

The time has come to tell the world's "liars", boldly and forthrightly, that Israeli "occupation" is the BIG LIE of our age. We've all seen the propaganda effectiveness of "the big lie" many times before, and this one too is working its indecorous distortion of the truth.

The truth is that Jews cannot be occupiers of the Biblical lands, which include present-day Israel, Judea, Samaria, and some of the country of Jordan. The term occupation is meant to signify larceny, theft of others' property, abuse of the Other, cheating, immorality, and dreadful deeds. Obviously, this is a very offensive concept. But Jews are not, and cannot be guilty of these crimes, for two reasons. One, Jews are the extant aboriginal people of this land, and two, Jews have international legal rights to this territory. These two concepts, historical and legal, require elucidation.

What defines Jewish indigenesness is the consistency of modern Jews with their ancestors of thousands of years ago. They live in a country with the same name, Israel, as that which existed in 1312 B.C.E. Today's Israelis speak the same language that was spoken by Jews in that land more than 3000 years ago. We do not need a Rosetta stone to understand ancient Hebrew scripts because the language and letters are the same as current Hebrew. Israelis chant from the same biblical texts that their ancestors did millennia past. Their Jewish law presently is derived from that found in their Talmud which was originally oral and later written down about twenty-five hundred years ago. Their Temple, which was destroyed by invaders twice, can be archaeologically located in their original site in Jerusalem. And Jerusalem which was founded by their biblical King David, still stands as the centre of Jewish sovereignty, as it did when King David ruled the Jews.

In reality, the Jewish people established a distinct civilization in their ancient homeland approximately 3500 years ago, and the roots of that civilization are still much of the source of Jewish life in Israel right now. And, despite a series of conquests and expulsions over the centuries, (Roman, Muslim, Crusaders), Jews retained and rebuilt communities in Jerusalem, Tiberius, Rafah, Gaza, Ashkelon, Jaffa, Caesarea, Safed and elsewhere. Years before the Zionist migrations began in the 1870s, Jews lived continuously over time throughout the land of Israel.

Anthropologist Jose Martinez-Cobo, a Special Rapporteur for the UN who studied the place and condition of indigenous peoples and nations, defined such communities as those that have continuity, with the land, with shared culture in general, such as religion, lifestyle etc., with intrinsic language, with common ancestry, and other relevant factors. By that respected definition of indigenusness, it is irrefutable that Jews are indeed the indigenous people of the land of Israel.

On the other hand, there were no Muslims in existence until almost 2000 years after Jews had already settled in Israel, because Islam was the religion that Mohammed founded. Arabs, who are the ethnic peoples out of the Arabian Peninsula, had not come to the region through their conquests until after Mohammed's death in 632 ACE. It is important to understand that no independent Arab or Palestinian state has ever existed in this region, which came to be called Palaestina, after the Romans so renamed it in the second century. The Romans purpose for this alteration was to break the link of the Jews with their past, after they had crushed the Jewish revolt in ACE 135. Thus, when the Arabs did conquer and occupy parts of the land, they did so as occupiers of previously settled territories by Jews.

As for more recent Arab settlers, if one looks at the period when Jews began to immigrate to the region in large numbers in 1882, there were fewer than 250,000 Arabs living in the region, and the majority of these had arrived in recent decades. According to many observers and authorities, the vast majority of the Arab population in the early decades of the twentieth century were comparative

newcomers, either late immigrants or descendants of persons who had immigrated into the territory in the previous seventy years.

BDS supporters, who accept the premise that the Palestinians are indigenous and oppressed by white colonialists have it backward according Barbara Kay, columnist for the National Post (Canada). "It is the (non-white) Mizrahi Jews in continuous habitation in Israel from time immemorial who were oppressed under a series of imperial regimes, up to and including the British Mandate."

This reference to the British Mandate brings me to the second aspect of Jewish rights to the land of Israel, that of validity under international law. Israel's legal position begins after WW1, when the Allies defeated Germany, Turkey or rather the Ottoman Empire, Austria-Hungary, and Bulgaria. Up until then the whole Middle East and beyond was under the power of the Ottoman Empire. (The Turks are not Palestinians nor are they Arabs). With the Empire defeated, there were no nations and no borders that we recognize today in that territory.

