



The Legal Foundation for Establishing Israel

The Biblical foundation establishing the nation of Israel is recorded in Genesis 15. God entered into an irrevocable, everlasting covenant relationship with Abram for the land, as well as the people. The boundaries of the land were drawn by God and Jerusalem was appointed as the city in which He would place His name and presence forever. For Christians this is evidence enough to support Israel and recognize the Jewish right to the land as their rightful homeland.

However, in the last decade media outlets, governments and international organizations throughout the world increasingly charge that Israel has no legal right to the land. Though the legality of a Jewish homeland was established by international law close to one hundred years ago, they continue to promote the false claim that Israel illegally confiscated and occupied Arab lands; Israel is an aggressor and the Palestinian people the tragic victims. These indictments challenge the very legitimacy of the State of Israel. However, the facts contradict these lies.

Nazi propagandist, Joseph Goebbels declared, *“A lie told often enough becomes the new truth. The bigger the lie the easier it is to believe.”*

- Truth alone dismantles a lie. Too often untruth goes unchallenged.
- We need to be those agents of change! As Christians, it is imperative that we confront lies spoken about Israel with the truth. Few understand the modern history of the birth of the State of Israel and, sadly, fewer can answer the distortions and outright lies with a fact based argument. This timeline will help you understand the significance of those legally binding documents and declarations made by other nations through history.

A Land Called Palestine

From the time that God made covenant with Abram, Scripture never referred to the covenant land as Palestine. The word “Palestine” was never used by God in reference to Israel.

In 136 AD the final revolt of the Jews was crushed by the Romans. The Romans:

- salted the land to make it unsustainable for a people
- dispersed the Jews to the uttermost parts of the earth

- changed the name Israel to Syria Palestina to eliminate any Jewish connection to the land; Palestina is the Latin form of the name of Israel's ancient enemy, Philistine.

For the next 1900 years the land changed hands more than 10 times. Yet, there would remain a continuous remnant of Jews in the land.

Birth Pangs

World events in the 20th century unfolded that set the stage for monumental changes in Palestine and the surrounding region. It ultimately resulted in the creation of several Arab nations, modern borders of the Middle East and the establishment of the State of Israel.

As WW I (1914 – 1918) reached its mid-point, the collapse of the Ottoman Turk's four hundred year rule over the empire, which included Palestine, became a certainty.

In May 1916 secret meetings between the Allied Powers took place to divide the 2 million square miles of conquered land that was part of the former Ottoman Empire at that time. Great Britain made claim to the vast area between the Jordan River and the Persian Gulf (Palestine and Iraq) and France would control Syria.

God's Sovereign Hand at Work!

At this time in history British Prime Minister David Lloyd George, Foreign Minister Arthur Balfour and many key leaders in the British government were evangelical Christians who embraced the idea of the restoration of the Jews back to their ancient homeland.

With the breakup of the Ottoman Empire a certainty, in 1917, Arthur Balfour authored the Balfour Declaration which read:

His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may 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.

This document was a historic shift that made restoration of the Jews to their ancient homeland more than a dream! It stated Great Britain's intention to establish Palestine as a Jewish homeland.

Lord George Curzon, who succeeded Balfour as Foreign Secretary, described the Balfour Declaration as “*Israel’s Magna Carta*” (a 900 year-old document guaranteeing English civil liberties.)

The Balfour Declaration became the foundation for the Jewish legitimate right to Palestine as a national homeland. It was a commitment from one of the world’s most powerful governments to ensure the creation of a Jewish state in Palestine and became the principle doctrine upon which the international community was committed to as well.

“Thus, on November 2, 1917, the British cabinet published what would become one of the century’s most influential, and controversial, documents.”¹

During the 1919 Paris Peace Conference, Emir Faisal, son of Sherif Hussein, the leader of the Arab revolt against the Ottoman Turks, signed an agreement with Zionist leader, Chaim Weizmann and other Jewish leaders recognizing and affirming a Jewish state. Faisal was hoping to gain independence for the Arabs. It read in part:

“Mindful of the racial kinship and ancient bonds existing between the Arabs and the Jewish people, and realizing that the surest means of working out the consummation of their national aspirations is through the closest possible collaboration in the development of the Arab states and Palestine.”

