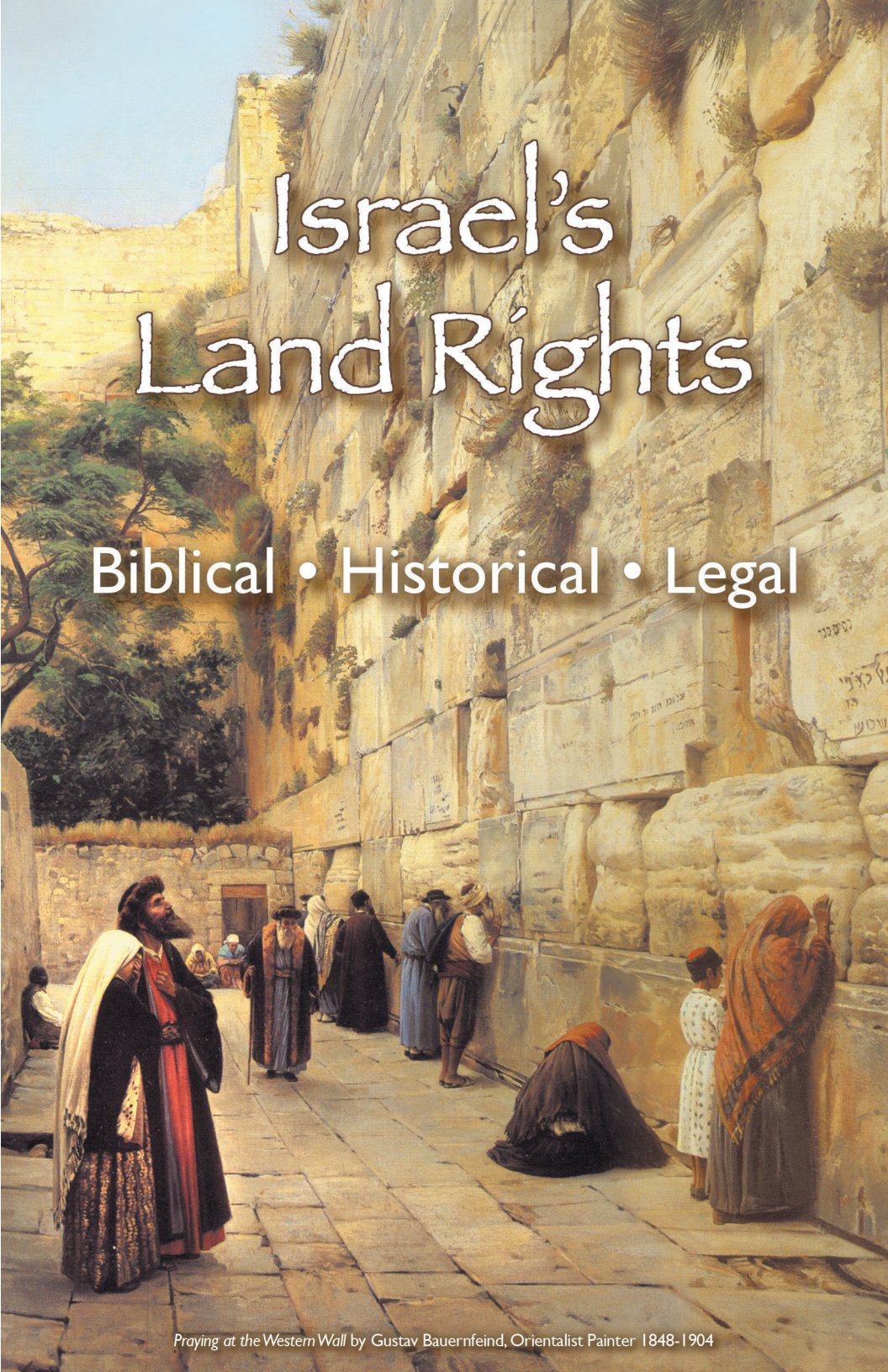
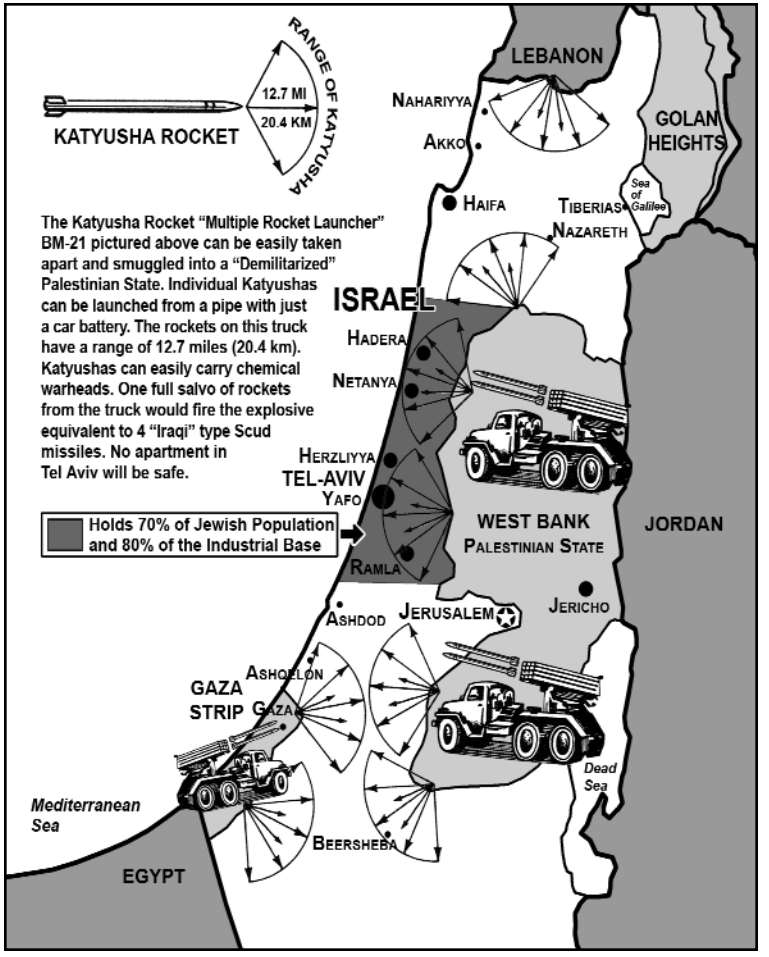
Israel's Land Rights

Biblical • Historical • Legal



Praying at the Western Wall by Gustav Bauernfeind, Orientalist Painter 1848-1904


Morocco
Tunisia
Lebanon
Israel
Syria
Iraq
Algeria
Jordan
Kuwait
Mauritania
Libya
Egypt
Bahrain
Qatar
UAE
Saudi Arabia
Oman
Yemen
Sudan
Djibouti
Somalia
"Find Israel and then you will understand the Israeli-Arab conflict."



The Katyusha Rocket "Multiple Rocket Launcher" BM-21 pictured above can be easily taken apart and smuggled into a "Demilitarized" Palestinian State. Individual Katyushas can be launched from a pipe with just a car battery. The rockets on this truck have a range of 12.7 miles (20.4 km). Katyushas can easily carry chemical warheads. One full salvo of rockets from the truck would fire the explosive equivalent to 4 "Iraqi" type Scud missiles. No apartment in Tel Aviv will be safe.

