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BADIL Resource Center for Palestinian Residency and Refugee Rights

Palestinian Citizens of Israel Defying the Ongoing Nakba



BADIL takes a rights-based approach to the Palestinian refugee issue through research, advocacy, and support of community participation in the search for durable solutions.

BADIL was established in 1998 to support the development of a popular refugee lobby for Palestinian refugee and internally displaced rights and is registered as a non-profit organization with the Palestinian Authority. Badil is a Palestinian human rights organization. It has a consultative status with the UN ECOSOC

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Front cover photo: Internally displaced woman during the "Annual al-Awda Right of Return March", on 29 April 2009, the depopulated village of al Kafrayn in the Haifa District (@AHMAD GHARABLI/AFP/Getty Images)

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**BADIL Resource Center for Palestinian
Residency & Refugee Rights**
PO Box 728, Bethlehem, Palestine
Tel/Fax: 972-2-274-7346

BADIL's Geneva Office:

North- South 1207, 17 Rue Ferdinand Hodler
Swiss, Geneva, Switzerland
Tel: 0041796053905

al-majdal@badil.org
www.badil.org
www.ongoingnakba.org

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EDITORS

Thayer Hastings, Nidal al-Azza,
Amjad Alqasis, Manar Makhoul

LAYOUT & DESIGN

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Palestinian Citizens of Israel: Defying the Ongoing Nakba

by Editors

Old City of Jaffa, 2012 (© RW/BADIL)



The 51st installment of BADIL’s quarterly, *al-Majdal*, highlights the 1.5 million Palestinians living in Israel who constitute 20% of the population. This community faces a multi-tiered institutional and social discrimination comprising a policy of forcible displacement.

Since Israel defines itself as a state of the Jewish people, its Palestinian citizens are not only marginalized and excluded from the state identity, but they are barred from taking an active role in influencing the ‘public good’, this posing essential doubts over the self-proclaimed democratic character of Israel. This issue of *al-Majdal* highlights the pressing conditions, concerns and symbolism of the Palestinian population in Israel – an integral component of the Palestinian experience and resistance the ongoing colonization, occupation and apartheid. In this issue, we address issues ranging from Palestinian identity in Israel, to repressive land rights, to the forcible displacement of 15% of Palestinian citizens who Israeli law cynically labels as “present absentees.”

The curatorial intent of the magazine is to bridge gaps of understanding on a crucial Palestinian condition. *Reframing Palestinian Human Rights Work: Geography, Politics and Terminology* critiques the fragmented Palestinian body politic and envisions a unifying terminology. The socio-economic reality of Palestinian citizens are detailed in *the Palestinian Arab minority in Israel is a “core issue, not second tier to the*

Israeli-Palestinian conflict.” The complex identification process of Palestinians in Israel is misunderstood by many outsiders and *Palestinian identity in Israel since the First Intifada: Un-erasing the Nakba* outlines the evolution of Palestinian identity in Israel while *Incompatible: Jewish and Democratic values in Zionist-Israel* deconstructs a highly propagated myth. A legal critique of citizenship rights follows in *the Legal Framework of Second Class Citizenship* and *the Israeli Land and Planning Law Regime in its Historical Context*. Finally, *al-Majdal* #51 addresses the case of forcibly displaced Palestinians who remain in Israel-proper through: *The Internally Displaced Palestinians in Israel*.

It is important for us to stress three important points regarding our analysis and presentation of this issue of *al-Majdal*. Firstly, allocating an issue for Palestinian citizens of Israel comes from the need to analyze and understand the specificities of this portion of Palestinian people, and the understanding that the problems that this group faces falls within our larger analysis of the Palestinian problem, not as a distinct or separate case. We see that all Palestinians, notwithstanding their geographic location, are subject to the Zionist ideology of exclusion, erasure and forcible displacement.

Secondly, Palestinians in East Jerusalem who have been under occupation since 1967 and have a doubly inferior legal status in Israel (residents rather than citizens) are, according to international law, not within Israel and therefore do not fall within the scope of this issue.

Thirdly, BADIL refers to the indigenous community who were not expelled during the *Nakba* and, therefore, remained in the territory that became the State of Israel, as “Palestinian citizens of Israel.” Describing the Palestinian citizens of Israel as a ‘minority,’ ‘Arab’ or hyphenated with ‘Israeli’ is misleading. Attempts by Israeli institutions and figureheads to subsume the Palestinian population into such categories – seeking to control the national geography (spatial and conceptual), reject the Palestinian national identity and indigenous origin in Palestine.

In order to advance the goal of actualizing human rights, the editors seek to confront the fragmentation of Palestinians into political categories such as the West Bank Areas A, B and C, the Gaza Strip, Seam Zones, Firing Zones, Buffer Zones, East Jerusalem, Israel proper and the *Shatat*. Rather, we recognize the shared national aspirations of Palestinians worldwide. Ending the *Nakba*’s historical and accruing wrongs demands uniting the Palestinian community. Terminology, like language as a whole, is built around power structures. By using a unifying, discourse BADIL links Palestinians worldwide in their common struggle against institutionalized oppression, dispossession and forcible displacement.



Further readings:

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- Pappé, Ilan, *The Forgotten Palestinians: A History of the Palestinians in Israel* (Yale, 2011).
- Cook, Jonathan, *Blood and Religion: The Unmasking of the Jewish and Democratic State*, (Pluto Press, 2006)
- Zureik, Elia, ‘Constructing Palestine Through Surveillance Practices’, *British Journal of Middle Eastern Studies*, 28/2 (2001): 205-227.
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Reframing Palestinian Human Rights Work: Geography, Politics and Terminology

by Amjad Alqasis

Nakba - Internally Displaced Persons - Kwikat- and Amka - 29 April
2012 (©) Ahmad Shiekh Mohammed



Many Palestinian human rights organizations limit their scope to territorial divisions propagated by the occupying power - Israel. Organizations are adapting to the current state of affairs rather than seeing the historic origins of the conflict. The Zionist colonialists entered this territory with the intention to permanently colonize it. Movements that started to emerge in struggle against this colonization slowly began to disconnect from each other, from one common struggle into various different struggles. So today, in 2013, based on the realities on the ground (the Wall, settlement expansion, discriminatory laws within Israel, the siege on Gaza), the reality which the colonial power evolved into has had a huge impact on those who are trying to resist this colonization.

Most organizations limit their mandate either to the occupied Palestinian territory or Israel only, based on Israeli realities on the ground, which aim to geographically isolate these two areas. Moreover, some organizations circumscribe their scope of intervention even more narrowly - for example, only to the West Bank, to the Gaza Strip, to Area C within the West Bank, or to East Jerusalem. When they restrict their mandate in such a way, organizations are actually confirming the notion that the problem they are trying to combat is confined only to areas occupied in 1967. Taking this faulty approach to a further extreme, in the cases where organizations limit their operations to the Gaza Strip or the West Bank only, the implicit starting point could even be considered the 1994 signing of the Oslo Accords. Yet the realities that we all deal with did not begin in 1994 nor in 1967; they began with the emergence of Zionist thought and the development of the idea of colonizing the area of Mandate Palestine. This is the starting point of the Palestine 'question' and should be recognized as such in seeking a solution. No organization will be able

to find a solution, or anything which will come close to a solution, if the starting point is 1967. This practice of geopolitically dividing the Palestinians started in 1948 even within Palestinian communities that remained inside Israel. Palestinian citizens of Israel in the Galilee and the Naqab are highly divided by the Israeli authorities. For Israel, the Palestinian Bedouins in the Naqab are an administrative category apart from that of Palestinians. Moreover, while Muslims and Christians are separate categories, Druze are also considered a distinct nationality. Palestinian NGOs inside Israel that operate according to these parameters deal with “Druze villages” and “Druze municipalities.” This is so because Israel applies different legal frameworks, budgets, and ministerial departments and thus has “influenced” the Palestinian side to adopt this approach.

However, political awareness to this issue is starting to emerge and grow among Palestinians in Israel since the mid 80s (See Palestinian Identity in Israel since the First Intifada, page 12 of this issue). Such political awareness was empowered by the First Intifada, and more so during the 90s and the signing of the Oslo Accords. Palestinian citizens of Israel started to realize that they have been excluded from the political process or what was formerly called the ‘peace process’. Palestinian citizens of Israel have been marginalized by both Israel and the Palestinian Liberation Organization (PLO), which is, in a way, the first Palestinian NGO to have followed the geopolitical lines imposed by Israel. This is evident in the fact that the PLO limited its mandate to the 1967 boundaries, as a baseline for the negotiations. The realization of Palestinian citizens of Israel that their exclusion from the political process could potentially determine their fate brought about a re-evaluation of their relationship with Israel. Palestinian citizens of Israel arrived at the conclusion that their struggle should only be understood within a Palestinian discourse that goes back to the 1948 *Nakba*, not to the 1967 *Naksa*, as a point of departure.

Every Palestinian, be it an individual, organization, municipality, or movement who follows the divisions made by the colonial power in order to overcome this colonial project is doomed to fail. The Palestinian struggle is not a common struggle because it is romanticized; it is a common struggle because the created system in reality is fighting everything that belongs to this group of people. From its beginnings, the Zionist Movement intended to colonize a territory and replace the indigenous population with Jewish migrants. In effect, the ideology of the state of Israel denies the existence of Palestinian people within its undefined territory. At best, Palestinians are tolerated, this toleration can be revoked at any moment for any reason. This orientation is evident in many Israeli laws and military orders as well as decisions of the High Court and lower courts in Israel.

Terminology is a key factor in the classic colonial principle of “divide and conquer,” producing political divisions building on the prerequisite of a geographical fragmentation. Israel needed first to cut off existing relationships and ties among Palestinians and did so through the Nakba, which tore apart the social fabric of Palestinian society. Palestinians who managed to remain in the territory that became the state of Israel in 1948 had neighbors or family members who were forcibly displaced. Every Palestinian family was affected by the events of the Nakba. All Palestinians had a cousin, a sister, a brother-in-law, or an uncle who was forcibly displaced, who lost his/her house, farmland or property. After cutting off relationships between people and communities, Israel maintained the geographical scattering of Palestinians by prohibiting them from returning to their homes and inhibiting social continuity with Palestinians in declared “enemy states” – Arab states to which the majority of Palestinian refugees were forced to flee to. Slowly throughout the decades, social ties were lost. Maintaining such a geographical discontinuity facilitated the creation of a political division.

This issue of al-Majdal has raised certain difficulties. Our initial intention was to examine Palestinian citizens of Israel, and to this extent articles from organizations that deal with Palestinian citizens of Israel

were collected. However, this practice of highlighting Palestinian citizens of Israel as a separate entity is problematic in itself and we should try to reframe the way we look at this situation. We are aware that by publishing a special issue focusing on Palestinian citizens of Israel, we are falling into the risk of dividing the Palestinian people into the separate categories set by Israel. Nevertheless, this al-Majdal issue on Palestinian citizens of Israel is intended to stress that this group of Palestinians is also suffering from Israel's policies aiming at forcible population transfer and not to be portrayed as a distinct case. Human rights should not be limited to geography or political boundaries. BADIL's work addresses the ongoing Palestinian Nakba in a holistic approach that bridges geopolitical boundaries. Therefore, in our analysis the forcible displacement within the State of Israel is one part of the overall exile of the Palestinian people and it must always be looked at through these lenses – a struggle covering all of Mandate Palestine and including all Palestinians



al-Araqib, Neqab, 2011 (© RW/BADIL))

Such an understanding is vital to our work in dealing with the Palestinian quest for freedom, liberation and human rights. This is so because a proper understanding frames and guides the language in our analysis. As human rights activists and organizations, we are required to be more careful in the way we articulate reality through the terminology we use. Too often, we find ourselves using the terminology that was generated by Israel because, simply speaking, Israel is dominating the discourse. For example, the classification 'Bedouin' that Israel employed to the Palestinians living mainly in the Naqab was done in order to falsely distinguish them from the Palestinians. Unfortunately we can find Palestinians themselves using the term 'Bedouins', thereby indicating that this issue is separate from that of the Palestinians. Yet, the displacement of the Palestinian Bedouins in the Naqab is connected to forcible displacement within all of Mandate Palestine even beyond the boundaries of Mandate Palestine, including the millions of Palestinian refugees currently living in forced exile and not being allowed to come back to their homes and places of origin.