The Allies, (Britain, France, Italy, Japan and the US), collectively assumed the title The Supreme Council, which then adopted political and judicial power. This council convened the Paris Peace Conference of 1919. In turn, it created the League of Nations which introduced the Mandate System.

In determining how to assign sovereignty to Middle East territories, which include what is now Israel, Jordan, Syria, Lebanon and Iraq, the League heard from Arab delegates and Zionist Organizations presenting their respective cases. In April 1920, in San Remo, Italy, the decision was made. The Arabs were granted sovereignty over 96% of the territory, while Palestine was granted to the Jewish people worldwide, as per the recommendations of the Balfour Declaration of 1917, which then became international law.

The map drawn up by the San Remo Conference on April 25, 1920, resulted in the creation of new exclusively Arab states; Syria, Lebanon, and Iraq. It also drew the borders of the geographic region hitherto known as Palestine since Roman times, which was designated for the Jewish National Home to be reconstituted there, in consideration of the historical connection of the Jewish people to the land of Israel.

Notice the decisive language here: it is a reconstitution, not a new entity, or the novel creation of a Jewish national home in that territory, which includes both east and west of the Jordan River. One alteration occurred in 1922, when the British acquired permission from the Mandate Authority to carve out a nation from the land of Palestine east of the Jordan River, which was named the Hashemite Kingdom of Transjordan (later Jordan).

This San Remo Resolution was later confirmed in the Mandate for Palestine in 1922, and approved by the 52 members of the League of Nations. The acquired rights of the Jewish people to the land west of the Jordan river are preserved in the UN Charter of 1945 (article 80) and in the 1969 Vienna Convention on the Law of Treaties (article 70-lb).

All the countries we know in the Middle East stem from these Mandates. All the borders we know originate from these Mandates.. After WW2, the Mandate system was renamed Trustee Council of the General Assembly, and what they did with the territory of Palestine was divide it up into 6 pieces, some granted to the Arabs, some to the Jews. The Jewish portion was significantly smaller than those granted to the Arabs. However, the Jews accepted this partition, but the Arabs did not. Had they done so, this partition would probably have become international law.

Instead there was the War of Independence in 1948-9, when the new born state of Israel was attacked by 5+ Arab states. This war ended in an armistice which included the green lines, that is, the line around the portion of Judea and Samaria that Jordan captured, the line around Gaza that Egypt captured, and land that

Syria captured on the Golan Heights. Those famous lines are treated as legal boundaries by Obama, the European Union, most ideologically leftists, certainly Palestinians and their supporters, and others. However, they have no legal status in international law. They are ceasefire lines. And moreover, they have nothing to do with 1967, except that Israel fought a defensive war then, was attacked by Egypt, Jordan and Syria, defeated those invaders, and took back the lands that they had captured in 1949.

If we call the territories bound by these lines, Palestinian territory, we are retroactively recognizing the Arab conquests by Jordan, Egypt, and Syria. By international law it is forbidden to acquire territory by aggressive war. That's part of the UN Charter. There's one exception to that article (52); countries are entitled to acquire territory through the exercise of a defensive war, which undoubtedly the Six-Day war was for Israel.

There is therefore absolutely no doubt on the basis of both law and history that Israel cannot be an occupier of any lands west of the Jordan River to the sea. The importance of asserting Israel's legal rights is that this alleged "occupation" has become the symbol of justification for the Palestinian claims and violence. It is one of those big lies that have become accepted as truth through repetition and through the authoritative voices using it continuously. It is not only a lie because of what I have argued here, but also because Hamas controls the whole of Gaza and the Palestinian Authority has jurisdiction over the majority of the West Bank, estimated to be as much as 95%.

But "occupation" is a very central signal for the Palestinians' core cultural and political position, namely the rejection of Israel. Thus, the concept and use of this term is not only a falsehood, it is an inhibitor of any chance of peace with the Palestinians, since it is identified with the Palestinians refusal to accept the existence of a Jewish state in any part of the land, land that is legally within the rights of the Jews. Let's be clear, anyone using the statement "Israeli occupation" as it relates to the land of Israel is uttering an oxymoron.

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