian rights of citizenship – including labor protection laws, anti-pollution laws, access to special education for disabled students, and freedom from excessive military bureaucracy. Sovereignty will constrain the radical left's ability to engage in lawfare to interminably delay needed infrastructure projects (such as the Ofra sewage treatment plant that benefits both Arabs and Jews). Sovereignty also thwarts the PA's stated evil intention to [ethnically cleanse every Jew](#) living in these historic Jewish lands.

5. **Historic Jewish land:** Restoring sovereignty over Judea-Samaria-the Jordan Valley keeps the historic and Biblical heartland of the Jewish people within the Jewish nation, and assures access to Jewish holy sites. These lands are where Abraham purchased his and Sarah's burial place; King David was anointed and ruled; Jacob slept and dreamt; Joseph is buried; the ancient tabernacle stood for hundreds of years; the Maccabees established their base; and Jewish kingdoms existed for hundreds of years. The children of Israel re-entered Israel, led by Joshua bin Nun, via the Jordan River. Jews lived in these areas continuously for thousands of years; the Jews are the people indigenous to this land. We're called "Jews" because we are from Judea. The Arabs are *not* indigenous: most hail from Arabia and North Africa. There was *never* a Palestinian-Arab state here.
6. **The Promised Land:** A sacred, fundamental tenet of the Jewish faith is that G-d gave the lands including Judea-Samaria-the Jordan Valley to the Jewish people forever, as an inheritance, to settle, possess and dwell in. This is both a right and an obligation: Settling, possessing and dwelling in these lands is one of G-d's highest commandments (mitzvahs) to the Jewish people – and relinquishing these lands is forbidden. (Bereisheit (Genesis) [15:18](#), [17:8](#), [26:3-4](#); Shemot (Exodus) [23:31](#); Bamidbar (Numbers) [33:53](#); Devarim (Deuteronomy) [11:31](#).)
7. **Israeli Sovereignty is Tacitly Agreed-to by Moderate Sunni Arab States, and Serves Their and Israel's Common Interests.** Jordan *prefers* having its peace partner Israel ruling the Jordan Valley, which borders Jordan. Israeli sovereignty over the Jordan Valley ensures that Jordan will share a continuing quiet border with Israel; enable Jordan to focus its security resources on its unstable borders with Iraq and Syria; and preserve vital joint Israeli-Jordanian water, tourism and economic projects. By contrast, a Palestinian-Arab Iranian-proxy enclave on Jordan's western border would endanger Jordan, and could combine with a domestic Palestinian-Arab uprising to overthrow Jordan's King. Further, if Palestinian-Arabs or other Islamist actors nonetheless take over Jordan, Israeli sovereignty will enable Israel to defend herself from a new hostile Jordanian regime.

Israeli sovereignty also strengthens Israel's and moderate Sunni Arab states' ability to focus on their mutual need to counter Iranian aggression, and thwarts Iranian efforts to obtain another strategic foothold for encircling moderate Arab states and Israel.

Sunni Arab states (including Jordan, Egypt, UAE and Saudi Arabia) have [refused to deny reports that they have tacitly accepted](#) Israeli sovereignty contemplated by the Trump plan, despite PA pressure on these states to do so. Also, during a May 15, 2020 *Der Spiegel* interview, Jordan's King [Abdullah declined to threaten](#) to suspend the Jordanian-Israeli peace treaty if Israel exercises sovereignty.

8. **Access to Jewish and all faiths' holy sites and archeological sites:** Israeli sovereignty assures the Jewish people's and persons of all faiths continued access to and the preservation of the Jewish people's and all people's holy sites and archeological sites. When areas fall under Palestinian-Arab control, the Arabs deny or severely limit access by Jews and Christians to their holy sites. Arab rioters destroyed and looted holy Jewish sites such as Joseph's Tomb in Samaria, in violation of agreements to protect the site.
9. **Rare Window of Opportunity That Israel Can Not Afford to Lose:** The friendly-to-Israel current U.S. administration, and the tacit approval of moderate Arab states, provides Israel with a rare, ideal opportunity to assert her just rights to her historic, lawful Jewish lands essential for Israel's security. This opportunity will likely end if a different U.S. president is elected in November.
10. **No Reason to Wait; Waiting or Giving Up Jewish Rights Won't Bring Peace:** It is long past time for Israel to affirm her longstanding sovereignty rights to Judea, Samaria and the Jordan Valley. There is no reason to wait any longer. Palestinian-Arabs have turned down multiple generous peace offers, refuse to even negotiate, and instead glorify terrorists and pay Arabs \$350 million per year to murder Jews. Hamas rockets, PLO/PA intifadas and persistent anti-Israel efforts didn't cease during the 53 years when Israel *refrained* from exercising her sovereignty rights over Judea/Samaria. That's because the PA's real goal remains Israel's destruction. Giving Palestinian-Arabs – who have no sovereign rights to this land – veto power over Israeli sovereignty, rewards the PA for its intransigence, incitement and heinous “pay to slay” payments.