If civil society seeks to struggle against the colonial process of forcible displacement, we should not stratify Palestinian people, but rather, use language as a common struggle against the colonial project

which aims at erasing the existence and presence of the indigenous Palestinian community and population in Mandate Palestine. We should not, even indirectly, support this kind of destruction of the Palestinian people while accepting the division made by the colonial power. Some people think it is advantageous to use a “softer” language, or terminology, in order to try to convince their counterpart and in an attempt not to be seen as ‘radical’ or ‘controversial’ because the “Other” has deemed certain terms so. But when adapting to the Other’s language, people lose the potential to influence the Other, because they themselves have already succumbed to the Other’s ideas by adapting to their terminology.

Human rights organizations should look at the two dimensions of time and space. With regards to ‘time’ it must be asserted that the current situation is connected through what happened since 1948 or even prior to that, until this very day in 2013. With regards to ‘space’ it must be recognized that what is happening today in Bethlehem, Jenin, Gaza or Jerusalem is also happening in Haifa, Jaffa or the Naqab.

We have to dominate our own discourse. This could be achieved by introducing and establishing our own language and terminology. Everything is connected to the question of terminology. Because Israel is dominating the discourse, locally and internationally, international organizations are using the Israeli narrative, the Israeli-dominated terminology. We must develop the counter-movement by employing terms which are truly reflective of and correctly frame the reality as it is, without bowing to external pressures and without framing the situation in a manner of Israel’s choosing.



Palestinains march to the depopulated village of Saiforiyya, 2008
(© HJ/BADIL)

* Amjad Alqasis is a human rights lawyer, legal researcher and the legal advocacy program coordinator of BADIL.

** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

The Palestinian Arab minority in Israel is a “core issue, not second tier to the Israeli-Palestinian conflict”¹

by Dana DePietro

Alienated in their homeland: Palestinian women in Jaffa, 2012
(© RW/BADIL)



Historical Overview

Almost 1.5 million Palestinian Arab citizens of Israel comprise approximately 20% of the population and occupy a unique position within Israeli society. This population remained in Israel and became citizens following the inception of the State of Israel in 1948. As such, they share deep familial, national, religious, linguistic, social, and cultural ties with Palestinians in the West Bank, the Gaza Strip, East Jerusalem and in the Diaspora. Yet, as citizens of the State of Israel, they also speak Hebrew and are familiar with the broader Israeli society.

From 1948 to 1966, the Palestinian Arab community in Israel was subject to military rule, which applied exclusively to Palestinian Arab citizens, despite the fact that they were formally declared citizens in 1948. Since that time, legal discrimination against them continues in areas such as political, socio-economic and cultural rights. Today, the status of the Palestinian Arab minority in Israel amounts to second-class citizenship, or a “probationary” citizenship. Demands to pledge allegiance to Israel as a Jewish state sends a discriminatory message to Israel’s non-Jewish citizens. Moreover, key positions in the government are occupied by individuals who have been openly hostile to the Palestinian Arab minority in Israel going so far as to call for the revocation of their citizenship, and even for their collective transfer to a future Palestinian state.²

Discrimination is in large part due to the self-proclaimed double definition of the State as “Jewish and democratic” and the absence of a written constitution or bill of rights. According to Israeli law, Israel is “Jewish and democratic,”³ yet the development and current structure of Israel is characterized as a Jewish state that privileges its Jewish majority over its non-Jewish minority through state policies, legislative measures, court decisions and official institutions. The Jewish character of the State continues to be emphasized, to the detriment of its democratic character, thereby jeopardizing the status of citizenship within Israel and the safeguarding of equal civil and political rights.

Economic Discrimination

Palestinian Arab citizens of Israel are discriminated against annually by way of State budget allocation. Each year, the Mossawa Center has analyzed Israel’s Development Budget, which contributes to important sectors of society like housing, land, infrastructure and transportation, and found that the government has never allocated more than 6% of the Development Budget to the Palestinian Arab minority. This data is determined by analyzing to which localities the Development Budget is distributed (Jewish and Arab localities are generally segregated), and by noting budget lines which are specifically designated for Jewish institutions (such as Jewish cultural organizations) and retired military personnel (a large majority of which are Jewish). A few key statistics from the 2012 Development Budget analysis⁴ are as follows:

- **The Ministry of Interior**, which has a Planning Section responsible for the approval of “master plans” or city plans for the State, has 5 million NIS out of 120 million NIS (\$32M) allocated for planning in Palestinian Arab localities. Meanwhile, the Ministry has yet to approve the upgrade of 48 city plans proposed by Palestinian Arab local councils. The approval of these plans, and the funds needed for their implementation, are crucial in order to end the lack of housing and overcrowding in Palestinian Arab localities. Due to the lack of approval of these plans, more than 36,000 houses in Palestinian Arab localities are built without permits; they are considered “illegal” and subject to demolition at any time.
- **The Ministry of Housing** allocates over half its budget for housing loans to illegal settlers in the West Bank and new Jewish immigrants in the periphery where a majority of the Palestinian Arab community lives (the Galilee and the Negev). Additionally, 1.7 million NIS (\$455,000) are allocated for housing loans to retired military soldiers. No housing loans are dedicated to members of the Palestinian Arab community.
- **The Israeli Land Administration (ILA)** allocates 400,000 NIS (\$107,000) towards the implementation of the Praver Plan, a government decision taken in 2011 which intends to evacuate up to 70,000 Palestinian Bedouin citizens from their ancestral lands in the Negev.⁵ The State considers these citizens to be “trespassers”⁶ and considers their villages to be unrecognized. This budget line will be used to facilitate their forced removal and pay their compensation.
- **The Ministry of Transportation** allocates only 12% of its budget for urban roads to the Palestinian Arab community. Meanwhile, over 40 Palestinian Arab localities are disconnected from public transportation completely.

The results of unequal State budget allocation are clear to anyone who visits Israel. A casual tourist can notice that Palestinian Arab towns suffer from overcrowding, house demolitions, inadequate roads, state services (such as garbage collection), and infrastructure on a level that is inferior to that found in Jewish towns. It is no wonder that in 2008, the Mossawa Center found that over half of the Palestinian Arab population in Israel lives under the poverty line, as compared to 15% of the Jewish population.⁷

Political Discrimination

While Palestinian Arab citizens are legally allowed full political participation in Israel, the community faces numerous obstacles to equal representation in political bodies. One main obstacle is the abuse of Palestinian Arab members of Knesset (the Israeli parliament), which manifests itself in the form of verbal attacks and legal indictments; both of which aim to accuse the members of Knesset (MKs) as terrorists and traitors. The second main obstacle is the recent attempts by mainstream political parties to ban Palestinian Arab political parties and MKs from participation.

Foreign Minister Avigdor Lieberman, head of the Yisrael Beiteinu party, which is expected to gain the largest number of seats (in partnership with Likud) in the January 2013 general elections, is known widely for his campaign against Palestinian Arab MKs and the Palestinian Arab community as a whole. In 2006, Lieberman, in a speech to the Knesset, called for the execution of three Palestinian Arab MKs who had visited Syria; he stated, “the fate of the collaborators in the Knesset should be identical to that of the Nazi collaborators.”⁸ In 2009, during a press conference, Lieberman announced that two Palestinian Arab MKs, Ahmad Tibi and Muhammed Barakeh, were more dangerous to Israel than the leaders of Hamas and Hezbollah. He said, “They work from the inside, they operate methodically to destroy the State of Israel as a Jewish state.”⁹ In 2009, in attempt to ban Palestinian Arab political parties, Lieberman stated, “We will take care of you like we take care of every terrorist.”¹⁰

Unfortunately, Lieberman is not the only MK that makes such statements. For example, Likud MK Danny Danon labeled Palestinian Arab MKs “masked terrorists” in 2012, claiming, “We cannot remain quiet while a terrorist cell develops in the Knesset.”¹¹ Additionally, Yisrael Beiteinu MK Anastasia Michaeli assaulted Palestinian Arab MK Ghaleb Majadleh this year by throwing a glass of water in his face during a Knesset meeting.¹²

In addition to these attacks, Palestinian Arab MKs are forced to constantly defend their parliamentary immunities in court. For example, in 2009, MK Muhammed Barakeh was indicted for attended peaceful political demonstrations and allegedly assaulting police officers. Already two of the four charges have been dropped by the Supreme Court, citing parliamentary immunity. In 2010, MK Said Nafaa was charged with contacting a foreign agent and visiting an “enemy” state during a trip to Syria, in which he accompanied 280 Druze clerics to visit their holy sites.¹³

These are just a few incidents of the regular harassment faced by Palestinian Arab MKs. While Palestinian Arab MKs have demanded that the perpetrators of these attacks be investigated for charges of incitement and racism, the Israeli deputy state prosecutor has never followed through with their requests. When political leaders who incite against the Palestinian Arab community remain unchallenged, it further legitimizes racism in the national psyche. This hostile environment also makes collaboration within the Knesset difficult, as the Palestinian Arab MKs feel that they are unwelcome.

A recent trend among right-wing political parties is to try to ban Palestinian Arab MKs and parties from participating in national elections. In 2003, petitions from right-wing parties to the Central Elections Committee (CEC) demanded the disqualification of MK Azmi Bishara and his Balad party, as well as MK Ahmad Tibi (Ta'al) from participation in the upcoming elections. The CEC, comprised of proportional representatives of all parties in the Knesset, disqualified these candidates and the Balad political party based on the allegation that they “support the armed struggle of an enemy state or a terrorist organization against the state of Israel.” The Supreme Court reversed the decision of the CEC and both MKs and Balad were able to participate in the elections.¹⁴

Right-wing MKs also submitted petitions to the CEC before the 2006 election and the 2009 election to disqualify Palestinian Arab MKs and political parties. Although the CEC decisions were both overturned in the Supreme Court, the bans set a dangerous precedent that is already influencing the upcoming elections.

Over the past month, members of several right-wing parties have sought to ban Palestinian Arab political parties Balad and Ra'am-Ta'al from the upcoming elections. In addition to this, MK Ofir Akunis of Likud submitted a request to disqualify MK Hanin Zoabi of Balad as a candidate for the next Knesset.¹⁵ The CEC voted against the requests regarding the two political parties, but voted in support of the request to ban MK Zoabi.¹⁶ On December 30th, the Israeli Supreme Court reversed the decision, allowing MK Zoabi to run in the elections.¹⁷

The threats and accusations launched at Palestinian Arab MKs, and the constant attempts to ban them from national elections, speaks clearly to the problem Israel faces in maintaining a "Jewish democratic state." As long as Palestinian Arab citizens feel that they are seen as a "fifth column" by their Jewish neighbours, they cannot reach their full and equal potential as citizens.

Conclusion

The realization of equality, in both economic and political fields, is difficult to reconcile with the State's core definition – Jewish – as a national identity. This national identity implies membership in a group which over 20% of citizens do not belong and are excluded from ever becoming members in. Guaranteeing equality before the law and equal protection of the law for all citizens, including the Palestinian Arab minority, is vital so that Palestinian Arab citizens can obtain their full rights and reach their potential as key players in the peace process. It is the Mossawa Center's firm belief that the Palestinian Arab community in Israel, familiar with both Palestinian society and Jewish Israeli society, can act as mediators between the two peoples in a future regional peace settlement.