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Biblical, Historical, Legal

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◆ CHAPTER ONE ◆

Israel's Biblical Rights to the Land

With the breaking up of the Turkish Empire at the end of World War 1, both Jews and Arabs requested independent states. The world powers were generous in the extreme to the Arabs by granting them twenty-two independent Arabs states—encompassing 5,414,000 square miles. The Jews asked for less than one percent of that vast territory. The Allies agreed to this request.

In 1921 England reneged, lopped off 77 percent of the Land promised in the Balfour Declaration and set up the Arab Emirate of Transjordan. Then in 1922 the League of Nations further qualified the Jewish National Home be established in only 23 percent of Palestine, including Samaria, Judea, Gaza, Golan Heights and Eastern Jerusalem. (See Map I and Map II.)

Also many Christians believe "Replacement Theology." That is, the Jewish people because of unfaithfulness have forfeited any right to the Land of Israel.

What Do the Scriptures Say?

Many Scriptures promise the permanent restoration of the Jewish State as verified in one of the most awesome and irrefutable promises in the Bible.

Jeremiah 31:31-37 NASB

Verse 31 — "Behold, days are coming," declares the LORD, "when I will make a new covenant with the house of Israel and with the house of Judah,

Verse 32 — Not like the covenant which I made with their fathers in the day I took them by the hand to bring them out of the land of Egypt, My covenant which they broke, although I was a husband to them," declares the LORD.

Verse 33 — "But this is the covenant which I will make with the house of Israel after those days," declares the LORD, "I will put My law within them and on their heart I will write it; and I will be their God, and they shall be My people.

Verse 34 — "And they shall not teach again, each man his neighbor and each man his brother, saying, 'Know the LORD,' for they will all know Me, from the least of them to the greatest of them," declares the LORD, "for I will forgive their iniquity, and their sin I will remember no more."

Verse 35 — Thus says the LORD, Who gives the sun for light by day and the fixed order of the moon and the stars for light by night, Who stirs up the sea so that its waves roar; The LORD of hosts is His name:

Verse 36 — "If this fixed order departs from before Me," declares the LORD, "Then the offspring of Israel also will cease from being a nation before Me forever."

Verse 37 — Thus says the LORD, "If the heavens above can be measured and the foundations of the earth searched out below, then I will also cast off all the offspring of Israel for all that they have done," declares the LORD.

This prophecy together with its parallel in Jeremiah 33:25-26 devastate "Replacement Theology." Only when the divinely fixed orbiting of the sun, moon and stars of our solar system cease to orbit according to God's astronomical laws of the Universe, then and only then, would Israel ever cease to exist as God's People. Even though Israel was unfaithful and was taken captive to Babylon while the land was desolate for 70 years, the sun, moon, and stars continued to orbit according to God's symmetrical ordinances of the Universe. Therefore, Israel was still in God's favor and was restored to its Land after 70 years.

But, Israel continued to sin and finally in CE 70 and CE 135 their polity was destroyed. Over a million were killed at the hands of the vengeful Romans. Many were banished from their sacred Land, while Jerusalem was ploughed over and renamed Aelia Capitolina. However, some managed to escape to the north and south of the Land.

Into whatever countries they fled, they tended to dwell in their own little Jewish communities. Many kept the weekly Sabbath and worshipped together and then, as now, at the close of the Sabbath they watched the setting of the sun, the emergence of the moon, and the sparkling stars roving the heavens in celestial glory. No matter how distant from their Promised Land, with tears in their eyes and hope in their hearts, they knew some day, somehow, they or their children, or their children's children would yet return to Eretz Israel. Why??? The celestial bodies of the heavens were still in dazzling beauty and were orbiting according to God's laws of the Universe. Only when there is chaos in the heavens, then and only then would Israel cease to be God's People. Of course, that will never happen and that is just the point of this promise in Jeremiah 31:35-37. Israel as a nation will never be cast off from God's favor.

Then Jeremiah shows, that after their final regathering "the city [Old Jerusalem] shall be built to the Lord" by the Jews and, furthermore, "It shall not be plucked up, nor thrown down

anymore forever" (Jeremiah 31:38-40). Despite the efforts of the US and world powers, the descendants of Israel (Jacob)—not Ishmael or Esau—will receive the city of Jerusalem (including East Jerusalem) forever.

The Prophet Zechariah lived after the return of the 70 years' desolation and during the building of the Second Temple. He prophesied that Israel would again prove wayward and again be punished with a second dispersion. As noted above, the armies of the Roman Empire destroyed the Second Temple and scattered the Jewish People to the four corners of the earth. But Zechariah also prophesied a final regathering from which Israel would never again be separated from its Land. All the prophecies, both those written before and after the first dispersion from the Land, predicted a final regathering of the Jewish people to their homeland that would culminate in Jerusalem becoming the capital of God's Kingdom on earth.

Yes, Israel would be cast out of her land as a punishment. But there would be an end-time regathering which we now see.

"No More Pulled Up"

The Scriptures, furthermore, speak of this final regathering as culminating in joy and blessing that will never end.

Jeremiah 31:10-12

Verse 10 — Hear the word of the LORD, O ye nations, and declare it in the isles afar off, and say, **He that scattered Israel will gather him, and keep him,** as a shepherd doth his flock.

Verse 11 — For the LORD hath redeemed Jacob, and ransomed him from the hand of him that was stronger than he.

Verse 12 — Therefore they shall come and sing in the height of Zion, and shall flow together to the goodness of the LORD, for wheat, and for wine, and for oil, and for the young of the flock and of the herd: and their soul shall be as a watered garden; and **they shall not sorrow any more at all.**

This time is yet future when Israel, restored to its Land, will experience an eternity of joy.

Amos 9:14-15

Verse 14 — And I will bring again the captivity [return from exile] of my people of Israel, and they shall build the waste cities, and inhabit them; and they shall plant vineyards, and drink the wine thereof; they shall also make gardens, and eat the fruit of them.

Verse 15 — And I will plant them upon their land, and they shall **no more be pulled up out of their land** which I have given them, saith the LORD thy God.

Such prophecies as these cannot be logically interpreted in any symbolical sense. Israel is to be literally planted again "upon their own land," the Land of their fathers—Canaan. God had given them the Land by divine promise to Abraham and his seed—an "everlasting possession." This promise is from God Himself and must eventually be fulfilled. The original promise to Abraham stands forever.

Genesis 13:14,15,17; 17:8

Verse 13:14 — Lift up now thine eyes and look from the place where thou art, northward, and southward, and eastward, and westward:

Verse 13:15 — For all the land which thou seest, to thee will I give it, and to thy seed forever, …

Verse 13:17 — Arise, walk through the land, in the length of it, and in the breadth of it; for I will give it unto thee….

Verse 17:8 — I will give it unto thee, and to thy seed after thee, the land wherein thou art a stranger, all the land of Canaan, for an everlasting possession."

"No more pulled up"… "give the Land forever"…"an everlasting possession" — these phrases speak of Israel's future and eternal possession of the Land.