Sovereign nations act unilaterally to exercise their sovereign rights; without giving those who seek their destruction veto power. Israel's opponents never complain when Israel unilaterally undermines its security (e.g., Israel's withdrawals from Gaza and Lebanon); they only raise irrelevant “unilateralism” charges when Israel protects her security. Exercising sovereignty is actually not “unilateral” here, because it has the backing of the U.S. peace plan and international law.

Restoring Israeli sovereignty recognizes the truth that giving up Jewish land and rights will not bring peace – and instead brings terror and war. For example, after Israel's withdrawal from Gaza, Hamas launched thousands of rockets at Israeli civilians.

Restoring Israeli sovereignty recognizes the truth that the Palestinian-Arabs' goal of annihilating all of Israel is the real impediment to peace.

Moreover, Israeli restoration of sovereignty is currently contemplated over only 30% of Judea-Samaria. This way-too-limited restoration of sovereignty thus does not foreclose a possible future Palestinian-Arab state. (Such a state would however be an existential danger for all of Israel, and should be rejected.)

11. **The Speculative Fears Raised by Sovereignty Opponents are Baseless and Exaggerated, and Should Not Control Israel's Actions:** Fear-mongering about “world reaction” should be disregarded, and should not dissuade Israel from securing her existence by exercising sovereignty. Jew-haters and Israel-haters – including Hamas, Fatah, the Palestinian Authority, the BDS movement and the American left – can’t do any worse than what they’ve been doing already, for decades. But the security advantages stemming from Israel exercising her sovereignty will make it more difficult for Israel’s enemies to attack and kill Jews. Caving in to threats has always endangered Israel, and only begets more threats and danger. Israel needs to send a message that threats do not pay.

Post-sovereignty, Israel’s transactional friends will continue being Israel’s transactional friends. The Sunni Arab nations will continue working with Israel to contend with their common Iranian foe. Israel’s European trading partners will continue to need Israel’s world-class extraordinary technology and products.

Fears that the PA will discontinue its (limited) security cooperation with Israel are also exaggerated. The PA is likely to continue its limited security cooperation with Israel if Israel asserts her sovereignty, because security cooperation helps the PA leadership to avoid being assassinated by Hamas. The limited security cooperation is of far less value to Israel than it is to the PA, and does not stop attacks on Israel from PA-affiliated groups. In fact, PA security forces are commanded by terrorists. [PA security forces have gunned down Israelis](#) and committed other terror attacks. Israel primarily relies on her own security efforts to thwart Palestinian-Arab terror attacks.

Demographic fear-mongering is also wrong. If Israel exercises sovereignty over the areas that the Trump plan envisions will fall within Israel, the Arabs citizens potentially added to Israel would be minimal, as very few Arabs live in these areas. The Trump plan provides: *“Approximately 97% of Israelis in the West Bank will be incorporated into contiguous Israeli territory, and approximately 97% of Palestinians in the West Bank will be incorporated into contiguous Palestinian territory.”* The Trump plan moreover calls for the 3% of Arabs falling within Israeli territory in Judea and Samaria to become citizens of a Palestinian entity. ([“Peace to Prosperity”](#) plan, page 12.)

Demographic fear-mongering would also be wrong if Israel exercises her sovereign rights over more or all of Judea and Samaria. Such demographic fear-mongering has repeatedly been debunked. The PA’s and Hamas’ Arab population figures are vastly [overstated](#), and would *not* result in an Arab majority in Israel. In fact, Israel’s Jewish native population has been increasing faster than the Arabs, and rampant Islamic antisemitism in Western Europe is bringing new Jewish immigrants into Israel.

The Biblical episode of the meraglim (spies) (Torah portion [Shelach](#)) underscores that fear-mongering is the real danger. Ten of the 12 spies allowed fear to cloud their judgment, and wrongly reported that it would be impossible for the Jews to capture the land. As a result, G-d relegated the Israelites to wandering in the desert for 40 years.

12. **Israelis Overwhelmingly Support Sovereignty:** [Polls](#) show that the overwhelming majority of Israelis *favor* exercising sovereignty over Judea and Samaria and the Jordan Valley, since well before the Trump peace plan was announced. In January 2017, the Maagar Mochot Interdisciplinary Research Institute poll found that Israelis opposed a Palestinian-Arab state and favored Israeli sovereignty by 10 to 1. Prominent mainstream [journalists](#) have been writing about the advantages and inevitability of Israel exercising her sovereignty for years. Respected security expert Efraim Inbar [explained](#): “*Netanyahu’s plan to annex the Jordan Valley is not just a far-right wish, but the fulfillment of long-standing Israeli security objectives. . . .*” In 1967, Israel’s leftwing Labor Party adopted, as its [official policy](#), the Allon Plan for exercising sovereignty over the Jordan Valley, the Gush Etzion block and other areas in Judea and Samaria.