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**Dana DePietro is a member of the International Advocacy staff at the Mossawa Center, the Advocacy Center for Arab Citizens in Israel, in Haifa.*

*** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>*

Palestinian Identity in Israel since the First Intifada: Un-erasing the Nakba

by Manar Makhoul

Land Day in al-Naqab, 2011 (© by RW / BADIL)



Palestinian identity in Israel underwent many evolutionary transformations since 1948. Palestinian citizens of Israel had to adapt to a political system that aimed to erase them: an inherent and an integral component in Zionist thought. The erasure of Palestinian existence from Palestine has taken several forms. Ideologically speaking, the Zionist movement depicted Palestine as ‘a land without a people’ long before the establishment of Israel, and the clearest physical manifestation of this approach was the ethnic cleansing (‘demographic erasure’), of the majority of Palestinian society from Palestine during the 1947–1948 War and afterwards.¹ Other aspects of erasure take place on social, political and linguistic levels. Suleiman² provides an extensive survey of the socio-linguistic erasure of Palestinian history and existence by looking at names, toponyms and code-names. Masalha³ depicts in detail the historical, political and ideological bases of the policy of erasure that Israel has carried out against Palestinian locations in Israel, as well as the Palestinian activities that counter it. The historic erasure of Palestinians, both physically and historically, is best summarized by Oren Yiftachel:

The act of erasure had been led, for many decades, by the Jewish state’s apparatuses, those that aim to erase the remnants of the Arab-Palestinian society that lived in the country until 1948, and to deny the catastrophe that Zionism inflicted on this nation. The erasure that came after the violence, the flight, the expulsion and the demolition of the villages is visible in all discourses – in textbooks, the history that Zionist society tells itself, in the political discourse, in the media, in maps and now also in the names of the sites, roads, and junctions. Palestine, which lays under Israel, is disappearing from the Israeli-Jewish physical reality and discourse.⁴

As a result of the contradiction between Zionist ideological erasure and Palestinian actual existence, Palestinian citizens of Israel became 'Present-Absentees'. Although this label was originally bureaucratically coined to refer to Palestinian internal refugees in Israel, it illustrates wider Palestinian existence in Israel where "the land Palestinian internal refugees in Israel, on which they live is their homeland, but the dominant culture is not their culture and the country is not their country".⁵ However, the term 'Present-Absentee' does not express the actual dynamics of Palestinian experience in Israel as described above. The 'Absentee' aspect of the term should not convey passivity because it is a continuing action applied to the Palestinians in Israel. Thus, a better way to describe Palestinian experience in Israel is through the phrases 'present-absentified', 'present-erased' or, in Arabic, (*al-hadir al-mughayyab*). Palestinian citizens of Israel (the indigenous people of Palestine living in Israel), are subjected to a continuous process of alienation from their space.

Palestinian citizens of Israel have dealt with their erasure in a variety of ways over the years. In this paper I will present Palestinian un-erasure and identity since the outbreak of the first Intifada in 1987. My presentation will be based on analyzing a group of novels published by Palestinian citizens of Israel between 1987 and 2010. This group of novels reflects aspects of Palestinian discourse in Israel over those years. Other novels, not presented here, reflect other dimensions of Palestinian identity in Israel.

Folklorification of the Nakba

The first Palestinian Intifada swept through the West Bank and Gaza Strip in a popular uprising against 20 years of Israeli military occupation. The Intifada, the collapse of the Soviet Union and the Gulf War in 1991 led to the Madrid peace talks in 1992 followed by secret talks in Oslo. This peace process proceeded until its collapse in 2000 with the outbreak of the second Intifada. The first Intifada and its associated developments moved Palestinians in Israel to reconsider their political stance and identity in light of a peace process that excluded them from the solution to the Palestinian problem. The outbreak of the second Intifada in 2000 marked a transformation in Palestinian political participation in Israel evidenced in the local demonstrations held in solidarity with Palestinians in the Occupied Territories. These events had a marked influence on Palestinian identity in Israel, and since the mid-1980s we see clear Palestinian efforts to unearth their history, memory and culture.

In the 1980s, Palestinians in Israel and elsewhere began to publish village memorial books collecting information about their villages (many of which no longer exist), with the primary aim of preserving the history and memory of these villages.⁶ According to Palestinian historian Nur Masalha, the accounts in village memorial books:

[...] reflect the beauty of the landscape, richness of the land and of village and city lives. These narratives about the land testify to the intimate and intense experience of everyday life on the land—the names of the valleys and wadis, hills, shrines, streets, springs and water wells, cultivated fields and vineyards; the importance of all kinds of trees (olive, almond, grape) and other natural elements in memories of the past.⁷

An academic parallel to this 'trend' is evident in the increased interest of Palestinian academics in Palestinian folklore during this period. See for example, Min'im Haddad (1986), who wrote about *Palestinian Folklore: Between Obliteration and Revival [Al-Turath al-Falastniyy: bayn al-Tams wa-l-Ihya]*. Another Palestinian citizen of Israel who wrote about Palestinian folklore is Shukri Arraf (1982), who among other things wrote: *Land, Man and Effort: Deals with Material Culture [Al-Ard, al-Insan, wa-l-Juhd: Dirasa li-Hadaratina al-Maddiyya 'ala Ardina]*.

In the literary scene, Palestinian novels in this period provide a detailed description of social and cultural life in Palestine before 1948. Nostalgic-folkloric novels, as I would call the group of novels analyzed here, provide what anthropologists call ‘thick description’ of Palestinian folklore, social life and traditional social figures. Such novels collate numerous tales, myths, songs, proverbs, poetry as well as traditional medicine. Palestinian food, clothing and numerous household items, tools and equipment as well as animals, birds, wild plants, herbs, trees and insects are all part of the folkloric narrative appearing in these novels. Events in the plots, moreover, are immersed in the ‘space’ of the village. Streets, alleys, gardens, the village square, the water-spring, the threshing grounds and the houses are described in detail (both as private and as public spaces). The social interactions associated with these spaces are also described.

The historical narrative embedded in these novels pays close attention to a number of aspects of the 1948 War: the military assistance of the Arab countries (seen more as a burden than a blessing); the occupation of villages; Israeli massacres and brutalities against civilians; the expulsion of Palestinians; and the return, or attempted return, of Palestinian refugees to their homes. The historical narrative presented in these novels is comparable to narratives presented in history books concerning the Nakba, or testimonies of people who witnessed and survived its events. The similarity between the accounts of experiences of witnesses and survivors, and the accounts of characters in the novels is evident in two ways. Firstly, characters recount a nostalgic view of a past that has been lost and destroyed.⁸ Secondly, the similarity to accounts by witnesses and survivors is evident in the retelling the historical events and, the methods and patterns of expulsion by the Israeli forces - in what could be described as a ‘folklorification of the Nakba’.

The ‘folklorification of the Nakba’ refers to the writing of folkloric narratives about Palestinian life before 1948 while ‘injecting’ these narratives with historical accounts of the war in 1948, in an attempt to offer a collective narrative. The folklorification of the Nakba, as a narrative technique, has been identified by Dina Matar in her recent book, *What it Means to Be Palestinian*, collating Palestinian memory narratives from across the Middle East:

[...] almost all [interviewees], irrespective of who they were and where they ended up, had a personal story to tell about the focal date of 1948 and insisted on telling it. A similar structure of telling, in which personal stories converge on and intermesh with the collective (nationalist) Palestinian narrative of dispossession and loss [...].⁹

Since the Intifada transferred the center of gravity of the Palestinian conflict to the Occupied Territory, the rewriting of the Nakba in folkloric narratives is an attempt to emphasize that the Palestinian conflict began in 1948, not 1967. It is a way of restoring the Nakba as the primary event in the Palestinian national ethos: an event that unites all Palestinians everywhere. The peace process also planted the seed of this belief among Palestinians, Israelis and the international community. The exclusion of Palestinian citizens of Israel from the historic reconciliation has had serious implications for the identity of Palestinians in Israel.

Palestinian memories of the Nakba question the status quo and provide a nagging counter-narrative.¹⁰ Palestinian nostalgic-folkloric novels function (in the collective memory of Palestinians) in some ways comparably to village memorial books. In nostalgic-folkloric novels, the Nakba for Palestinians in Israel is omnipresent because it alludes not only to the erasure of space, but to the erasure of culture as well. Remembering the Nakba provides a narrative “of continuity that marks not only the past within the present, as legacy, scar, outcome, wound, etc., but also the past *still at work* within the present, still actively re-engendering it in its own shape [...]”.¹¹

Conclusion

The first Intifada resurrected Palestinian national awareness among Palestinians in Israel, while adapted to the structural limitations of the Israeli political and administrative system.

Mahmud Ghanayim arrives at a similar conclusion that “[...] despite the double identity evinced by [Palestinian literature in Israel], there have been many attempts to shift decisively toward a distinctive identity that would break the tie with Israeli reality”.¹² In political terms, national currents among Palestinians in Israel began to strengthen after the Intifada, reflecting their collectivization: In 1992 an Arab-dominated political movement – The Equality Covenant – called for the first time for the transformation of Israel from an ethnic state into a democratic state for all its citizens, and articulated in sharp focus the need for equality and state transformation. Towards the 1996 Israeli elections, this movement was organized into a political party – The National Democratic Alignment [...] thus bringing the issue of equality to the fore of Arab politics.¹³

This political direction of the National Democratic Alignment (NDA) is essentially different from the line that the Communist party took for many years. Azmi Bishara characterized the activity of the communist party in Israel as one of struggling against discrimination, not *for* equality. Bishara argues that it was “a struggle which defined equality negatively as an absence of discrimination, rather than according to a positive definition which would see Israel as a state of all its citizens.”¹⁴



al-Awda Award Ceremony 2008 (© Maan / BADIL)

The NDA ideological basis “rejected the status quo and called for the establishment of a secular democratic state in the entire territory of Mandatory Palestine, and called for the return of the refugees who left their homes in 1948.”¹⁵ The transformation in political activity among Palestinians in Israel is reflected in the massive expansion of their civil society struggle after the Intifada. This is evident in the fact that until

1990, there were “about 180 public societies among the Palestinian Arab minority in Israel. In the last nine years since 1990 a new 656 Arab societies were established.”¹⁶ The expansion of Palestinian civil society NGOs in Israel marks the realization of the need to take an active role in shaping the lives and future of Palestinians living in Israel:

The wide network of Arab NGOs forms a counterpublic where the interests of the Arab community are represented in such areas as urban planning, health services, educational infrastructure, legal rights and services, and human rights monitoring. The NGOs serve an important function, providing goods and services much needed in the neglected Arab community.¹⁷

Palestinian citizens of Israel, by being exposed to the Intifada discourse of freedom, liberation and dignity, adapted their own struggle inside Israel. This adaptation refers to Palestinians in Israel providing a contextualized definition of their struggle in search of equality.

In other words, Palestinians in Israel in the period since 1987 see their situation as a national “rather than a problem of budget discrimination against a minority.”¹⁸ The quest for full equality with Jewish-Israelis in Israel substitutes the quest for national determination based on political pragmatism. The political vision of Palestinian citizens of Israel in the 1990s is based on a strategy of compromise as the means to achieve long-awaited peace in the Middle East. This vision includes the establishment of a sovereign Palestinian state within 1967 borders, involving the right of return for the refugees, as well as the granting of full civil rights to Palestinians in Israel. Full equality with Israeli-Jews in Israel means turning Israel into a state of all of its citizens – a bi-national state – which would amount to self-determination for Palestinian citizens of Israel, because it would mean the de-Zionizing of Israel. This is a situation that Palestinian citizens of Israel are willing to accept.¹⁹



Further reading:

■ Ghanim, Honaida, *Reinventing the Nation: Palestinian Intellectuals in Israel [Hebrew: Livnot Et Hauma Mehadash: Intilektu'alim Falastininim Beyisra'el]* (Jerusalem: The Hebrew University Magnes Press, 2009).

“Reinventing a Nation: Palestinian Intellectuals in Israel, focuses on a comparison of three generations of Palestinian intellectuals and idea producers and disseminators in Israel. The book displays the ways that these intellectuals struggled to make meaning and contextualizing of their national catastrophes (Nakba) and to cope with it by building some alternative social and political identities, while also attempting to preserve their relative elite and preferential positions. The research is based on qualitative content analysis of the works of major writers, poets, journalists and essay writers - from 1948 and onward - who were active in Israel, at least for a part of their lives.”

* Dr. Manar Makhoul is the Networking & Advocacy Officer at BADIL

** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

Israel's Identity Crisis: A study into the practical difficulties of upholding Jewish and democratic values

by Simon Reynolds



Demolished houses and church in Iqrit, 2012 (© RW/BADIL)

Israel refers to itself as both ‘a Jewish state’ and ‘the Middle East’s only democracy’. This paper will ascertain what constitutes the former, why being deemed both a Jewish state and legitimate democracy is of great importance to Israel and finally, the extent to which these apparently conflicting identities can be reconciled.

The ultimate aim of the Zionist movement - pioneered in the late 1800s, and which gained significant traction throughout the 20th and current century – was to “...return the Jewish people to their homeland and the resumption of Jewish sovereignty in the Land of Israel.”¹ This movement culminated in the official formation of the Jewish state of Israel on May 14th, 1948. But what is meant by the term ‘Jewish state’ and why is it so important for Israel to be considered as such?