There are many thrilling prophetic details pertaining to the conditions and circumstances connected with the regathering of Israel. But our subject is Israel's land rights. However, we will briefly mention several.

Remember 4-7 million Jews were slaughtered or expelled from the Land of Israel over a period of time. Much of the land became an uninhabited barren wilderness. Yet prophecies like Ezekiel 36 and Amos 9:14-15 predicted how Israel would and has excelled in agricultural technology to the point that Israel is sending agricultural experts to assist third world countries.

God foreknew the anti-Semitism that would develop in the hearts of the Gentiles. Consequently, Jeremiah 16:14-16 describes the anti-Semitic hunters who would drive the Jewish people to their Land, and the "fishers," as the Zionist Movement

who would use the bait of Nationalism, a Jewish Homeland, to "allure" them Hosea 2:14,15.

Wars with the Arab nations have repeatedly plagued the fledgling Jewish State as prophesied in Psalm 83. Also, Israel's ultimate victory over her Arab neighbors was anticipated in Isaiah 11:14 and Zephaniah 2:4-10. The rocket map across from the Table of Contents reveals the precarious situation of Israel if it is forced to give the so-called West Bank (Judea and Samaria) to the Palestinians.

A discussion of Israel's Biblical land rights would not be complete without mentioning the Lord's ultimate purpose for Israel in her Land, which is dramatically declared in Isaiah 2:2-4 ASV.

Isaiah 2:2-4 ASV

Verse 2 — And it shall come to pass in the latter days, that the mountain of Jehovah's house shall be established on the top of the mountains, and shall be exalted above the hills; and all nations shall flow unto it.

Verse 3 — And many peoples shall go and say, Come ye, and let us go up to the mountain of Jehovah, to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths: for out of Zion shall go forth the law, and the word of Jehovah from Jerusalem.

Verse 4 — And he will judge between the nations, and will decide concerning many peoples; and they shall beat their swords into plowshares, and their spears into pruning-hooks; nation shall not lift up sword against nation, neither shall they learn war any more.

Aliyah!

◆ CHAPTER TWO ◆

Israel's Historical Rights to the Land

Jews lived in their Land virtually uninterrupted for 1,700 years until Rome destroyed Israel's polity in CE 70 and CE 135. The archeological discovery of the Merneptah Stela which describes an attack on ancient Israel confirms Israel's ancient presence in the Land. By CE 70, Josephus, the Roman Emperor's official historian, observed that 4-7 million Jews dwelt in Israel. (*Wars* VI, 420, 425). Roman slaughter and expulsion decimated these Jewish inhabitants. Then Christian, Persian, Arab, Crusader, Mameluke and Turkish armies devastated the Holy Land and ruled temporarily. Still some Jews clung to their Land. Jews have been the continuous indigenous people of the Holy Land for about 3,600 years.

Arabs ruled the Holy Land for only 22 years during the period CE 633-1099. *(Syrian Delegation to Paris Peace Conference, Feb. 1919.)* The Arab historian Ibn Khaldun observed that as late as CE 1400 the Land was permeated with Jewish culture. Over 300 years after Arab rule ended, there was still no evidence of Arab Palestinian roots or established culture. Thus, the noted Arab historian denies the false claim of an uninterrupted Palestinian culture dating back to CE 636.

James Parkes in his *Whose Land?* states, "It is not until the Turkish period, CE 1517-1917, that in the ethnic sense it [the Holy Land] acquired a substantial Arab, [though] not majority, population…." How? By immigration, not by natural population growth. At the same time (CE 1561) Sultan Suleiman, a Muslim, granted Joseph Nasi the right to found the "kernel of a Jewish

State" in Tiberias and seven villages surrounded by a wall (Germany, Turkey, Zionism, 1897-1918 p.22). As a result thousands of Jews immigrated to the Land in a wave of Messianic fervor.

In the 1700s and 1800s noted travelers observed the Holy Land was a barren waste. Its greatest lack was a "body of population." Finally, the Biblical ingathering of the Jewish exiles began. (Jeremiah 16:14,15) This triggered a large Arab immigration hoping to benefit from the growing Jewish economy. Both British Prime Minister MacDonald and President Roosevelt confirmed that this was the reason for the flood of Arab immigration since 1918.

To defend British policy, the not overly-Jewish-friendly British Secretary of State for the colonies, Malcolm MacDonald, declared in the House of Commons (November 24, 1938): "The Arabs cannot say that the Jews are driving them out of the country. If not a single Jew had come to Palestine after 1918, I believe the Arab population of Palestine would still have been around 600,000...."

Jewish contributions and Jewish immigration continued to flow into the Land. The Jews created industry, agriculture, hospitals—a complete socio-economic infrastructure. As job opportunities increased, so did Arab immigration. In fact, in 1939 President Roosevelt observed that "Arab immigration into Palestine since 1921 has vastly exceeded the total Jewish immigration during this whole period." For one specific example, in 1934 between 30,000 and 36,000 Arabs from the Hauran Province in Syria left for "the better life" in Palestine.

The flood continued until 1948. Some writers claim that 75 percent of the Arab population was either immigrants into the Holy Land after 1882 or their descendants (*Justice For My People*, 1943, p. 130). Tens of thousands of Arabs were entering to obtain a better life.

Town Names Betray Their True History

Yoram Ettinger, a former liaison for Congressional affairs in Israel's Washington embassy, lists evidence showing that Judea and Samaria has Jewish, not Arab, roots. He says almost all Arab localities in Judea and Samaria have retained Biblical Jewish names, reaffirming their Jewish roots. Examples include the following:

- ✡ **Anata** is the biblical and contemporary **Anatot**, the dwelling of the Prophet Jeremiah.
- ✡ **Batir** is the biblical and contemporary **Beitar**, the headquarters of Bar Kochba, the leader of the Great Rebellion against the Roman Empire, which was suppressed in 135 CE.
- ✡ **Beit-Hur** is the biblical and contemporary **Beit Horon**, site of Judah the Maccabee's victory over the Assyrians.
- ✡ **Beitin** is the biblical and contemporary **Beit El**, a site of the Holy Ark and Prophet Samuel's court.
- ✡ **Bethlehem** is mentioned 44 times in the Bible and is the birth place of King David.
- ✡ **Beit Jalla** is the biblical and contemporary **Gilo**, in southern Jerusalem, where Sennacherib set his camp while besieging Jerusalem.
- ✡ **El-Jib** is the biblical and contemporary **Gibeon**, Joshua's battleground known for his command to stop the sun and moon (Joshua 10:12).
- ✡ **Jaba'** is the biblical and contemporary **Geva**, site of King Saul's son Jonathan's victory over the Philistines.
- ✡ **Jenin** is the biblical and contemporary **Ein Ganim**, a Levite town within the tribe of Issachar.
- ✡ **Mukhmas** is the biblical and contemporary **Mikhmash**, residence of Jonathan the Maccabee and site of King Saul's fortress.
- ✡ **Seilun** is the biblical and contemporary **Shilo**, a site of Joshua's tabernacle and the Holy Ark and Samuel's youth.
- ✡ **Tequa** is the biblical and contemporary **Tekoa**, hometown of the Prophet Amos.