13. **Israel Can and Should Exercise As Much Sovereignty as Feasible Now, While Not Allowing Partial Sovereignty to Lead to the Creation of a Palestinian-Arab Terror State, and While Ameliorating Problems with the Trump Vision:** The above-mentioned advantages of Israel exercising her sovereignty over the Jordan Valley and at least parts of Judea and Samaria are extremely important. However, Israel needs to be careful to ***not*** allow partial sovereignty to abrogate any of Israel’s long-standing binding legal and historic rights to all of Judea and Samaria, and needs to do everything possible to ameliorate certain problems with the Trump vision.

Israel needs to be especially careful to *not* permit the establishment of a Palestinian state – which will be an Iranian-proxy-Hamas-Fatah terror state that threatens Israel’s existence.

Accordingly:

- (a) Israel should insist that the areas over which Israel exercises sovereignty now do not delimit Israel’s borders, and do not restrict Israel’s rights to exercise sovereignty over all the historic Jewish areas guaranteed to the Jewish people under international law.
- (b) Israel should insist that the subject-to-negotiations “conceptual map” presented with the “Peace to Prosperity” vision (Appendix I, pages 41-42) must be adjusted and expanded. Specifically:
  - (i) Israeli communities in Judea and Samaria over which Israel exercises sovereignty now should *not* merely be limited, endangered “enclaves” surrounded by Arab areas. Sovereignty needs to be expanded to

encompass surrounding areas, so that these Israeli communities will be contiguous viable parts of the Jewish State.

- (ii) Israeli sovereignty must be extended to include the roads currently used by Israelis in Judea and Samaria and the Jordan Valley, and sufficient areas surrounding said roads to assure Israeli security. Vital roads cannot be excluded from the final map; such exclusions would create hardship, add lengthy commutes, and endanger Israelis.
  - (iii) The areas over which Israel will exercise sovereignty immediately needs to include, at a minimum, all Jewish communities in Judea and Samaria; No Jewish community should be left out or left isolated.
  - (iv) No current parts of Israel within the green line, including areas of the Negev, should be removed from Israeli sovereignty. The Trump vision currently carves away some of these areas from Israeli sovereignty.
- (c) Israel should strictly enforce the **predicates to negotiation** with a Palestinian entity, including that such an entity can not include members of Hamas, PIJ or their surrogates, absent those groups' explicit commitment to nonviolence, recognition of the State of Israel, and full satisfaction of the other Gaza Criteria; (*Peace to Prosperity Vision*, p. 10) and that such a Palestinian-Arab entity shall immediately terminate its salaries and "pay to slay" payments rewarding Jew-murderers, ICC and ICJ actions against Israel; and other international actions against U.S. and Israel.
- (d) Israel should strictly enforce the Trump vision's "*criteria [that] are a **predicate** to the formation of a Palestinian State.*" (p. 33-34) The Trump vision moreover states that these criteria must be met before the U.S. supports a Palestinian state. (p. 4) These criteria include that:
- (i) *"The Palestinians shall have ended all programs, including school curricula and textbooks, that serve to incite or promote hatred or antagonism towards its neighbors, or which compensate or incentivize criminal or violent activity"* ("[Peace to Prosperity](#)" vision, page 33-34);
  - (ii) The Palestinians must have achieved "*a demilitarized population*" (*Id.*);
  - (iii) The Palestinians must have implemented governance with freedoms of the press, religion, and contract, human rights and due process of law (*Id.*);
  - (iv) *"Palestinian leaders must embrace peace by recognizing Israel as the Jewish state"* ("[Peace to Prosperity](#)" vision, page 4);
  - (v) *"Palestinian leaders must . . . reject[] terrorism in all its forms (Id.); "*
  - (vi) *"Palestinian leaders must . . . allow[] for special arrangements that address Israel's and the region's vital security needs (Id.); ,*
  - (vii) *"Palestinian leaders must . . . build[] effective institutions and choos[e] pragmatic solutions."* (*Id.*)



**Israeli politicians must never pretend that the PA has satisfied these predicates.** It's highly doubtful that the PA will meet the Trump plan's criteria for statehood. The PA continues to insist on: teaching its children to hate Israel; paying terrorists to murder innocent Jews; naming schools, sports teams and public squares after brutal Jew-killers; publicly inciting Arabs to spill Jewish and Christian blood; and keeping antisemitic laws on the PA's books, including that selling land to a Jew is a crime punishable by death. The dictatorial PA regime also denies basic freedoms to its population, and has failed to root out the plethora of armed terrorist cells throughout the PA.

- (e) Israel should also insist that, inasmuch as it is doubtful that the PA will satisfy the above criteria, the PA must be prevented from creating "facts on the ground" – especially including illegal building in Area C. The Oslo Accords placed Area C under Israeli control; Israel should not give up any of its sovereign rights there or elsewhere.
- (f) Israel should build, build, build immediately throughout area C, and start strictly enforcing the laws preventing illegal Arab building in these areas. Note that under the "Peace to Prosperity" vision (p. 38-39), "expectations" limiting Israeli building and Israeli enforcement of laws against illegal Arab building **only** apply during negotiations with a Palestinian entity. No such negotiations currently exist. Thus there are no current restrictions on Israeli building or removal of illegal Arab building under the Trump vision's own terms.