Ruth Gavison² deconstructs the ‘Jewish state’ concept into three separate definitions or ‘clusters’. Due to page limits, this paper will focus on that which Gavison deems most significant: Israel as a Jewish homeland “...in which the Jewish people exercise their right to political self-determination.”³ This homeland-based approach is firmly entrenched within Israel’s Declaration of Independence, which states, “The land of Israel was the birthplace of the Jewish people. Here their spiritual, religious and national identity was formed.”

The wording of this statement is key, with a clear distinction drawn between the identities said to constitute ‘Jewishness’. Thus, the definition of whom can be considered ‘Jewish’ for the purposes of populating a Jewish homeland appears to be flexible extending beyond religious adherence and encompassing cultural factors. This is in keeping with the largely secularist nature of the early Zionist movement. The notion received support from the Israeli Supreme Court in the case of *Shalit v Minister of Interior et al (1969)*, as well as being confirmed in April 2012 by Michael Oren, Israeli Ambassador to the United States, who stated, “...Israel defines membership in that people [Jews] broadly, integrating many who would not be considered Jewish by rabbinic authorities.”⁴

The individuals who make up international Jewry in the eyes of Israeli authorities are therefore best thought of as existing upon a spectrum of ‘Jewishness’. This loose interpretation is of great strategic importance to Israel allowing for a wide range of individuals to be brought into the country as migrants and thus strengthening the state’s Jewish majority as was the case in the 1990s when Israel welcomed in excess of 1 million individuals from the recently collapsed Soviet Union. Israel’s very creation was founded upon the self-proclamation of the state as a Jewish homeland. This connection between Israel and the global Jewish population continues to underpin Israel’s projected identity today and is reflected in the decision of the Supreme Court in the case of *George Raphael Tamarin v State of Israel (1972)*, where Head Justice Agranat famously asserted that “*There is no Israeli nation separate from the Jewish people. The Jewish people is composed not only of those residing in Israel but also of Diaspora Jewries.*”⁵ For these claims to carry legitimacy, then, a Jewish majority within the state is crucial.

In adopting such an approach, Israel has effectively established a de facto global Jewish nationality. Indeed, Israel makes the unique distinction between ‘Jewish nationals’ and ‘Israeli citizens’; the former consists of all persons, both within the borders of Israel and outside, who consider themselves to be Jewish, be it through familial ties, culture or conversion, and the latter who belong to the State of Israel, but who claim no Jewish linkage. This is a novel construct and is often explained by Zionists in terms similar to that of Professor Gil Troy, who posits, “*The French have France, Germans have Germany, the Dutch have the Netherlands, Jews have Israel.*”⁶

Rally in Toronto, Canada against Israeli aggression-occupation of Palestine, 12 August 2006 (Source: Flickr)



Troy’s assertion is misleading. Muslims residing in France are free to adopt the national French identity. However, Muslims residing in Israel cannot assume the national Jewish identity. This leads to a much more significant point, and one often overlooked in the discourse addressing Israel’s self-description as a Jewish state. The indigenous Arab population of Mandate Palestine present prior to Israel’s formation – having avoided the continuous waves of displacement since 1948 – now reside within a Jewish state as Israeli citizens. This population, numbering roughly 1.5 million

individuals and representing 20% of Israel's population,⁷ is subject to a wide range of discriminatory laws and practices. To this end, the BADIL Resource Center for Palestinian Residency & Refugee Rights has identified in excess of 20 examples of Israeli legislation and case law, which serve to entrench the rights of Jewish nationals and further this ethnic group's advancement at the expense of non-Jews within Israel.⁸

Ultimately, the contention that what is now modern day Israel can be deemed a 'Jewish state' is supported by a range of evidence including the Zionist ideology underpinning its inception, its resident Jewish majority, and the de facto situation on the ground whereby the state's legal framework affords greater protection and liberty to Jewish residents than it does to their non-Jewish counterparts. This, in conjunction with Israeli practices within the occupied Palestinian territories (oPt), constitutes the crime of apartheid and was the subject of a 2010 report by UN Special Rapporteur, Richard Falk.⁹ Such damning allegations from well-respected sources serve to compromise Israel's reputation within the international community, as well as its ability to attract foreign investment and aid. This latter point is crucial, as Israel is not economically self-sufficient¹⁰ and is heavily reliant on foreign finance to service its disproportionately large military budget.¹¹

With Western governments viewing Israel as a politically stable ally in the otherwise politically volatile landscape of the Middle East, vast amounts of foreign aid flood into Israel annually; the US alone channels \$3 billion worth of military assistance per year.¹² Foreign finance is not unconditional and in order to maintain this economic lifeline, Israel must be seen to balance the concept of a Jewish state with that of a fully functioning democracy complete with a provision of democratic mechanisms. But what do such mechanisms look like and can Israel be said to have implemented them?

Dictionary definitions of 'democracy' allude to "...a form of government in which supreme power is vested in the people, and exercised directly by them or by their elected agents under a free electoral system"¹³ and Israel's own Declaration of Independence provides:

"The State of Israel...will be based on the precepts of liberty, justice and peace [...] will uphold the full social and political equality of all its citizens, without distinction of race, creed or sex..."

Furthermore, Oren¹⁴ cites a number of democratic safeguards employed by Israel, including an independent judiciary, universal suffrage for Israeli citizens and a 120-seat parliament. Such mechanisms would appear to provide solid foundations upon which the concept of Israel as 'the only democracy in the Middle East' can be based. However, each of Oren's examples is fundamentally undermined by factors arising from Israel's status as a 'Jewish state'.

Oren points to the Supreme Court's 2011 conviction of former Israeli President Moshe Katsav on sex offence charges as evidence of "...the commitment to the rule of law displayed by the Jewish state." However, such a case poses few questions relating to the Jewish nature of the state and is therefore of little value when seeking to determine the extent to which the concepts of a Jewish state and a functioning democracy are reconcilable. When a case arises whereby such questions *are* raised, the ruling typically favors Jewish national identity above all other factors and influences. This is best demonstrated through the Supreme Court's upholding of the Citizenship Law in 2012, preventing Palestinians from living with their Israel-based spouses, and whereby Justice Grunis remarked that "*Human rights are not a prescription for national suicide.*"¹⁵

In addition, though suffrage is indeed open to all Israeli citizens of voting age, as is election to the Knesset, there exist a number of legislative restrictions that limit the democratic value of these provisions. For example, amendment 9 of section 7A of The Basic Law: The Knesset, 1958, prevents candidates from seeking election if they contest "...the existence of the State of Israel as the state of the Jewish people."

Of what democratic worth is universal suffrage if all electoral candidates are required to abide by a single ideological position and one which 20% of the overall Israeli population is unlikely to support? It soon becomes apparent then, that democracy within Israel is encouraged only up to the point where it begins to infringe upon the Jewish nature or character of the state, and proposed legislation, submitted to the Knesset in August 2011, seeks to codify this principle¹⁶, stipulating that:

1. *The State of Israel is the national home of the Jewish people, in which it realizes its aspiration for self-determination based on its cultural and historical heritage.*
2. *The right to national self-determination in the State of Israel is uniquely that of the Jewish people.*
3. *The text of this Basic Law or any other legislation is to be interpreted in light of this clause.*

Lip service is paid to the concept of democracy in Clause 2, which provides “[t]he State of Israel has a democratic regime,” but this clause offers no further elaboration as to how such a balance between these two competing ideals will be realised. As a result, this proposed entrenchment in Israeli law of the primacy of Jewish interests serves only to lend further weight to the argument that the state harbors a clear disregard for true democratic principles.

To counter such allegations, Gavison asserts that “...we should not talk about ‘democracy’ as an ‘all or nothing’ matter...,” but rather view it as “... a hierarchal spectrum of meanings...”¹⁷ Oren furthers this



(Source: wikipedia.org)

argument, citing Israel’s external threats as justification for the apparent curtailment of certain rights. He posits that “[w]hether by suspending habeas corpus or imprisoning a suspected ethnic community, as the United States did in its Civil War and World War II, embattled democracies frequently take measures that depart from peacetime norms.”¹⁸ This is of course true, though the criticism leveled at contemporary examples, such as controversial US and UK anti-terrorism legislation, falls far short of that leveled at Israel’s treatment of its own citizens and residents of the oPt.

The concept of a spectrum-based approach to democracy is not in itself problematic, and it is common for democracies to deploy non-democratic measures at times of existential threats. However, when such measures are applied only to a societal minority, it is at this point that democracy can be said to have failed. As Israeli historian Ilan Pappé notes, “*a country that pursues a discriminatory policy against a fifth of its Palestinian citizens [...] cannot be a democracy*”.¹⁹

In conclusion, the two components of Israel’s self-applied split personality – though both are essential to the state’s diplomatic legitimacy and economic survival - are impossible to reconcile with one another. Recognised democratic mechanisms such as universal suffrage and freedom to run in elections are indeed evident, yet are forced to bend and give way in the event of conflict with the overarching interests associated with maintaining the state’s Jewish character. This is consistently reflected across key judicial decisions, a legal framework that implies an inherent Jewish primacy, and proposed legislation which would codify the right of Israeli self-determination as one belonging solely to the Jewish people, despite the significant Arab presence within the state.

The label of ‘the only democracy in the Middle East’ is therefore cynically deployed by a pragmatic Israeli state to acquire the legitimacy it desperately needs in order to attract foreign aid and political support, which it, in turn, utilizes to further Jewish interests while maintaining the status quo of oppression. Despite proud Israeli assertions to the contrary, the reality on the ground is very much one of ‘Jews first, democracy second’.



Further reading:

■ Rouhana, Nadim N., ‘Israel and Its Arab Citizens: Predicaments in the Relationship Between Ethnic States and Ethnonational Minorities’, *Third World Quarterly*, 19/2 (1998): 277-296.

“Abstract: This paper considers a case study of an ethnic state and examines the fundamental predicament of its relationship with an ethnonational minority. By considering the relationship between Israel and its Palestinian citizens, the paper demonstrates how Israel fits the definition of a constitutional ethnic state, points to its binational reality and its limited democracy, and examines the dilemmas that emanate from the contradiction between its ethnic and democratic structures. The essence of the dilemma is the clash between the state’s ethnic superstructure and the minority’s quest for basic human rights such as equality, inclusion and identity that an ethnic state cannot provide. The paper applies human needs theory to argue that improving the conditions of a minority in an ethnic state will not resolve the conflict between an ethnic state and a minority. Similarly, the paper argues that ‘ethnic democracy’ cannot be a viable option for an ethnonational minority in a multi-ethnic state. The paper examines why the dilemma in the relationship of Israel and its Arab citizens is emerging now and how it can develop into a predicament for the state and the minority, and outlines options for state restructuring in response to the predicament.”

* Simon Reynolds studied law at the University of Reading, graduating in 2007, before taking time to travel through Africa and East Asia. He is particularly passionate about the upholding of human rights within vulnerable communities and has recently completed a 6 month placement with BADIL’s legal research and advocacy program.

** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

The Internally Displaced Palestinians in Israel

Areej Sabbagh-Khoury



The category “internally displaced in Israel” includes Palestinians who were driven out from their homes by the Jewish forces (subsequently Israeli) prior to the foundation of the State of Israel, or by institutions under the authority of the State of Israel following its establishment, and who remained within the borders of the State of Israel most starkly in the period between November 1947 and July 1949, but also continuing into the present. Today, Israel continues to prevent these internally displaced persons (IDPs) from returning to their homes.¹

The internal composition of this group can be analyzed according to definitions introduced by the BADIL Resource Center for Palestinian Residency and Refugees’ Rights. BADIL distinguishes between two groups of IDPs: those who were displaced in 1948, and those who were displaced after 1948. The first group – the 1948 internally displaced Palestinians – who constitute the majority of displaced persons that remained inside Israel, consists of those Palestinians who were expelled from their homes during the 1948 Nakba under Israeli law; they are classified as “present absentees.”²

The members of post-1948 internally displaced Palestinians are fewer in number than those displaced before and during 1948 and were forcibly displaced during the years that followed Israel’s establishment through internal transfer operations or expulsion (and also beyond the borders of the State of Israel). A large portion of this group is Palestinian Bedouin³, some of whom live in what are today known as “unrecognized” villages.