The Palestinian Claim

The Palestinian claim that the Land for centuries sustained a thriving Palestinian culture is not authorized by the facts of history. Yet the world community has given this claim a receptive hearing. PLO Chairman Yassir Arafat in his speech before the U.N. in 1974 declared, "The Jewish invasion began in 1881… Palestine was then a verdant area, inhabited mainly by an Arab people in the course of building its life and dynamically enriching its indigenous culture."

What happens when this claim is compared with the personal observations of the following recognized authorities? In 1738 Thomas Shaw observed a land of "barrenness…from want of inhabitants." In 1785 Constantine Francois de Volney recorded the population of the three main cities. Jerusalem had a population of 12,000 to 14,000. Bethlehem had about 600 able-bodied men. Hebron had 800 to 900 men. In 1835 Alphonse de Lamartine wrote, "Outside the city of Jerusalem, we saw no living object, heard no living sound… a complete eternal silence reigns in the town, in the highways, in the country….the tomb of a whole people."

In 1857 the British consul in Palestine, James Finn, reported, "The country is in a considerable degree empty of inhabitants and therefore its greatest need is that of a body of population."

This historic observation is a remarkable confirmation of the Biblical predictions that during Israel's "double" period of punishment and dispersion, the Lord would cause the Land to become desolate of man and beast (Jeremiah 33:10; Zechariah 9:12; Jeremiah 16:14-18). No wonder by 1857 it was just waiting for "a body of population"! In the Lord's providence this needed body of population—the Jewish people—began to return after 1878 at the end of their Scriptural period of God's disfavor. (See the following wasteland pictures from 1862-1920.)

The most popular quote on the desolation of the Land is from Mark Twain's THE INNOCENTS ABROAD (1867):

Esdraelon Valley—1894

Esdraelon Swamps—1920

Genneseret—1890

Jericho—1891

Hebron—1862

Petah Tikvah—1906

Malle Adumim—1910

Migdal—1894

Tel Aviv—1909

Galilee—1913

> "Palestine sits in sackcloth and ashes. Over it broods the spell of a curse that has withered its fields and fettered its energies….Palestine is desolate and unlovely….It is a hopeless, dreary, heartbroken land."

The records of history confirm the Biblical predictions that during the Jewish dispersion and "double" of God's disfavor, the Land of Israel would become desolate awaiting the return of the Jewish people when its period of disfavor ended in 1878. The records of history simply do not confirm today's Palestinian claim of Palestinian roots and culture in a "verdant area" since the Arab rule of the Land (CE 640-1099).

Southern Syria vs. "Palestine"

The Romans changed the name of the Land of Israel to "Palestine." But from CE 640 until the 1960s, Arabs referred to this same Land as "Southern Syria." Arabs only began calling the Land "Palestine" in the 1960s. Until about the eighteenth century, the Christian world called this same Land, "The Holy Land." Thereafter, they used two names: "The Holy Land" and "Palestine."

In 1922 when the League of Nations gave Great Britain the mandate to prepare Palestine as a national home for the Jewish people, the official name of the Land became "Palestine" and remained so until the rebirth of the Israeli State in 1948. However, during this very period, the leaders of the Arabs in the Land called themselves Southern Syrians and clamored that the Land become a part of a "Greater Syria." This "Arab Nation" would include Syria, Lebanon, Iraq, and Transjordan as well as Palestine. An observation in *Time* magazine well articulated how the Palestinian identity was born so belatedly in the 1960s:

> Golda Meir once argued that there was no such thing as a Palestinian; at the time, she wasn't entirely wrong. Before Arafat began his proselytizing, most of the Arabs from the territory of Palestine thought of themselves as members of an all-embracing Arab nation. It was Arafat who made

> the intellectual leap to a definition of the Palestinians as a distinct people; he articulated the cause, organized for it, fought for it and brought it to the world's attention. . . .

If there had been an Arab Palestinian culture, a normal population increase over the centuries would have been expected. But, with the exception of a relatively few families, the Arabs had no attachment to the Land. If Arabs from southern Syria drifted into Palestine for economic reasons, within a generation or so the cultural tug of Syria or other Arab lands would pull them back. This factor is why the Arab population average remained low until the influx of Jewish financial investments and Jewish people in the late 1800s made the Land economically attractive. Then sometime between 1850 and 1918, the Arab population shot up to 560,000.

On the other hand, Great Britain's White Paper of 1939 closed the doors of Jewish immigration to their Land. Simultaneously, there was a large-scale Arab immigration to the new Land of opportunity during World War II. In 1946 Bartley C. Crum, a United States Government observer, noted that tens of thousands of Arabs had entered Palestine "because of this better life—and they were still coming."

The Testimony of Arabs and Christians

Because Arabs until the 1960s spoke of Palestine as Southern Syria or part of Greater Syria, in 1919 the General Syrian Congress stated, "We ask that there should be no separation of the southern part of Syria, known as Palestine." In 1939 George Antonius noted the Arab view of Palestine in 1918:

> Faisal's views about the future of Palestine did not differ from those of his father and were identical with those held then by the great majority of politically-minded Arabs. The representative Arab view was substantially that which King Husain [Grand Sherif of Mecca, the great grandfather of the current King Hussein of Jordan] had expressed to the British Government…in January 1918. In the Arab view, Palestine was an Arab territory forming an integral part of Syria.

Referring to the same Arab view of Palestine in 1939, George Antonius spoke of "the whole of the country of that name [Syria] which is now split up into mandated territories…." His lament was that France's mandate over Syria did not include Palestine which was under Britain's mandate.

As late as May 1947, Arab representatives reminded the United Nations in a formal statement, "Palestine is a…part of the Province of Syria….Politically, the Arabs of Palestine were not independent in the sense of forming a separate political entity."

On May 31, 1956, Ahmed Shukairy had no hesitation, as current head of the Palestine Liberation Organization, in announcing to the Security Council the observation, "It is common knowledge that Palestine is nothing but southern Syria."

Syrian President Hafez Assad once told PLO leader Yassir Arafat:

> You do not represent Palestine as much as we do. Never forget this one point: There is no such thing as a Palestinian People, there is no Palestinian entity, there is only Syria. You are an integral part of the Syrian People, Palestine is an integral part of Syria. Therefore it is we, the Syrian authorities, who are the true representatives of the Palestinian people.

Assad stated on March 8, 1974, "Palestine is a principal part of Southern Syria, and we consider that it is our right and duty to insist that it be a liberated partner of our Arab homeland and of Syria."

In the words of the late military commander of the PLO as well as member of the PLO Executive Council, Zuhair Muhsin:

> There are no differences between Jordanians, Palestinians, Syrians and Lebanese. We are all part of one nation. It is only for political reasons that we carefully underline our Palestinian identity….yes, the existence of a separate Palestinian identity serves only tactical purposes. The founding of a Palestinian state is *a new tool in the continuing battle against Israel* [emphasis ours].

The most authoritative Arab statement, however, as to whom the Holy Land belongs is found in the Koran, the Islamic Scriptures. The fact is that the Koran agrees with the Bible that God (Allah) made a covenant with the Sons of Israel and assigned the Holy Land to the Jews (see the Koran, Sura V, "The Table"). The Koran also describes the Land given to the Jews as "blessed" and foresees a return of Israel to their Land at the end of days.

