

Judea and Samaria

The ZOA strongly supports the legal, political, historic, and religious rights of Jews to live anywhere in the land of Israel, and especially in Judea (“Yehuda” in Hebrew) and Samaria (“Shomron” in Hebrew), the territory that was illegally occupied by Jordan from 1948-1967. International Law strongly supports the claim of Israel to the territory between the ‘green line’ which marked the cease-fire locations of 1949 and the Jordan River. Even if Israel’s legitimate claim to this territory was to be discounted, the status of Judea and Samaria would be as unallocated international territory that is in dispute, and could therefore not be classified as ‘occupied.’ US Ambassador to Israel David Friedman recently adopted the biblical terminology for this region that is the heartland of the land of Israel.

ACTION:

SENATE and HOUSE: Educate the lawmakers about the rights of Jews to live in Judea and Samaria. International law is strongly on the side of Israel.

TALKING POINTS:

- Jews are the indigenous people of the land of Israel, including Judea, Samaria, and, of course, Jerusalem.
- The Jewish people are called “Jews” because we are from Judea; the term “Jew” is a contraction of the geographic name “Judea.” The name originates from the Hebrew name “Yehudah,” a son of the Jewish patriarch Jacob/Israel. It was Yehudah’s progeny that formed the biblical Israelite tribe of Judah and later the associated Kingdom of Judah.
- The name ‘Palestine’ comes from the Romans, who purposefully named the region after the biblical enemies of the Jewish people following the last revolt against Rome in 135 CE. The British, as admirers of the Romans, followed the Roman naming convention when they administered the territory.
- It was the Hashemite Kingdom of Jordan who renamed Judea and Samaria “the west bank” following their 1948 conquest and 1949 occupation of this territory; so named because it is the western bank of the River Jordan.
- When Israel captured the so-called “west bank” in a defensive war in 1967, Jordan had been illegally occupying it since 1948. The United Nations never recognized Jordan’s sovereignty over Judea and Samaria, and neither did the Arab League.
- King Hussein of Jordan abandoned all claims to the territory in July 1988.
- Article 49 of the Fourth Geneva Convention prohibits the forcible transfer of persons from or to an occupied territory (the phrase “occupied” only applies to previously sovereign land). Despite anti-Israel claims to the contrary, this article has nothing to do with the establishment of Jewish communities in the Jewish historic and ancestral homeland. Further, because there was no forcible transfer of populations by Israel, Article 49 poses no legal problems or limitations; Israel never forced any citizens to move there.

- Israel has given away 40% of Judea and Samaria to the Palestinian Authority; Israel has developed only 3% of Judea and Samaria for Jewish communities; the remaining half of the land is essentially uninhabited.

BACKGROUND:

In 1920, the victors of WWI convened a conference in San Remo, Italy to decide the future status of the Middle East for the League of Nations. The conference explicitly endorsed the promise that was made in the Balfour declaration of 1917 by Great Britain, allocating this territory (which included what today is Jordan, Israel within the “green line”, Judea, Samaria, and Gaza) to a future Jewish homeland; it was confirmed by the League of Nations in July 1922, making it binding under International Law. When the UN was founded in 1945, the UN charter (Article 80) explicitly stated that existing trusteeship arrangements would continue. In the case of Palestine, that trusteeship called for the establishment of a Jewish National Home, without prejudice to ‘the *civil and religious* rights of existing non-Jewish communities in Palestine.’ There was no mention of any political rights for Arabs under this or any other treaty that has the force of international law.

ADDITIONAL POINTS:

- The Oslo Accords do not prohibit Israeli communities in Judea and Samaria. Final status of the territory is to be agreed to by the parties, which has still not occurred.
- Neither the Oslo Accords, nor any subsequent agreement between Israel and the Palestinian Arabs, has ever waived, negated or nullified any part of Israel’s prior legal claims or rights.
- The notion that ‘settlements’ are an obstacle to peace is not consistent with the history of the peace negotiations. The peace process negotiations continued for close to two decades without regard to the ongoing construction of new homes in already established Jewish communities in Judea and Samaria, and actually attempts to freeze construction have not been correlated with progress in negotiations.
- The Palestinian Authority, in a racist law reminiscent of South African apartheid, has made it a capital offense to sell any land to a Jew. They further insist that, after negotiations with Israel are complete, there will be no Jews in the new Palestinian State.
- Abraham, Isaac and Jacob, the forefathers of the Jewish nation, dwelt in the mountains of Judea and Samaria, residing in Shechem, Elon Moreh, Beit El (Bethel) and Hebron. It was in Judea and Samaria that G-d promised to give Abraham the land for his descendants as an everlasting covenant. Judea and Samaria are the historic heartland of the Jewish People.
- In July 2012, a report written by an Israeli governmental commission led by the Honorable Supreme Court Judge (Ret.) Edmond Levy, Honorable Judge Tchiya Shapiro and attorney Alan Baker, an expert on international law, was published that concluded: “From the point of view of international law, Israel is not an occupying force in the region.” Consequently, “the establishment of the Jewish communities in the region of Judea and Samaria bears no illegality.” Furthermore, the Commission concluded: “Israelis have the lawful right to settle in Judea and Samaria”