In referencing the fulfillment of the Balfour Declaration it called for all measures:

“...to encourage and stimulate immigration of Jews into Palestine on a large scale, and as quickly as possible to settle Jewish immigrants upon the land through closer settlement and intensive cultivation of the soil.”

Although the agreement had no legal significance it illustrated that Arabs affirmed the Jewish right to the land and the willingness to share the land.

San Remo Conference: Establishing Israel’s Legal Right to Exist

In the aftermath of WW I, the 4 Principal Allied Powers (Great Britain, France, Italy and Japan) met in San Remo, Italy in 1920 to decide the future of the Middle East. The United States was an observer nation.

The area was divided into three mandates: Syria, Iraq and Palestine.

¹ Michael B. Oren, Power, Faith and Fantasy, (W. W. Norton & Company, New York London) p. 362

The former Ottoman Empire into 3 mandates: Syria, Iraq, and Palestine. Syria would be under France. Great Britain would oversee Iraq and Palestine.



The Three Mandated Areas

One of the most significant outcomes of the Conference was the **San Remo Resolution** which **formally placed oversight of Palestine to the British and charged them with the responsibility to see that the Balfour Declaration was carried out.**

By the next year, 1921, the ruling government in Great Britain was changing and with it the strong Christian Zionist influence. The commitment to the Jews was waning.

That same year British Colonial Secretary Winston Churchill acting on behalf of the British government carved out 77% of Palestine to create Transjordan (present day Jordan) to reward the Hashemite sheikh, Abdullah, for his wartime assistance. This removed the land east of the Jordan River and drastically reduced the size of the land promised for the future Jewish state.

Then in 1923 Great Britain gave the Golan Heights over to the French Mandate and it would eventually become part of Syria.



1922
Trans-Jordan carved out of
British Mandated Palestine

Jewish migration east of the Jordan River was prohibited, yet Arabs could settle anywhere.

Despite the waning commitment to Palestine by Great Britain and other nations, the San Remo Resolution was adopted in 1922 by **ALL** 51 members of the League of Nations, the sole international body representing the nations of the world.

In the Mandate for Palestine document, the League of Nations recognized the "*historical connection of the Jewish people with Palestine*" and the "*grounds for reconstituting their national home in that country.*"

The document, which was to take effect the next year, read in part:

Balfour Declaration →

“Principal Allied Powers have also agreed that the Mandatory (Great Britain) should be responsible for putting into effect the declaration originally made on November 2nd, 1917, by the Government of His Britannic Majesty, and adopted by the said Powers, in favor of the establishment in Palestine of a national home for the Jewish people,....”

The United States was not a member of the League of Nations, but the US Congress passed a resolution in 1922 endorsing the Balfour Declaration and recognizing Great Britain’s responsibility to carry it out.

Attorney Howard Greif, in his book, The Legal Foundation and Borders of Israel under International Law, (Mazo Publishers, Jerusalem and London) writes that **the San Remo resolution gave the Jewish people exclusive legal and political rights in Palestine.**

The great significance of the San Remo Conference is that the legal right of the Jews to Palestine as established at that conference and ratified by the League of nations **pre-dated the**

1947 UN Resolution 181 that called for Palestine to be partitioned into 2 states: one Jewish and one Arab. However, by 1947 the Jews would accept the plan and the Arabs would refuse.

During the decade of the 1920's four new nations would be established from the former Ottoman lands: Iraq, Lebanon, Syria and Jordan. The world would celebrate and recognize these new nations... yet the Jewish state, for which the land was promised by the League of Nations, would not be birthed for another two decades: and that under costly circumstances.

Eventually the State of Israel would comprise less than 1% of the original landmass.

No one has ever questioned the legality of those new Arab nations, yet many continue to contest the legality of the Jewish state.

The Delay Continues

From 1923 to 1939 Jews from around the world continued to migrate to Palestine buying land from absentee Arab landowners. They were preparing the infrastructure for their future state. Through the years, Arabs began to resist, terrorizing the Jewish settlements.