These testimonies confirm the Christian Scriptures that God gave the Land to the Jewish people as an everlasting possession. The relatively few Arabs who wandered into the Land between CE 670-1878 were but temporary dwellers. The truer perspective of history reveals that the large recent influx of Arabs that paralleled the regathering of Jews has no historic roots in the Land.

The Verdict of History: Land Rights

Before Jewish immigration and Jewish investments spawned massive Arab immigration, Arabs were actually leaving Palestine. Then the flow of traffic reversed. "…Palestine changed from a country of Arab emigration to one of Arab immigration. Arabs from the Hauran in Syria as well as other neighboring lands poured into Palestine to profit from the higher standard of living and fresh opportunities provided by the Zionist pioneers." This phenomenon is confirmed by the Palestine Royal Commission Report which observed that in the period between the Balfour Declaration and the United Nations Partition Resolution of 1947, Palestine became a land of Arab

immigration. As further documented by Ernst Frankenstein, substantial Arab immigration was a recent phenomenon:

> The early "lovers of Zion" began the stimulation of Arab immigration. Some writers have come out with the conclusion that in 1942, 75 percent of the Arab population were either immigrants or descendants of immigrants into Palestine during the preceding one hundred years, mainly after 1882.

WHOSE LAND? The Arabs ruled the Land for less than 100 years. The Jews ruled the Land of Israel for over 1,700 years. The testimony of history proves the Jewish people are the historic people of the land, therefore the Land still belongs to them.

Regardless of the peace process, the Judeo-Christian Bible (Isaiah 2:2,3) and Muslim Koran (Sura 17:104), predict the Jewish people will yet peacefully enjoy the right to all their Land.

Britain's Mandate for Palestine

Map 1

British Administrative Change 1921-22

Map 2

First settlers arriving at Ein Tzurim in 1946.

Shmuel Holtzman purchasing land in Gush Etzion.

◆ CHAPTER THREE ◆

Israel's Legal Rights to the Land

Are the Settlements Legal? is a consolidation of two articles by Eugene W. Rostow, former US Assistant Secretary of State (1966-1969) and former Dean of the Yale Law School. The articles appeared in *The New Republic* on April 23, 1990 and October 21, 1991.

> With varying degrees of seriousness, all American administrations since 1967 have objected to Israeli settlements in the West Bank (Judea and Samaria) on the ground that it would make it more difficult to persuade the Arabs to make peace. President Carter decreed that the settlements were "illegal" as well as tactically unwise. President Reagan said the settlements were legal but that they made negotiations less likely . . . .
>
> **(United Nations) Security Council Resolutions 242 and 338.** Resolution 242, adopted after the Six Day War in 1967, set out criteria for peace-making by the parties (to the conflict); Resolution 338, passed after the Yom Kippur War in 1973, makes resolution 242 legally binding and orders the parties to carry out its terms forthwith. Unfortunately, confusion reigns, even in high places, about what those resolutions require.
>
> (Since 1967) **Arab states have pretended** that the two resolutions are "ambiguous" and can be interpreted to suit their desires. And some Europeans (Russian) and even American officials have **cynically allowed**

Arab spokesmen to delude themselves and their people—to say nothing of Western public opinion—about what the resolutions mean. It is common even for **American journalists to write that Resolution 242 is "deliberately ambiguous,"** as if the parties are equally free to rely on their own reading of its key provisions.

Nothing could be further from the truth. *Resolution 242*, **which** as Under Secretary of State for Political Affairs between 1966 and 1969, **I [Eugene W. Rostow] helped produce,** calls on the parties to make peace and allows Israel to administer the territories it occupied in 1967 until "a just and lasting peace in the Middle East" is achieved. When such a peace is made, Israel is required to **withdraw its armed forces "from territories"** that it occupied during the Six Day War—not from **"the"** territories, nor from **"all" the territories, but some of the territories,** which included the Sinai Desert, the West Bank, the Golan Heights, East Jerusalem, and the Gaza Strip.

Five and a half months of vehement public diplomacy made it perfectly clear what the missing definite article in Resolution 242 means. Ingeniously drafted resolutions calling for withdrawals from **"all" the territories were defeated** in the Security Council and the General Assembly. **Speaker after speaker made it explicit that Israel was not to be forced back to the "fragile" and "vulnerable" Armistice Demarcation Lines, but should retire once peace was made to what Resolution 242 called "secure and recognized" boundaries agreed to by the parties.** In negotiating such agreement, the parties should take into account, among other factors, security considerations, access to the international waterways of the region, and, of course, their respective legal claims.

Resolution 242 built on the text of the Armistice Agreements of 1949, . . . provided (except in the case of Lebanon) that the Armistice Demarcation Lines separating the military forces were "not to be construed in any sense" as political or territorial boundaries, and that "no provision" of the Armistice Agreements "shall in any way prejudice the right, claims, and positions" of the parties "in the ultimate peaceful settlement of the Palestine problem." In making peace with Egypt in 1979, Israel withdrew from the entire Sinai, **which had never been part of the British Mandate.**

The heated question of Israel's settlements in the West Bank during the occupation period should be viewed in this perspective. The British Mandate recognized the right of the Jewish People to "close settlement" in the **whole of the Mandated territory. It was provided that local conditions might require Great Britain to "postpone" or "withhold" Jewish settlement in what is *now* Jordan. This was done in 1922. But the Jewish right of settlement in Palestine, west of the Jordan River, that is in Israel, the West Bank, Jerusalem, and the Gaza Strip, was made unassailable. That right has never been terminated,** and cannot be terminated except by a recognized peace between Israel and its neighbors. And perhaps not even then, **in view of *Article 80 of the UN Charter,* "the Palestine Article," which provides that nothing in the Charter shall be construed "to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments . . . ."**

Some governments have taken the view that under the *Geneva Convention of 1949,* which deals with the rights of civilians under military occupation, Jewish settlements in the West Bank are illegal, on the ground that the Convention prohibits an occupying power from flooding the occupied territory with its own citizens. President Carter supported this view, but President Reagan reversed him, specifically saying that the settlements are legal but that further settlements should be deferred since they pose an obstacle to the peace process . . . .

The Jewish right of settlement in the West Bank is conferred by the same provisions of the Mandate under which Jews settled in Haifa, Tel Aviv, and Jerusalem before the State of Israel was created. The Mandate for Palestine

differs in one important respect from the other League of Nations mandates, which were trusts for the benefit of the indigenous population. The Palestine Mandate, recognizing "the historical connection of the Jewish People with Palestine, and the grounds for reconstituting their national home in that country," is dedicated to "the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might **prejudice the civil and religious rights of existing non-Jewish communities in Palestine,** or the rights and political status enjoyed by Jews in any other country."

The Mandate qualifies the Jewish right of settlement and political development in Palestine in only one respect. *Article 25* gave Great Britain and the League Council discretion to "postpone" or "withhold" the Jewish People's right of settlement in the Trans-Jordanian province of Palestine—now the Kingdom of Jordan—if they decided that local conditions made such action desirable. With the divided support of the council, the British took that step in 1922.

