



ZIONIST ORGANIZATION OF AMERICA

# ISRAEL'S LEGAL RIGHTS

**ISRAEL HAS THE LEGAL RIGHT TO THE LAND OF ISRAEL, INCLUDING JERUSALEM, JUDEA-SAMARIA & THE GOLAN, UNDER BINDING INTERNATIONAL LAW**

**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 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: "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 Jerusalem, Judea/Samaria and initially the Golan and Jordan.<sup>2</sup>

The Golan was in the original Mandate for the Jewish homeland. Britain traded away the Golan to France. Israel lawfully recaptured the Golan in a defensive war. Britain also gave away Jordan to the Hashemites. Jordan was 78% of the Mandate allocated to the Jewish state.

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 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.

**The San Remo Resolution (1920)**, a binding international agreement, made the Mandatory (Britain) legally obligated to put into effect the Balfour Declaration (1917) for "establishment in Palestine of a national home for the Jewish people."

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.

**The Lodge-Fish Resolution (1922)** signed into law by U.S. President Harding, approved the establishment of the Jewish homeland in Palestine.

**1924 Anglo-American Convention [Treaty]**, signed by U.S. President Coolidge 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 and Jerusalem as a "sacred trust" for "reconstituting" the Jewish homeland.

Also, the fundamental, well-established, clear border-determination rule of international law called *uti possidetis jurisjuris* ("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 legal entitlement to the full mandatory borders applies regardless of whether sectarian groups are happy with a new country's borders.

## THE JEWISH PEOPLE'S LEGAL RIGHTS TO THE LAND OF ISRAEL HAVE NEVER BEEN ABROGATED

No U.S. or binding international law impedes Israel's legal rights to her land.

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. Armistice Agreements signed by Israel, Egypt and Jordan specifically agreed that these ceasefire lines were "without prejudice to an ultimate political settlement between the parties."

**Jordan's capture and 19-year illegal occupation of Judea, Samaria and and eastern Jerusalem (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 Jerusalem are within Israel.

**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.

The **Oslo Accords (1993-1995)** do not impede Israel's sovereign rights. 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 "high contracting parties," meaning signatory nations (the Palestinian Authority isn't one) and only concerns occupation of another sovereign nation's territory. Israel has the sovereign rights and is not occupying another sovereign nation's territory.



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