According to these definitions, displacement did not take place only during the Nakba, but continued in the aftermath of the 1948 war and following the 1949 Armistice Agreements.⁴ In addition to internal displacement, Israel also expelled Palestinians from several towns and villages to outside its borders, as

in the case of the expulsion of the remaining residents of the town of al-Majdal-Asqalan (known today as Ashkelon), who numbered approximately 2,700 down from 10,000 pre-1948. In 1950, these residents received expulsion orders, according to which they were evacuated to the borders of the Gaza Strip over the course of a few weeks, because Israel's leaders needed al-Majdal and its land to settle Jewish immigrants.⁵

During the early years following the establishment of Israel, the Israeli authorities refrained from declaring their intention to prevent the return of the IDPs to their towns and villages,⁶ but used various means to bar their return. The most important of these means was the imposition of "military rule" over the Palestinians between 1948 and 1966. Military rule authorized Israel's military commanders to proclaim Arab areas as closed zones in accordance with Article 125 of the Emergency Regulations and it was necessary for Arab residents to acquire movement permits in order to enter and leave their zones.⁷ The Israeli authorities took other steps to preclude the return of the IDPs, such as demolishing houses in some towns and villages, expelling residents beyond the borders of what was declared to be the State of Israel, settling some Jewish immigrants in the homes of the refugees and establishing Jewish towns on the land of destroyed towns and villages.⁸

The Internally Displaced: Between Return and Settlement

Like other refugees, IDPs dealt with their new situation as if it was temporary and waited to return to their villages. Like the rest of the Palestinian refugees in the refugee camps, the IDPs also received assistance from the UN Relief and Works Agency for Palestinian Refugees (UNRWA). However, this assistance was discontinued in the early 1950s because the Israeli government regarded the issue of the IDPs an internal Israeli issue. The Israeli government allocated a budget to ensure that they gained employment in some of the Arab towns and villages that were still standing following the declaration of the establishment of the State of Israel.⁹

Al-Haj (1988) states that in the period following 1948, the lives of the IDPs can be characterized as falling into three phases. The first phase, which lasted from 1948 to 1951, was a period during which IDPs searched for a safe place of refuge. During this period families migrated from one village to another in search of a safe haven. Most of the IDPs settled in towns and villages located close to their villages of origin, and with which, in some cases, they had social and economic ties, and in other cases because they wanted to remain near their villages of origin to make it easier for them to return. The second phase, which lasted from 1952 to 1956, was a period of waiting and expectation. The IDPs viewed their situation as a temporary one and hoped to return to their villages once calm had been restored. Some of the IDPs, despite their success in rebuilding their lives in the towns and villages in which they had sought refuge, continued to view – and still view – their lives in these towns and villages as temporary (this sentiment is also shared by many second and third-generation IDPs who were born in the towns and villages where their families had taken refuge), and awaited their return to their villages of origin.¹⁰ It is therefore difficult to contend that the period of waiting and expectation has come to an end. However, in my opinion it is possible to argue that there are certain factors that led the IDPs to take practical steps to settle down – if only temporarily – in the villages in which they had taken refuge. Majid Al Haj (1988) attempts to explain some of these factors, and points to the 1956 war between Israel and Egypt and the defeat of the latter as one of the factors that ended the period of waiting among Palestinians in Israel (including the IDPs), during which Palestinians dealt with the establishment of the State of Israel as a temporary matter that would inevitably come to an end. In addition, during the 1950s the Israeli authorities put pressure on the IDPs to settle in the places where they had taken refuge and set up various committees to implement settlement plans, including the Refugee Housing Authority and the Population Transfer Committee, which offered to buy or exchange the property of the IDPs.¹¹ Al Haj (1988) further indicates that the absence of a

national organization dashed hopes of return among the internally displaced and led, among other things, to the end of the period of expectation. According to Al Haj, the third phase was a phase of resettlement that began in 1957. During this phase, some of the IDPs started to buy land and to build houses for their families in the towns and villages where they had taken refuge.

The Internally Displaced: Demographic Data and Places of Refuge

The number and demographic characteristics of the IDPs do not appear in the annual Statistical Abstract of Israel. In the first and second population censuses that were undertaken by the State of Israel in 1948 and 1961 respectively, the IDPs were not categorized as a group separate from the rest of the Palestinians who had remained in their homeland after the Nakba. According to Kamen, the fact that this categorization does not appear can be attributed to two possible causes: first, that the neglect of the issue of the IDPs was related to the general neglect of the Palestinians in Israel following the establishment of the State of Israel; and second, the fact that the authorities did not wish to draw attention to an issue of this kind by providing the means and mechanisms of categorizing them, since providing such information, according to Kamen, could act as a reminder that the problem of the refugees created by the Nakba was also present within Israel, albeit on a smaller scale and of a different nature.¹²

Wakim (2001) in referring to estimates of the IDP population numbers, states that in 1950 UNRWA estimated their numbers at 46,000 people,¹³ i.e. 30% of the Arab citizens who remained in Israel during that period (156,000 persons). This estimation refers only to those who were displaced in 1948 and not to the Palestinian citizens who were displaced after 1948, and who were not included in UNRWA's statistics. Some estimates put the number of persons who were displaced following the establishment of the State of Israel at approximately 75,000 Palestinians in Israel.¹⁴

The first population survey to include details of the number of IDPs in Israel was that carried out by The Galilee Society: The Arab National Society for Health Research and Services, Mada al-Carmel: Arab Center for Applied Social Research and Rikaz: The Databank for the Palestinian Minority in Israel at the end of 2004. The survey defined IDPs as "the Palestinians who were forced to leave their homes and relocate to other places of residence inside Israel as a result of any war and/or as a result of policies of the government of Israel or any other body. The definition of displacement applies to the internally displaced persons and their families, and is inherited by their male descendants; i.e. children follow their fathers in displacement, and the children of a displaced father are displaced persons. This definition does not include the Palestinians who were displaced from their villages and who later returned to them, despite the fact that the Present Absentee Law still applies to them today".¹⁵ In accordance with this definition, the 2004 survey found that 15.1% of the Palestinian population in Israel to be IDPs.

The relative distribution of IDPs according to region indicates that 12.8% of the northern Palestinian population is internally displaced, as is 20.5% of the population of the central area, and 22.7% of the population living in the southern area; i.e. the largest proportion of the IDP population is located in the southern area.

The relative distribution of internally displaced persons according to gender indicates that 15.2% of males are displaced, which is statistically equivalent to the proportion of females, at 15.1%. According to the definition that was adopted, the IDPs are the sons and daughters of displaced fathers, and not the sons and daughters of displaced mothers. This is a problematic definition because there is a group that is not included within the definition of an IDP (and which may view itself as being internally displaced), namely the sons and daughters of displaced women. From the data it may be inferred that if the definition included

the sons and daughters of displaced mothers, the number of IDPs within the Palestinian population would rise, and consequently the proportion of IDPs according to the various categorizations would increase.

The Legal Status of the IDPs and Their Property

The Israeli authorities prevented IDPs from returning to their homes and appropriated their land and



al-Bassa, 2012 (© RW/BADIL)

property¹⁶ under various laws, most importantly the Emergency Regulations (Absentees' Property) – 1948, and the Absentees' Property Law – 1950.¹⁷ The Palestinians internally displaced in Israel are considered to be “absentees” under Israeli law, despite the fact that they remained in their homeland, on the ground that they left their villages of origin, regardless of their reasons for doing so. Although they were granted Israeli citizenship under the Israeli Nationality Law – 1952, they were systematically blocked from returning to their homes and land and from recovering their property.¹⁸ In accordance with the Emergency Regulations (Absentees' Property) – 1948, everything owned by the IDPs was placed at the disposal of the Custodian of Absentees' Property. The definition of absentees in these regulations included Palestinian IDPs. The regulations granted the Custodian of Absentees' Property “only temporary authority over the absentees' property”.¹⁹ The executive authority therefore acted to seal the “legal aspect” of seizing their property, enacting the Absentees' Property Law in 1950. The law authorizes the Custodian of Absentees' Property to take care of and manage absentee property and to expel those residing on it. Thus, the Custodian of Absentees' Property is considered under this law to be the owner of these properties unless the “absentee” can prove that he or she was not absent or that he or she is not considered to be as an absentee in the eyes of the law. This is a near-impossible task, given the existing legal precedents in this regard.²⁰ Thus the law does not afford “absentees” – be they refugees or IDPs – the right to recover their property. The law was formulated specifically so as to include IDPs who are Israeli citizens, in order to prevent them from returning to their villages and their homes.

The Demand to Return and the Association for the Defense of the Rights of the Internally Displaced in Israel

The IDPs began to demand to return to their villages from the time of their displacement. Local committees for the IDPs of the various villages were formed to demand their return to their towns and villages (like the internally displaced committees of Iqrit, Kafr Bir'im, Ghabisiya and Saffuriyya, among others). The demand for return was not made on a countrywide level, but locally through the judicial channels (as was the case with the villages of Iqrit and Kafr Bir'im, as well as Ghabisiya), or via the attempts of some IDPs to correspond with various ministries to demand to return to their villages, including the IDPs of ed-Damun, al-Ruweis, Wa'arat al-Sarris, Tira (Tirat el-Carmel), Tiberias and Qisarya.²¹ The absence of national, collective organization and the fact that it only began to take shape in the early 1970s can be attributed to a set of factors, including: firstly, the military regime. "Military rule", which banned Palestinian movement from one village to another without a permit limited the possibility of political organization among Palestinians in Israel in general. In this case, it prevented the IDPs from organizing at a countrywide level. The second factor was the geographical placement of the populations of these villages. Most IDPs of a destroyed village took refuge in the same town, which encouraged them to frame their issue within local committees. The third reason for their organization at the local and not the national political level was the power of the local collective memory, which was reflected in their local political organization. For instance, the people who were displaced from Ma'lul were united by their memory of Ma'lul as the village in which they lived and their social and political experience, and were connected by relations of proximity

and kinship, and they came together and organized themselves to return to the village when that became possible. The collective memory of Palestine as a homeland was less articulated than the local memory of the village.

From the early 1990s, countrywide, popular, organized action aimed at securing the return of the IDPs to their villages and reconstructing the collective memory began to emerge. The majority of local IDP committees were subsumed within the framework of the Association for the Defense of the Rights of the Internally Displaced in Israel (ADRID) in 1995. It should be noted that the two committees of Iqrit and Kafr Bir'im did not affiliate themselves with ADRID because their members regard their cases as unique: the Supreme Court has delivered various decisions instructing their return,²² the first in 1951, and they are therefore demanding to return to their villages through the judicial process, a route which ADRID has not pursued. The idea to establish an association for the internally displaced was

Palestinian youth on 29 April 2009 demanding the right of return, al-Kafrayn © AHMAD GHARABLI/AFP



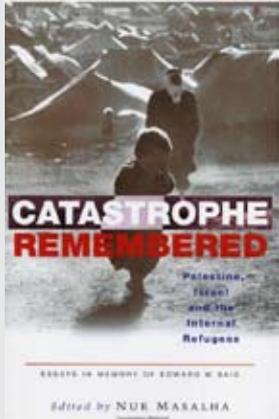
born following the Madrid Conference of 1992 and the Israeli-Palestinian talks, when the IDPs decided that their case did not fall within the context of the negotiations between the Israeli and Palestinian sides.

ADRID demands that the State of Israel abolish the laws that regard the IDPs as “absentees”, as well as return IDPs and refugees to their towns and villages in accordance with UN Resolution 194, which calls for the return of the refugees and their compensation. ADRID keeps the memory of the destroyed villages alive by organizing marches to these villages as part of the annual commemoration of the Nakba, and specifically on the day of the declaration of the establishment of the State of Israel, known as “Independence Day”, in order to highlight the Nakba of the Palestinian people.²³ It should be pointed out that the activities and political discourse of the IDPs has made a major contribution to the discussion of the Nakba and displacement among Palestinians in Israel, a subject that was not a part of the Palestinian political discourse in Israel for a long period of time.²⁴

ADRID arranges seminars for schools and various associations, maintains holy sites in destroyed villages and holds courses training guides in touring destroyed towns and villages in order to raise political awareness of the Nakba and the refugee issue. These programs address the historical, geographical and political dimensions of the issue of the destroyed villages, the refugees, and the IDPs in particular, and acquaint the younger generation (the third generation since the Nakba) with the issues of displacement, the refugees and the IDPs, particularly given the relentless efforts made by the Israeli establishment to erase them from the collective Palestinian memory.