The Mandate does not, however, permit even a temporary suspension of the Jewish right of settlement in the parts of the Mandate west of the Jordan River. The Armistice Lines of 1949, which are part of the West Bank boundary, represent nothing but the position of the contending armies when the final cease-fire was achieved in the War of Independence. And the Armistice Agreements specifically provide, except in the case of Lebanon, that the demarcation lines can be changed by agreement when the parties move from Armistice to peace. Resolution 242 is based on that provision of the Armistice Agreements and states certain criteria that would justify changes in the demarcation lines when the parties make peace . . . .

The State Department has never denied that under the Mandate "the Jewish people" have the right to settle in the area. Instead, it said that Jewish settlements in the West Bank violate *Article 49 of the 4th Geneva Convention of 1949,* which deals with the protection of civilians in wartime. Where the territory of one contracting party is occupied by another contracting party, the convention prohibits many of the inhumane practices of the Nazis and the Soviets before and during the Second World War—the mass transfer of people into or out of occupied territories for purposes of extermination, slave labor or colonization, for example.

Article 49 provides that the occupying power "shall not deport or transfer part of its own civilian population into the territory it occupies." But the Jewish settlers in the West Bank are volunteers. They have not been "deported" or "transferred" by the government of Israel, and their movement involves none of the atrocious purposes or harmful effects on the existing population the Geneva Convention was designed to prevent. Furthermore, the Convention applies only to "acts by one signatory carried out on the territory of another." **The West Bank is not the territory of a signatory power, but an unallocated part of the British Mandate. It is hard, therefore, to see how even the most literal minded reading of the Convention could make it apply to Jewish settlement in territories of the British Mandate west of the Jordan River.** Even if the Convention could be construed to prevent settlements during the period of occupation, it could do no more than suspend, not terminate, the rights conferred by the Mandate. Those rights can be ended only by the establishment and recognition of a new state or the incorporation of the territories into an old one.

As claimants to the territory the Israelis have denied that they are required to comply with the Geneva Convention but announced that they will do so as a matter of grace. The Israeli courts apply the Convention routinely, sometimes deciding against the Israeli Government. Assuming for the moment the general applicability of the Convention, it could well be considered a violation if the Israelis deported convicts to the area, or encouraged the settlement of people who had no right to live there (Americans for example). But how can the Convention be

deemed to apply to Jews who have a right to settle in the territories under international law: a legal right assured by treaty and specifically protected by *Article 80 of the UN Charter,* which provides that nothing in the Charter shall be construed "to alter in any manner rights conferred by existing international instruments." **The Jewish right of settlement in the area is equivalent in every way to the right of the existing Palestinian population to live there . . . .**

The general expectation of international law is that military occupations last a short time, and are succeeded by a state of peace established by treaty or otherwise. In the case of the West Bank the territory was occupied by Jordan between 1949 and 1967 and has been occupied by Israel since 1967. Security Council Resolutions 242 and 338 ruled that the Arab states and Israel must make peace, and that when "a just and lasting peace" is reached in the Middle East, Israel should withdraw from some but not all of the territory it occupied in the course of the 1967 war. The Resolutions leave it to the parties to agree on the terms of peace.

Summary

Article 80 of the UN Charter permits Israel to ignore both UN Resolutions 424 and 338. Jewish land rights granted by the League of Nations' British Mandate cannot be annulled by the United Nations. Israel is only required to recognize the civil and religious rights of the Arabs in the Land.

Early Settlement

Migdal Eder — Founded by Yeminite Jews in 1927. Destroyed during the riots of 1929.