In 1929 and again in 1936 violent riots broke out. Jews were murdered and survivors forced to flee Hebron and other historic communities. Additionally, Arabs now held great influence over the policies enacted by Great Britain at the expense of the Jewish people.

By 1939, the year WW II began, Great Britain enacted what is called the Macdonald White Paper. It would have tragic consequences for the Jews of Europe. It stated that:

- Immigration of Jews would be limited to 75,000 over a period of 5 years.... This when the Jews of Europe were trying to flee Nazi Germany and its allies.
- After 5 years immigration of Jews would require Arab consent.

The horrors of the Nazi death camps and the murder of 2/3 of European Jewry brought the delayed move for a Jewish state in their ancient homeland onto the world stage. It was time for the international community to honor its commitment legally set forth in the League of Nations almost 30 years before.

A Dream and a Vision Fulfilled

Finally in 1947 Great Britain relinquished its responsibility over what remained of the original Palestine to the United Nations. The UN now had the power and the responsibility to make decisions over the status of the land.

- 11 nations participated on a special committee, the United Nations Special Committee on Palestine (UNSCOP) to investigate and make recommendations about the future of Palestine.
- They recommended that Palestine should be partitioned into an Arab state and a Jewish state, with Jerusalem under international supervision

Their recommendation was accepted by the UN General Assembly. On November 29, 1947 the Resolution 181 was ratified by a vote of 33 to 13.

The Jewish state is born!



Finally, On November 19, 1947 the UN General Assembly accepted the partition Resolution 181. **The Jewish state was born!** 29 years after the Balfour Declaration and 28 years after the San Remo Resolution.

The Arabs responded by refusing the partition and increasing their violent attacks against the Jews.

On May 14, 1948 Israel proclaimed its independence. The British military moved out and the Jews had one day of celebration. War broke out on the next day as 5 Arab nations attacked the fledgling State of Israel.

For 15 months Israel repulsed the attacks resulting in the loss of 1% of the Jewish population. A cease fire was negotiated.

Had the Arabs accepted the UN Resolution 181 they would be celebrating over 65 years of statehood as legally established by international law.

In Summary

George Otis, Jr., the founder and president of The Sentinel Group, a Christian research and information agency, wisely said, "*Informed intercession is effective intercession.*" Intercession is more than prayer. It is also bringing the light of truth into the darkness, dislodging and displacing the lies and misinformation. We need to be informed to be effective.

Let us be those who obey the word to:

Proverbs 2:2 "*....incline your ear to wisdom and apply your heart to understanding.*"

The facts are clear- not only do the Jewish people have a right to the land by biblical decree, but the legality for the establishment of a Jewish homeland, the State of Israel, as evidence shows, is irrefutable.

At the Palace of Westminster in London the European Coalition for Israel concluded a 2011 speaking tour on Israel's legal rights. They released a press statement on July 8, 2011 which summarizes this important message. It read in part:

"The Balfour Declaration, issued by the British Government in 1917, in which the Jewish people were promised a national home did not qualify as international law. However, the San Remo Resolution of 1920, which incorporated the Balfour Declaration, made the pledge binding under International Law. The San Remo Declaration, together with Article 22 of the Covenant of the League of Nations and Article 80 in the Charter of the United Nations², are still applicable today."

² Article 80 extended the guarantees to Jews afforded by the League of Nations Mandate for Palestine following World War I. It's protection afforded the right of Jewish settlement throughout the land of Israel west of the Jordan River

Additional Resources:

Articles on the Balfour Declaration: <http://www.jewishvirtuallibrary.org/jsource/History/baltoc.html>

CBN report on the San Remo, Italy conference:

<http://www.cbn.com/cbnnews/insideisrael/2010/july/san-remo-resolution-revisited/>

“Legal Rights and Title of Sovereignty of the Jewish People to the Land of Israel and Palestine under International Law” Howard Grief: <http://www.acpr.org.il/ENGLISH-NATIV/02-issue/grief-2.htm>

Brog, David. Standing With Israel. Lake Mary, Florida: Front Line, 2006

Dershowitz, Alan. The Case for Israel. Hoboken, New Jersey: John Wiley & Sons, Inc. 2003

Oren, Michael B. Power, Faith and Fantasy. New York and London: W. W. Norton & Co. 2007