The arrival of ADRID has helped to place the issue of the IDPs within the Palestinian context both inside and outside Israel. It has strengthened contacts between the Palestinians in Israel and Palestinians in exile by connecting their issue to that of the refugees, regardless of the fact that Israel deals with the refugees within its borders in isolation from the other issues, and views their issue as an internal Israeli affair.

 Further reading:



■ Masalha, Nur (ed), *Catastrophe Remembered: Palestine, Israel and the Internal Refugees* (London: Zed Books, 2005).

“The 1948 Palestine War is known to Israelis as ‘the War of Independence’. But for Palestinians, the war is forever the Nakba, the ‘catastrophe’. The war led to the creation of the State of Israel and the destruction of much of Palestinian society by the Zionist forces. For all Palestinians, the Nakba has become central to history, memory and identity. This book focuses on Palestinian internal refugees in Israel and internally displaced Palestinians across the Green Line. It uses oral history and interviews to examine Palestinian identity and memory, indigenous rights, international protection, the ‘right of return’, and a just solution in Palestine/Israel.

Contributors include several distinguished authors and scholars such as William Dalrymple, Prof. Naseer Aruri, Dr. Ilan Pappé, Prof Isma’il Abu Sa’ad and Dr Nur Masalha.”
-Zed Books

* Areej Sabbagh-Khoury is a Ph.D. candidate in the Department of Sociology and Anthropology at Tel- Aviv University. She is an associate at Mada al-Carmel, Arab Center for Applied Social Research.

** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

The Legal Framework of Second Class Citizenship

by Nadeem Shehadeh

Poverty in Jaffa, 2012 (© RW/BADIL)



Since its establishment in 1948, Israel has lacked a formal constitution. In 1951, the first Knesset decided that it would enact a series of “Basic Laws” that would eventually become the future Israeli constitution.¹ This distinction placed the Basic Laws as the highest norm in the Israeli legal hierarchy. Nothing in the Basic Laws resembled a bill of rights until 1992 and 1994 when the Knesset enacted two very important laws: The first, *Basic Law - Human Dignity and Liberty*², and the second *Basic Law - Freedom of Occupation*.³ These two laws were the basis of the so-called ‘constitutional revolution’ and were considered to be Israel’s mini bill of rights, since they gave constitutional protection to some human and civil rights and also gave the Israeli High Court the power to review ordinary laws enacted by the Knesset.⁴

The two Basic Laws emphasize the superiority of the Jewish majority over the Palestinian minority. It is worth noting that the Knesset was very progressive in enacting regular statutes that protect the right to equality of other groups like women and people with disabilities, but never mentioning the right to equality of the Palestinian minority.⁵ This article will focus on one, important and troubling aspect of the systematic discrimination against the Palestinian citizens of Israel - the issue of citizenship. I will start by listing and analyzing some of the discriminatory laws concerning citizenship, then I will move to discuss the issue of family unification for Palestinians in Israel and I will conclude with a discussion about the latest High Court judgment concerning the Citizenship Law case, *MK Zahava Gal-On (Meretz-Yahad) v. Attorney General*, which was delivered on 11 January 2012.⁶

Discriminatory Laws Concerning Citizenship in Israel

The Law of Return (1950)⁷

The Law of Return allows any Jewish person immigration and automatic citizenship to the State of Israel. The law also applies to the children and grandchildren of Jews, as well as their spouses and the spouses of their children and grandchildren. No comparable law exists to guarantee the rights of Palestinians to immigrate or receive citizenship, even if they were born in the area that is now the State of Israel.

The Citizenship Law (1952)⁸

1. Article 2(a) of the Citizenship Law stipulates that, “Every emigrant under the Law of Return will become a citizen of Israel as a direct result of the return.” Article 3 of the law deprives Palestinians who were residents of Palestine prior to 1948 of the right to acquire citizenship or residency status in Israel based on conditions that have been specifically designed to deprive the Palestinian refugees of the Right of Return.
2. Amendment No. 9 (Authority for Revoking Citizenship) (2008) to article 11 of the Citizenship Law revokes citizenship due to a “breach of trust or disloyalty to the state”. ‘Breach of trust’ is broadly defined and even includes the act of naturalization or obtaining permanent residency status in one of nine Arab and Muslim states (and the Gaza Strip) that are listed by the law. The amendment allows for the revocation of citizenship without requiring a criminal conviction.
3. Amendment No. 10 enacted on 28 March 2011 allows courts to revoke the citizenship of persons convicted of treason, espionage, assisting the enemy in time of war, and acts of terrorism as defined under the Prohibition on Terrorist Financing Law (2005), if asked to do so by the Ministry of the Interior as part of a criminal sentence. Citizenship can only be revoked if the defendant has dual citizenship or resides outside of Israel, in which case the law creates an assumption that such a person holds dual citizenship. If a person does not hold dual citizenship or reside abroad, then he or she will be granted residency status in Israel instead of citizenship, a downgrading that severely restricts the right to political participation. The revocation of citizenship is one of the most extreme punitive measures at the disposal of states, and may result in cruel and disproportionate punishment, particularly when pursued against a particular group of citizens, in this case Palestinian citizens of Israel. The law was proposed following the arrest and indictment of Arab civil society leader Ameer Makhoul on charges of espionage.

The Entry into Israel Law (1952)⁹

The Entry into Israel Law governs the entry into Israel of non-citizens of the state. It grants preferential treatment to Oleh (a Jewish person who immigrates to Israel under the Law of Return) and affords them status to enter as though they were citizens of the state. An Oleh visa affords foreigner Jews a status with many of the rights of a citizen. An Oleh cannot vote, cannot be elected for the Knesset and cannot receive an Israeli passport, but can automatically become a citizen according to the Citizenship Law.¹⁰

The Citizenship and Entry into Israel Law (Temporary Order) (2003)¹¹

The Citizenship and Entry into Israel Law bans family unification where one spouse is an Israeli citizen (in practice almost all of whom are Palestinian) and the other a resident of the occupied Palestinian territories (excluding Jewish settlers living in the oPt). Minor exceptions to the ban were introduced in 2005, which did not diminish the discriminatory nature of the law. An additional amendment in 2007 expanded the ban to include citizens and residents of Iran, Lebanon, Syria and Iraq. A cabinet decision

added further restrictions affecting residents of the Gaza Strip in 2008. Although the law was originally enacted as a temporary order, its validity has been repeatedly extended by the Knesset effectively making it a permanent law. Thousands of Palestinian families have been affected by the law, forced to separate, move abroad or live in Israel while fearing constant deportation.

Family Unification for Palestinians in Israel

In 2006, eleven Justices of the Israeli High Court of Justice delivered the decision of *Adalah v. Minister of Interior*¹² in which Adalah's petition challenged the constitutionality of the Citizenship and Entry into Israel Law. The High Court Judgment rejected the petition in a split six-five decision. Most of the Justices concurred that the law violates the right to family life and the right to equality of Arab citizens, but ruled that the petition should be rejected for the time being in order to give the state a period of nine months to present a better solution. As stated above, an additional amendment in 2007 expanded the family unification ban to also include citizens and residents of Iran, Lebanon, Syria and Iraq.

This law creates three different tracks to receive citizenship in Israel.¹³ The first track is for Jews and is derived from the Law of Return (1950). The second is intended for foreigners, neither Jews nor Palestinians. Different governmental decisions and the gradual procedure apply for this group. According to the gradual procedure, after an interim period, begins a process which starts with temporary residency and ends with permanent residency. The third and last track, is for the Palestinian citizens, who are banned from living their family life with their spouses from the oPt and from the additional states mentioned above. This classification strengthens the policy of ethnic profiling against all of the Palestinian citizens of Israel.

The Citizenship and Entry into Israel Law ignores the right of Palestinian citizens of the state to fulfill family life with their own Palestinian people or with people that belong to the Arab nation. The restriction is invalid according to international law. This can be seen in the UN Declaration on the Rights of People belonging to National or Ethnic, Religious and Linguistic Minorities¹⁴ states, in Article 2(5):

“Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other states to whom they are related by national or ethnic, religious or linguistic ties.”

The main purpose of the Citizenship and Entry into Israel Law is a demographic one as the trend of public discourse in Israel over the last decade has shown. This is clearly demonstrated by Ruth Gavison, a human rights professor at the Hebrew University of Jerusalem and a strong supporter of the law, who said: “[The Citizenship and Entry into Israel Law’s] justification is grounded in the fact that it is a part of the effort to continue the preservation of Israel as the state where the Jewish people exercises its right to self-determination.”¹⁵ Today, the very existence of a large Palestinian minority is considered to be a threat to the state.

Decisions by the High Court and some of the actions taken by the Knesset are clear proof of the trend. I have already mentioned the important High Court Judgment of 2006 concerning the Citizenship and Entry into Israel Law. Another example is the idea to redraw the green line in such a way that the whole area of Um-Elfahem, and the Galilee triangle, are deleted from Israel (resulting in all of its Palestinian residents losing Israeli citizenship) in exchange for areas with large amounts of Jewish settlements in East Jerusalem and the West Bank. This plan, although classified as a “land exchange” plan, clearly aims to preserve the Jewish nature of the state.¹⁶ The reason for picking this area was its proximity to the green line and predominantly Palestinian residents.

The High Court Judgment in the Case of MK Zahava Gal-On (Meretz-Yahad) v. Attorney General, 11 January 2012

After the first round in court, which ended with the famous split six-five decision in favor of the Citizenship and Entry into Israel Law, four new petitions were brought before the High Court against the law after the latest amendment (as described above the court gave the state nine months to present a better solution, which it did not). The High Court of Justice, in a majority ruling of six justices against five, rejected the petitions once more.

The majority Justices recognized that the right to family life is a constitutional right. According to the Justices, this right is derived from the right to human dignity. The Justices ruled that this right does not necessarily extend to being exercised within the state of Israel. The majority Justices also ruled that even if there is a violation of any of the constitutional rights, the right of equality being one of them, the violation in this case fulfilled the requirements of the limitation clause in the *Basic Law - Human Dignity and Liberty*.

On the other hand, the minority Justices believed that the right to family life also extends to exercising the right in Israel. They also concluded that the violation of constitutional rights, such as the right to family life and the right to equality of the Palestinian citizens, do not fulfill the requirements of the limitation clause.



Photo story by Mohammed Badarneh Haifa,
BADIL's al-Awda Award 2012 (BADIL)

Once again, the High Court of Justice failed to protect basic constitutional rights like the right to family life and, more importantly, the right to equality of the Palestinian citizens of Israel. The recent High Court decision proves that when it comes to essential issues like citizenship, the Jewish component of the definition of the state of Israel becomes the dominant component.

Ahmed Tibi, a Palestinian Israeli Member of Knesset, once said that “Israel is a democratic state for the Jews, but is a Jewish state for the Arabs.”¹⁷ Tibi was not far from what the reality in Israel looks like today. Consecutive Israeli governments have discriminated against its Palestinian minority since the establishment of the State of Israel until this very day. Palestinians in Israel are collectively treated as second class citizens. This is clearly seen in the issue of citizenship. In this article I have shown that since its establishment, Israel enacted laws and repeatedly amended these laws with the backing of the government and even the High Court with one goal: to Judaize the state. This goal has severely affected the basic rights of Palestinian citizens, their right to family life, right to family unification, and above all, their right to equality.

* Nadeem Shehadeh (LLM) is an attorney with the Civil and Political Rights Unit at Adalah - The Legal Center for Arab Minority Rights in Israel.

** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

The Historical Context of the Israeli Land and Planning Law Regime

by Gerry Liston

Introduction



Kufr Birim, 2012 (© RW/BADIL)

The origins of the modern Israeli land and planning law regimes can be traced back to 1901, the year in which the Jewish National Fund (JNF) was established. The JNF, which, as will be seen, still plays a dominant role in the Israeli land law regime, was originally founded for the purpose of acquiring land in Palestine. According to the memorandum of association of the English company into which the Fund was first incorporated, its object is to acquire land in Palestine “for the purpose of settling Jews on such lands.” The same memorandum of association also prohibits the JNF from selling any land it acquired. JNF land could be leased but only “to any Jews upon any term.”¹

Leading figures in the early years of the Zionist movement had high ambitions for the JNF. Indeed a resolution was passed at the Seventh Zionist Congress rejecting “unplanned, unsystematic and philanthropic small-scale colonization” of Palestine.² Notwithstanding such ambitions, the JNF, in its early years, was not successful in its mission to ‘redeem’ the land of Palestine. By May 1948 the JNF owned only 3.56% of the land of historic Palestine.³

The Confiscation of Palestinian Land in Israel

It was war which set in motion a more extensive process of land acquisition in what is today the state of Israel. The violence of 1948 caused the displacement of between 750,000 and 900,000 Palestinians.⁴ Up to 531 Arab localities were destroyed or depopulated in and around 1948, leaving vacant 20,350 km² of land.⁵

The newly established state of Israel made extensive use of emergency legislation in dealing with this land. For example, 'Absentee Property Regulations' were enacted to give control over 'absentee' property to a 'Custodian of Absentee Property.' The Custodian was entitled to seize such property and the burden lay on the landowner to prove that he or she was not an absentee. The term 'absentee' was defined very broadly. Not only did it include those Palestinians who had not fully fled the state of Israel, it also applied to both Jews and Arabs alike. However, an ostensibly race-neutral provision of the regulations exempted "absentees who left their home because of fear of Israel's enemies or military operations, or were... capable of managing their property efficiently without aiding Israel's enemies" – thereby effectively applying the law solely to Palestinians.⁶

The role of the Custodian was put on a more solid footing by the Absentee Property Law enacted in 1950. This law allowed the Custodian to transfer absentee land to a body, established in the same year, called the Development Authority. The Development Authority was in turn entitled to transfer this land to the JNF. Such a transfer in fact took place, involving nearly 2.4 million dunams (2,400 km²) of absentee land and more than trebling the JNF's holdings as of 1941.⁷

It was not only 'absentee' land which was targeted during and in the aftermath of 1948, however. Many Palestinian Arabs who did not flee their homes were also forced from their land. For example, the Defense (Emergency) Regulations, 1945 (which were inherited from the British Mandate), were used to declare 'closed areas' in areas populated by Arabs, effectively denying them access to their land. In fact some land was confiscated without any legal basis at all. The Land Acquisition (Validation of Acts and Compensation) Law, 1953 was enacted to guarantee the 'legality' of the confiscation of land (both absentee and non-absentee) during and after 1948. It did so by retroactively legalizing the seizure of land on the basis of 'security' and 'development.' In the words of the then Finance Minister, its purpose was to "instill legality in some acts undertaken during and following the war."⁸

So successful was this takeover of land that by 1951, the Israeli government held 92% of the land within its borders (a figure including JNF land).⁹ This did not mean an end to efforts to acquire further land however. As Sabri Jiryis notes, the Israeli authorities merely turned to "searching for new categories of land to redeem."¹⁰ This they achieved through a process of 'settling title' i.e. a process of determining the rightful owner of land in the eyes of the law.

Areas with dense Arab populations such as the Galilee were targeted in this regard. Indeed, the head of the committee responsible for the settlement of title operations in the Galilee, Yosef Weitz, openly remarked that the goal of the operation was "the Judaization of the Galilee."¹¹ Israeli legal geographer Sandy Kedar has found, in this context, that the Israeli courts "applied the law in ways that restricted the scope of legal recognition of 'borderline' land possessed by Arabs."¹² So, for example, by the end of the 1960s, of the 8,000 disputed claims in the Galilee which were decided by the courts, 85% were decided in favor of the state.¹³ The wider settlement of title operation resulted in the transformation of tens of thousands of dunams from private or communal Palestinian property into property of the Israeli state.¹⁴

The Development of the Modern Israeli Land Law Regime

Two important measures were adopted in the early 1960s to ensure that Israeli state land would in practice become the preserve of Israel's Jewish population. Firstly, the Basic Law: Israel Lands was enacted in 1960. It defined land owned by the Development Authority, the State of Israel and the JNF as "Israel Lands" and provided that such land could not be sold. Minister Zerah Wahrhaftig explained the purpose of the law: "We want to make it clear that the land of Israel belongs to the people resident in Zion, because the people of Israel live throughout the world. On the other hand, every law that is passed is for the benefit of all the residents of the state, and all the residents of the state include also people who do not belong to the people of Israel, the worldwide people of Israel." When asked why this was not stated explicitly in the law, Wahrhaftig responded, "we cannot express this." He further explained, "there is [in the law] a very significant legal innovation: we are giving legal garb to the Memorandum of Association of the JNF."¹⁵

Secondly, a covenant was agreed between the Israeli government and the JNF providing that the latter would be given nearly 50% representation on the Israel Lands Council (ILC). The ILC was established by the Israel Lands Administration Law, 1960, and given broad powers to make policies in relation to "Israel Lands." That law also established the Israel Lands Administration (ILA) to implement these policies. According to a report of the Israeli state comptroller, participation of government representatives at ILC board meetings has been minimal compared to that of the JNF representatives.¹⁶ Hardly surprising, therefore, is the ILA's discrimination against the Palestinian population in Israel.

Discrimination Against Palestinians in Land and Planning Policy

That such discrimination has taken place is starkly illustrated by the figures relating to the leasing of agricultural land, or 85% of Israel Lands.¹⁷ For instance, the ILA's Report for the Year 2000 indicates that of the 2.8 million dunams leased under long leases, none were leased to Palestinian citizens.¹⁸ The clear preference of the ILA is to lease land to Jewish collectives (such as kibbutzes and moshavs). According to Hussein and McKay, "some 90 per cent of all agricultural Israel Lands are leased to [such] Jewish collectives."¹⁹ In this regard, Palestinians in Israel face a significant obstacle. Under the *Candidates for Agricultural Settlement Law* of 1953, certain bodies may be recognised as bodies engaged in the establishment of agricultural collectives. No Palestinian organizations are, however, so recognised under this law.²⁰ In this context, Israel admitted in 2001 before the Committee on Economic, Social and Cultural rights that "new Arab settlements are not planned," stating that this was "because of a policy of developing current settlements."²¹

This is consistent with the wider Israeli approach to the establishment of new Arab communities. Since its foundation, no new Palestinian communities have been established in Israel other than a number of 'townships' established for the Bedouin community in the south.²² This is in stark contrast to the situation for the Jewish population, for which 700 new communities have been established.²³ It also runs counter to the six-fold increase in the number of Palestinian citizens of Israel since 1948.²⁴

Moreover, rather than representing an exception to Israel's policies towards its Arab population, the development of the Bedouin townships amounts to an extremely harsh manifestation of that policy. Since the enactment of the *Planning and Building Law* of 1965, the master plans drawn up under that law have not recognised the existence of a number of Palestinian localities, the majority of which are Bedouin communities in the southern Naqab desert.²⁵ The 'solution' has been to build these townships in an area of the desert called the Siyag, where many Bedouin were forced to relocate after 1948.²⁶ According to

Human Rights Watch, these townships are part of a plan to “consolidate[e] state control over as much Bedouin land as possible while confining the Bedouin in the smallest areas possible and breaking up the contiguity of the Bedouin areas.”²⁷

“Admissions committees” provide a further obstacle to the inhabitation of agricultural land by Palestinians. These committees operate in 695 agricultural and community towns, which together account for 68.5% of all towns in Israel and around 85% of all villages.²⁸ While originally introduced by the ILA, the institution has recently been enshrined in Israeli law with the passage by the Knesset in March 2011 of the *Admissions Committee Law*. This law requires anyone seeking to move to any community with fewer than 400 families in the Naqab (Negev) and Galilee regions (both of which are home to relatively high proportions of Palestinians) to obtain approval from such a committee.²⁹ Under the law, these committees can reject candidates who, among other things, “are ill-suited to the community’s way of life” or “might harm the community’s fabric.”³⁰

Palestinians also face heavy discrimination under the Israeli land and planning regime with regard to their *existing* use of (predominantly urban) land. Only 2.5% of land in Israel is under the control of a Palestinian controlled planning authority.³¹ Moreover, in spite of a sixteen-fold increase in the built-up areas of Palestinian communities since the British Mandate, the average area of jurisdiction of Palestinian cities and local councils has, in that time, decreased by 45%.³² *Therefore, as Bimkom has stated, most Arab localities are dependent on decisions made by planning commissions which are, for the most part, devoid of Palestinian representation.*³³



Up to 70,000 Palestinian Bedouin will be displaced from the Naqab region to be relocated within urban townships, 2011 (© RW/BADIL)

Plans drawn up for Palestinian localities by Jewish dominated planning bodies “often do little more than define existing areas of development.” By contrast, even “the smallest Jewish localities...have detailed building plans and regulations regarding land use.”³⁴ As three leading experts on Israeli planning policy have summarised the situation: “Israeli space has been highly dynamic, but the changes have been mainly in one direction: Jews expand their territorial control by a variety of means including on-going settlement, while Arabs have been contained within an unchanged geography.”³⁵ Hardly surprising, therefore, is the fact that while today the Palestinian population makes up 18% of the total Israeli population, it occupies only 3.5% of the land.³⁶

An obvious consequence of such containment has been the increase in the population density of Palestinian localities. Population density levels in Arab villages are nearly four times higher than those in Jewish villages.³⁷ As a result, Palestinians in Israel have, out of necessity, been forced to build without the required planning permission.³⁸ This phenomenon is, according to *Bimkom*, fought by the Israeli planning authorities “with the full force of their legal power,” while similar practices among the Jewish community are treated “very tolerantly.”³⁹

Recent Developments

In August 2009, the Knesset passed the Israel Land Administration Law which introduces a number of reforms to the Israeli land law regime. One significant aspect of the law is its effectuation of an agreement between the Israeli state and the JNF providing for a land swap between both institutions. The majority of the lands transferred to the JNF lie in the Galilee and Naqab regions with high Arab populations.⁴⁰ The agreement provides that these lands will be administered “in a manner that will preserve the principles of the JNF relating to its lands.”⁴¹ The land swap is also central to another key element of the 2009 reforms, namely the privatisation of 800,000 dunams of state lands, including JNF lands. Among these lands are lands which were confiscated from Palestinian refugees. As the civil rights group Adalah has stated, this privatisation “will frustrate any future possibility of returning [these] lands to their original owners.”⁴² The 2009 law also guarantees the JNF nearly 50% representation on a reorganised Israel Lands Council.⁴³

Recent developments in the Israeli land law regime therefore amount to a continuation of the confiscation of Palestinian land, the ‘Judaization’ of that land, and the resulting containment and concentration of the Palestinian population in Israel as described above. These policies are in clear violation of Israel’s obligations under International Human Rights Law. They are also contrary to the Apartheid Convention which prohibits measures “designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups” as well as “the expropriation of landed property belonging to a racial group or groups.”

* Gerry Liston is a former BADIL intern, trainee solicitor and member of Ceartas - Irish Lawyers for Human Rights, an organisation recently set up to promote the enforcement of international law, and in particular international human rights law, through the innovative use of law.

** Endnotes: See online version at: <http://www.BADIL.org/al-majdal>

HRC's Failure to Respond to Israel's Withdrawal Encourages Future Rights Abuses

Oral statement submitted by BADIL to Human Rights Council
Twenty-first Session,
10 to 28 September 2012

BADIL Resource Center for Palestinian Residency and Refugee Rights, a non-governmental organization with special consultative status.

BADIL would like to thank the Council for the opportunity to draw attention to an issue of great concern, and one which brings into question the very purpose of the Council itself.

In March 2012, the State of Israel withdrew its participation from the Human Rights Council and subsequently prevented a UN investigatory team – tasked with assessing the impact of unlawful settlements upon Palestinian rights - from accessing Israel and the OPT, labeling the mission 'surrealistic' and 'superfluous'.

The response from the Council has been to criticize these actions. Nonetheless, it is the opinion of BADIL that this response falls far short of what is required given the magnitude of Israel's actions, and provides little incentive for those UN member states accused of rights abuses to constructively address such accusations. This has significant repercussions for vulnerable populations, as members will note that should they face accusations of rights abuses, they can simply disengage from the Council and avoid further censure, despite a clear disregard for international law.

Without stringent enforcement, the UN charter becomes meaningless, and the precedent set by the Council's response to Israel's actions fundamentally undermines the level of rights protection afforded to vulnerable individuals. The Council has, in theory, the potential to vastly improve the global human rights landscape, but in practice, its failure to apply meaningful sanctions calls into question its utility as a force for genuine change.