Clinic in Kfar Etzion

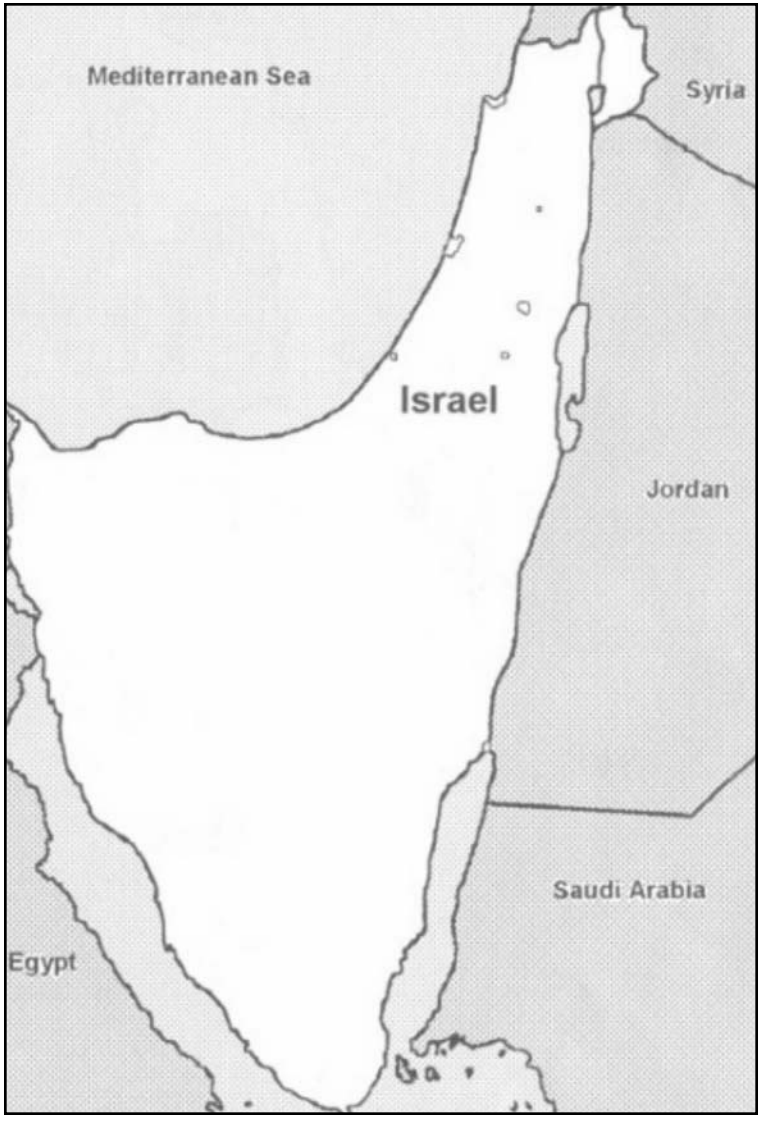
U.N. Partition Plan - 1947

Map 3

1949-1967 Armistice Lines

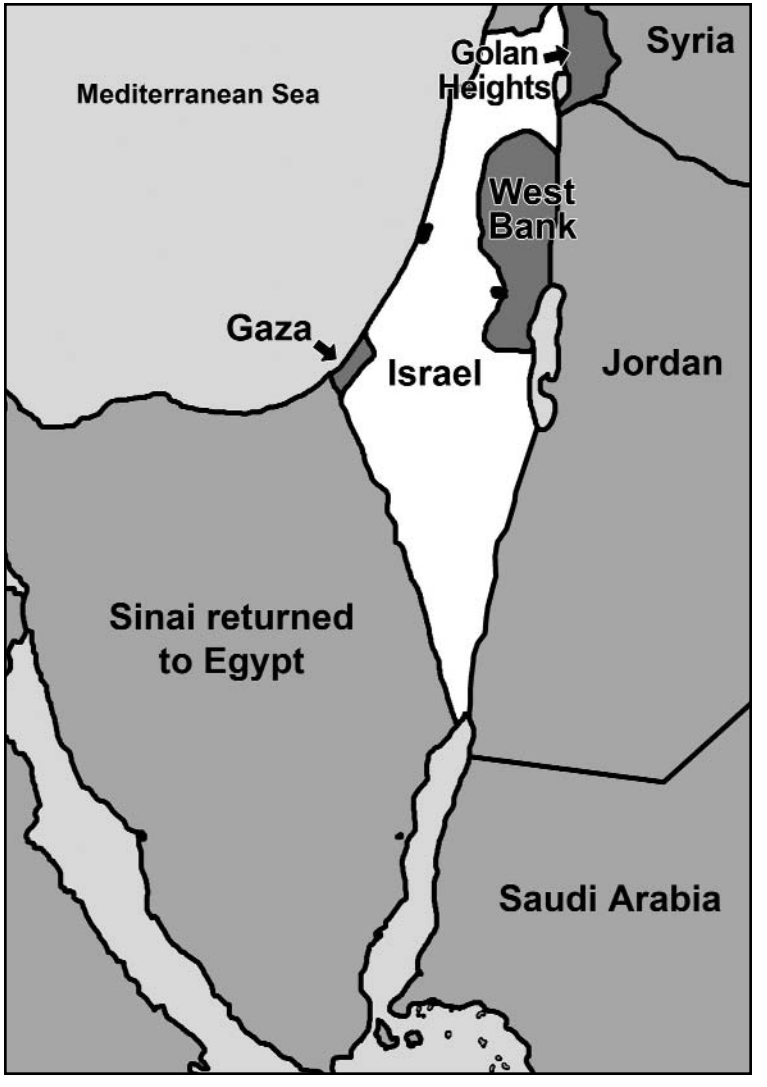
Map 4

1967 Cease-Fire Lines



Map 5

Israel's Current Boundaries



Map 6

◆ CHAPTER FOUR ◆

Jerusalem—Indivisible Jewish Forever

US and world leaders are pressuring Israel to surrender Israel's Biblical capital Jerusalem to the Palestinians, to whom, they declare, it rightly belongs. The Palestinian's claim to sovereignty over Jerusalem rests on their assertion that Jerusalem is the third holiest city of Islam.

By the 600s CE, Jews were established in Arabia. In contrast to the polytheism of the Arabs, monotheism and other aspects of Judaism appealed to Mohammed as he was formulating a new religion to unite warring tribes. Also, Mohammed needed an undefeatable army.

Medina's large Jewish population could supply this manpower. Mohammed would integrate the Jewish people into a prominent but subordinate role in Islam. So he incorporated several aspects of Judaism into Islam—Yom Kippur and observing Saturday as the Sabbath. He also declared **Jerusalem the holy city** toward which Arabs must face while praying.

When most of the Jews of Medina refused to join forces, Mohammed modified his new religion. **Jerusalem ceased to be "holy"—**Muslims were forbidden to face Jerusalem for prayer. The Sabbath was changed from Saturday to Friday. Other Jewish rituals were replaced. Will Durant observed that Mohammed aspired to be recognized as Judaism's Messiah. There is reason to conclude Mohammed envisioned Islam to be the fulfillment of Judaism's Golden Age. He would press two fingers together to

illustrate the nearness of the Day of Judgment to his prophetic mission.

Because the Jews of Medina rejected Mohammed as their Messiah, they paid a dreadful price. Mohammed reacted with a vengeance that has thundered down through the centuries. Jews were "pigs" and "monkeys." At best they were "Dhimmis" or killed at the whim of Islamic masters. To this day Muslim cartoonists portray Mohammed's venom. Mohammed's bottom line that Muslims at times modified was that Jerusalem is **not** "holy."

The Flying Horse

The Palestinian's second flawed claim for Jerusalem as their holy city relates to the "flying horse" fable. It has all the fantasy allurements of *"One Thousand and One Arabian Nights."* In a dream, Mohammed rode on a flying white horse from the mosque in Mecca to a mosque in the "farthest place" and then to heaven. Note the year 621 CE and the phrase "farthest place." In 621 the "farthest place" was assumed to be a mosque in Medina. Others guessed heaven.

Supposedly, all this happened during a dream when Mohammed fell asleep on a carpet. No wonder the dream actually became the inspirational source of the fantasies of the *"One Thousand and One Arabian Nights"* involving magic carpet rides. The dream is fantasy enough, but the fantasy deepens over one hundred years later with the attempt to make it a real life event.

In 632 CE Mohammed died. The Arabs captured Jerusalem in 638. In 661 Jerusalem came under the rule of the Syrian Umayyad dynasty. From 680 the Syrian Umayyads were at odds with the Arab ruling powers of Mecca. Every effort was made to exalt Jerusalem as an Islamic center to rival Mecca. For example, the Syrian Umayyads built the Dome of the Rock over the former site of Solomon's Temple to enshrine the very rock upon which Abraham offered up Isaac. This rivalry was reflected by the reaction of a noted relative of Mohammed when he reacted with profanity.

Al-Aqsa Mosque

Then in 715 CE the Syrian Umayyads in Jerusalem ratcheted up the contest with Arab Mecca. They built another mosque on the Temple Mount and called it the "farthest" mosque, which translated into Arabic would be the "Al-Aqsa" Mosque. What a stroke of genius! Remember, back in 621 Mohammed's fantasy flight from Mecca to the "farthest" distant Arab Mosque? Back in 621 "al-aqsa" simply denoted distance. With a stroke of the pen the Syrian Umayyads changed the phrase "al-aqsa" into the proper name of a newly built (715 CE) mosque in Jerusalem. They had the audacity to claim Mohammed departed to heaven from Jerusalem's "Al-Aqsa" Mosque, not the "farthest" (al-aqsa) mosque in Medina.

By the same absurd logic Muslims could build a mosque in Washington, DC, name it "Al-Aqsa," and claim that Washington, DC is Islam's third holiest city because Mohammed flew from Mecca to the then barren spot in Washington, DC, and thence to heaven. Making Jerusalem a holy city was a momentous theological decision that reversed Mohammed's earlier rejection of Jerusalem. Mohammed lived nineteen years after this dream. He had ample time as a prophet to predict the distant mosque would be built in Jerusalem and to pronounce Jerusalem again a holy city of Islam, but Mohammed never did.

The Palestinians have seized upon this ploy of the Syrian Umayyads to prove that Jerusalem indeed is historically holy to the Muslims. Palestinians use the Umayyads' logic but they choose to forget that the Umayyads adopted this scheme not only to prove that Jerusalem was holy to the Muslims, but also to establish that the Syrian occupied Jerusalem was **equal to or greater than** the Arab Mecca as a Muslim holy city.

Most Islamic scholars have rejected the "flying horse" fable as having any significance. A commentator for the official Egyptian government newspaper, Ahmed Mahmad Ousa, wrote in August 2003 that the verse that mentions a night journey by Mohammed to a mosque has nothing to do with Jerusalem as the

Palestinians claim, but it refers to a mosque near the holy city of Medina. The basic point as we have noted is that Mohammed, the final Muslim authority as a prophet of Allah, rejected Jerusalem as an Islamic holy city.

History Refutes the Palestinian Right to Jerusalem

Jews lived in their land for approximately 1,700 years virtually uninterrupted until the Roman destruction of Israel's polity in 70 CE. Slaughter and expulsion decimated the 3,000,000 Jewish inhabitants. Christians, Persians, Arabs, Crusaders, Mamelukes and Ottomans temporarily ruled the Holy Land. **Still** some Jews clung to their land. Jews have been the indigenous people of the Holy Land-for over 3,600 years.

The Arabs conquered the Holy Land in 638 CE. In 985 the Arab writer Maqaddasi complained about the large majority of Jewish population in Jerusalem and added, "The mosque is empty of worshippers…." This hardly sounds like Jerusalem was the holy center of Islam as Palestinians insist. In reality, during Muslim rule Jerusalem was under the governorship of Ramla the principle city in the Holy Land. As late as 1400 the Arab historian Ibn Khaldun observed that, "the Holy Land was permeated with Jewish culture." Thus, the noted Arab historian denied the claim of an uninterrupted Palestinian culture dating back to 638.

The Mameluke rule (1250 through 1516) so devastated Jerusalem that the city's entire population dwindled to only 4,000 people. The Ottoman or Turkish rule (1516 through 1917) got off to an excellent start with an infusion of money to improve the water supply and to rebuild Jerusalem's walls. Then, far from being holy, Jerusalem experienced the same exploitation of past Muslim rulers. By 1860 the population dropped to approximately 9,000. In 1830 the first census was conducted and showed a Jewish majority. How early before 1830 that Jewish majority extended is unknown, but since 1830 until now the Jewish people have remained a majority in Jerusalem.

History refutes the claim of a thriving continuous Palestinian culture in Jerusalem since its capture by the Arabs in 638.

The Temple Mount

For centuries, Muslims agreed the Temple Mount was originally Jewish domain. Yasir Arafat and his appointed Mufti of Jerusalem, Ikrima Sabri, denied that there ever was a Jewish presence on what they referred to as the "so-called Temple Mount." Both Jews and Christians believe that was the site of the two Jewish temples—Solomon's Temple, which was destroyed by the Babylonians and then replaced by the Second Temple that King Herod later embellished. Arafat insisted that these two Jewish temples, if they ever did exist, were never any place near the Temple Mount.

The distinguished Islamic scholar, Oleg Grabar, in two publications (1996) built a solid case that the Dome of the Rock was the most significant Muslim edifice in Jerusalem, not the Al-Aqsa Mosque. Grabar observed, the Dome of the Rock was not built to be a mosque but a shrine to honor the "rock" on Mount Moriah where Abraham started to offer up Isaac. He confirms Solomon's Temple occupied the same site before its destruction in 70 CE.

In 333 CE a Bordeaux Pilgrim wrote, "…on the Temple Mount…there was a rock with a hole in it to which Jews come annually; they anoint it and tear their clothes, lamenting, and sobbing. And then they go away." Similarly, other Christian writers observed that during the Byzantine period, Jews visiting the ruined temple site anointed the rock. Grabar observed that Jews showed Muslims the place where Solomon's Temple resided.

An 11th century Muslim scholar al-Wasiti, who lived in Jerusalem, also observed that the Dome of the Rock was built on the same site as Solomon's temple. Interestingly, he noted that Muslims anointed the rock just as Jewish mourners had done.

On the basis of eyewitness testimony from Christians, Jews and Muslims, down the corridors of history, Muslim scholars verify that Solomon's Temple and the Dome of the Rock both occupied the same site over the same "rock." This

completely refutes the Palestinian's assertion that there never was a Jewish presence on the Temple Mount.

Two noted Arabs refute Arafat's and his Mufti's denial. First, Sheikh Prof. Abdul Hadi Palazzi, who heads the Islamic community in Italy, is Imam of the world's largest mosque. Palazzi noted that Imam Qurtubi (died 1273), the greatest Islamic commentator, quoted an earlier noted commentator Imam Tabari (died 923) concerning Mohammed's view of Solomon's Temple. Tabari quoted Mohammed's "words about the destruction of the Temple, **which tally in every detail with the biblical account of the Temple's destruction by the Babylonians, reconstruction and final destruction by the Romans."**

Mohammed believed the Judeo-Christian Biblical account that the two Jewish Temples were built on Mount Moriah—the Temple Mount. **Imagine Palestinians questioning their Prophet Mohammed!**

The second confirmation that Solomon's Temple was built on the Temple Mount is incredible. This proof is found in the booklet *"A Brief Guide to al-Haram al-Sharif,"* published in 1930 by the "Supreme Muslim Council" that was headed by Hajj Amin al-Husseini. Husseini, appointed by the British in the 1920s as the Grand Mufti of Jerusalem, was **Yasir Arafat's uncle**. This is the same Husseini who joined Hitler to exterminate the Jews in the Holocaust.

It is incredible that someone with such hatred of the Jews gave one of the strongest proofs that the Temple Mount was Jewish—the site of Solomon's Temple. Speaking of the Temple Mount, the Grand Mufti said, "Its identity with the site of Solomon's Temple is **beyond dispute."** And he quoted the Jewish Bible to prove it.

The last page of the booklet refers to Solomon's Stables, the substructures of the Temple Mount. It states, "...little is known for certain about the early history of the chamber itself. It dates probably as far back as the construction of **Solomon's Temple..."** According to Josephus, it was in existence and was used as a place of refuge by the Jews at the time of the conquest of Jerusalem by Titus in the year 70 CE.

Mohammed, Islam's founder, Husseini, the notorious killer of Jews, Josephus the Jewish turncoat—all Jewish antagonists—confirm that historically Muslims up to the time of Arafat's revisionism believed in a Jewish Temple Mount because it was the site of Solomon's Temple. **Therefore, Palestinian claims of historic roots in Jerusalem are invalid. But the time is coming when all people and nations will gladly recognize Israel's right to Jerusalem!**

Zechariah 8:20-23

Verse 20 — Thus saith the LORD of hosts; It shall yet come to pass, that there shall come people, and the inhabitants of many cities:

Verse 21 — And the inhabitants of one city shall go to another, saying, Let us go speedily to pray before the LORD, and to seek the LORD of hosts: I will go also.

Verse 22 — Yea, many people and strong nations shall come to seek the LORD of hosts in Jerusalem, and to pray before the LORD.

Verse 23 — Thus saith the LORD of hosts; In those days it shall come to pass, that ten men shall take hold out of all languages of the nations, even shall take hold of the skirt of him that is a Jew, saying, We will go with you: for we have heard that God is with you.

Israel is a place where miracles happen. Send for a free copy of the booklet *Israel, A Nation of Miracles.*

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Israel After a Future Israeli-Arab War

Map 7