Accordingly, and in light of Article 103 and Article 4 of the UN Charter, BADIL calls upon the Council to administer suitable, proportionate sanctions against the State of Israel so as to demonstrate that failing to adhere to the UN charter brings with it meaningful punishment. Failure to do so will effectively render the Council redundant and serve only to encourage future rights abuses both within the OPT, and further afield.

Seam Zones

Written statement submitted by Badil to Human Rights Council
Twenty-first Session, Item no. 7, 10 - 28 September 2012

Written statement submitted by Badil Resource Center for Palestinian Residency and Refugee Rights, a non-governmental organization with special consultative status.

Seam Zones

Seam zones are sections of Palestinian land within the occupied Palestinian territory (oPt), which fall between the illegal Israeli Annexation Wall and the 1949 Armistice Line (The Green Line) and are therefore severed from the OPT. These swaths of land have been designated by Israel as closed military areas. Access to these isolated areas is controlled by an Israeli-controlled permit system thereby severely restricting Palestinian access to their lands. Statistics suggest that approximately 50,000 Palestinians live in 57 communities within these so-called seam zones.¹ These people are defined internationally as Internally Stuck Persons.²

Those who live within seam zones must apply to the Israeli Civil Administration for a 'permanent resident ID' in order to remain on their own land. Their movement is tightly controlled through the use of checkpoints and a permit regime, which in turn intrudes upon all aspects of their day-to-day activities and greatly compromises the quality of life.³ Currently there exist 101 different types of permits 'governing' Palestinian movement, whether within the West Bank, between the West Bank and Israel, West Bank and other parts of the oPt, or beyond internationally recognized borders.⁴

These restrictions serve to cripple local Palestinian economies, generating growing levels of poverty, which is further compounded by the inadequate or non-existent health, education and sanitation amenities. This is particularly true within seam zones. As such, life for many seam zone residents has become unbearable and many of them have been forced to relocate east of the Annexation Wall. All of these factors combine to directly contravene the most basic human rights of Palestinian seam zone residents.

Access

To obtain an access permit, Palestinians are required to meet at least one of the Israeli civil administration's qualifying criteria. As such permits are, in theory, to be granted to:

- a. Those able to prove ownership of a residential property within the zone.
- b. Those who live within the West Bank but own agricultural land within the zone, or have a 'linkage' to the land.
- c. Those who have businesses located within the zone.

Palestinians who fail to meet the above are not legally entitled to access seam zone land for any reason. Eligible applicants must wait for weeks for their permit applications to be processed. Even in the event of an individual meeting one or more of the above criteria, there is no guarantee of success.⁵ Applications are commonly rejected on the grounds of 'security' or insufficient proof of 'connection to the land', with no further information or clarification.

Farming

Those who own agricultural land within the seam zones but reside within other parts of the West Bank are, in theory, permitted access to their land for the purposes of tending to crops and harvesting. However, this is subject to a number of limitations. For example, the Israeli Civil Administration will often limit the frequency of access to the land based on significant moments within a crop's lifecycle, such as harvest. The UN Office for the Coordination of Humanitarian Affairs in the oPt, reported that approximately 42% of applications submitted for permits to access seam zone areas during the 2011 olive harvest season, were rejected for 'security reasons' or lacking the proof of 'connection to the land'.⁶ In response, many farmers have subsequently turned from the farming of fruit and vegetables to the growing of olives, which although less profitable, requires less maintenance of the crop throughout the year.

In addition, farmers are required to enter seam zones on foot and are rarely permitted to bring with them farm machinery or additional laborers. Again, this seriously impacts a farmer's ability to adequately tend to the land, and will have a great influence on the crops that are sown, and therefore the profitability of the venture. This, along with the difficulty of bringing external laborers to the land has a detrimental effect on employment throughout the area. According to the Internal Displacement and Monitoring Centre, between 2007 and 2012, the number of permits issued has decreased by 87%.⁷

Furthermore, the majority, i.e. Palestinians who own only small pieces of land and as such are considered de facto farmers, typically are not even registered as such (they have no official records to prove their career) and are unable to provide authorities with the requisite supporting documents. It is therefore impossible for these individuals to "justify" or legalize their request for external workers. As a result, these smaller farmers find themselves unable to derive full benefit from their land. A report published by Human Rights Watch in April 2012 shed further light on the difficulties associated with proving any form of entitlement to the land, observing that "... applications were rejected on the basis that Palestinian applicants could not, as required, meet a burdensome test of proving a "connection to the land" rather than for specific security concerns"⁸.

The reduction in the number of permits granted to farmers allowing them access to work their lands, coupled with the limited nature of such permits in terms of the frequency and duration of permitted access, has resulted in a significant reduction in crop production, as well as forcing farmers to focus their efforts on crops which require less maintenance but produce a lower financial yield. "Access to agricultural land through the Barrier is channeled through 80 gates. The majority of these gates only open during the six weeks olive harvest season and usually only for a limited period during the day".⁹ These restrictions, together with the tightly-controlled movement of goods/machinery and labour in and out of the seam zones, therefore pose a direct threat to farmers' livelihoods.

Concluding Remarks

Social Life: Family members are separated from one another and residents of seam zones are isolated from the surrounding communities.

Rigid Restriction of Movement: The tight control of Palestinian movement in and out of seam zones serves to control all aspects of life for those affected, to the extent that entry is often only allowed on foot, with farmers prohibited from bringing with them the tools they require to tend the land.

Land Confiscation: The majority of seam zone land has been confiscated by the Israeli occupation administration on the grounds of 'security' or for military purposes. Other legal rationales used to affect this land acquisition include a lack of evidence regarding the ownership of the land, or application of the 1950 Absentee Property Law whereby Palestinians prevented from accessing their land are deemed to have forfeited their rights to it. In addition to this express confiscation, Israel's conduct in preventing Palestinians from accessing their land also amounts to de facto land annexation. This form of confiscation requires no military order, but is instead affected by virtue of the permit regime.

Displacement: Highly restricted access to land, a deeply compromised social life and a crippled local economy are just some of the factors which contribute to unbearable conditions for Palestinians within seam zones. These factors are artificially created and maintained by the Israeli authorities with a view to forcing Palestinians from the land and effecting further land acquisition. Therefore the hardships experienced by those residing within, or with direct ties to, seam zones are a tool utilized by the Israeli authorities to generate forced transfer of Palestinians out of these areas and into other parts of the West Bank, thereby enabling easy acquisition of this 'relinquished land'. Again, such actions are in direct contravention of international law.

The Palestinian Human Rights Organizations' Council Urges the Human Rights Council to:

- Condemn Israel's practises and policies concerning seam zones, in particular Israel's continues construction of the illegal Annexation Wall, discriminatory permit regime and the policy of confiscation and/or the de facto annexation of Palestinian land;
- Declare Israel's acquisition of Palestinian land under whatever alleged reason or purpose in Seam Zones as illegal and that the international community to ensure that no form of recognition or assistance be given by Third States to the illegal situation created by such illegal acquisition of land;
- Investigate Israel's policy of forced population transfer of the Palestinian people by direct and indirect means and practices, which possibly amounts to international crimes (Art. 49 (1), Art. 147 of GCIV, Art. 85 of its additional protocol and Art. 7 of the Rome Statute).

BDS Campaign update

(September – December 2012)

Christians-and-Jews-for-DIVESTMENT



The Palestinian Boycotts Divestment and Sanctions Committee was formed in 2007 and grew out of the need to shape, maintain and steer the BDS campaign, which in turn was developed in response to Israel’s complete failure to comply with the 2004 ruling of the International Court of Justice calling for the demolition of the Annexation Wall and its related regime. BADIL has been fully committed to the BDS campaign from its very inception and will continue to strive for a durable solution to the Palestine/Israel situation. Such a solution must be the result of a rights-based approach, and until this is achieved, the BDS campaign must continue.

Norway Decides that funding for Organizations supporting illegal Israeli settlements no longer Tax deductible.

September 21 – In response to pressure and advocacy work on the part of Norwegian People’s Aid (NPA) and the Norwegian Union of Municipal and General Employees (NUMGE), the Norwegian Ministry of Finance deemed the Norwegian organization “Karmel-instituttet” excluded from a list of organisations that the Norwegian public could receive tax deductions for providing gifts to. This decision was due to the fact that Karmel-instituttet provided financial support to Israeli settlements in the occupied Palestinian territory, which the Norwegian Ministry of Finance declared were “in contravention of international law.”

US Quakers Divest from Veolia and Hewlett Packard

September 24 - Friends Fiduciary Corporation, the investment firm serving over 300 Quaker institutions in the United States, has dropped its holdings in Hewlett Packard and Veolia Environment, multinational corporations that support Israel's Occupation of the Palestinian territory. According to the Director of Friends Fiduciary, the decision to remove Hewlett Packard from their investments was due to the company's provision of information technology consulting services to the Israeli Navy. The decision to remove Veolia Environment was linked to their provision of segregated water services to Israeli settlers in the Palestinian territory and their running of a large landfill in the occupied Jordan River valley.

First Spanish State Conference on Boycott, Divestment and Sanctions Against the State of Israel

October 19-21 – The First Spanish State BDS Conference was held in Barcelona between the 19th – 21st October hosting more than 500 activists and 50 organizations from Spain's civil society.

UN Special Rapporteur calls for the boycott of businesses that profit from Israeli Settlements

October 25 – Richard Falk, the United Nations Special Rapporteur on the situation of human rights in the occupied Palestinian territories, has called on the UN General Assembly and civil society to take action against Israeli and International businesses that are profiting from Israeli settlements. Among those business highlighted were: Caterpillar Incorporated (USA); Veolia Environment (France); G4S (United Kingdom); The Dexia Group (Belgium); Ahava (Israel); the Volvo Group (Sweden); the Riwal Holding Group (the Netherlands); Elbit Systems (Israel); Hewlett Packard (USA); Mehadrin (Israel); Motorola (USA); AssaAbloy (Sweden); and Cemex (Mexico).

New report highlights growing consensus for ban on settlement goods

October 30 – 22 European NGOs, alongside Richard Falk, the UN special rapporteur for human rights in the occupied Palestinian territories, released reports on financial links with illegal Israeli settlements. The Report is entitled "Trading Away Peace" and acknowledges that while an EU-wide ban on settlement trade may not be realistic, there is potential for individual states, such as Norway, South Africa or Ireland – whose foreign minister has declared himself supportive of an EU-wide ban on settlement trade – to implement such a boycott.

In "an historic move," UC Irvine students vote to divest from Israel

November 14 – In a unanimous decision, the University of California – Irvine Association of Students voted to divest from companies that profit from Israel's occupation. The University's campaign group, Irvine Divest, called the vote "an historic move that could initiate a domino effect across America's campuses."

Nobel peace laureates call for Israel military boycott

November 28 – 52 signatories including Nobel peace prize winners, activists and artists have issued a letter calling for the military boycott of Israel following the recent attack on Gaza and condemns what it sees as the "complicity" of Western powers and countries such as the US and the EU. Prominent

signatories include Nobel peace laureates Mairead Maguire and Adolfo Pérez Esquivel; the film directors Mike Leigh and Ken Loach; the author Alice Walker; the US academic Noam Chomsky; Roger Waters of Pink Floyd; and Stéphane Hessel, a former French diplomat and Holocaust survivor who was co-author of the universal declaration of human rights.

Major International Trade Union votes to fully support BDS

November 27-30 - Public Services International, one of the world's largest international trade unions, has voted to fully support the BDS campaign. The decision was made at the PSI World Congress in Durban alongside the resolution made to partake in the annual awareness-raising initiative: the Israel Apartheid Week. PSI represents 20 million workers and 150 countries globally.

European footballers declare support for Palestine

November 29 – On the day of International Solidarity with the Palestinian People a statement was signed by 51 international football players who expressed solidarity with “the people of Gaza who are under siege and denied basic human dignity and freedom.” Attacks and arrests of young Gazan footballers were also condemned in the statement, as was the upcoming UEFA Under-21 European Championship to be held in Israel. The Israeli assault on Gaza was described as “*yet another stain on the world's conscience.*”

Stevie Wonder cancels benefit show for Friends of the IDF

November 30 – UN “Messenger of Peace” and renowned musician, Stevie Wonder, was scheduled to headline a benefit show that raises millions annually for the FIDF in Los Angeles, California on December 6th. The musician cancelled his performance following intense social media pressure and two petitions one of which cited his anti-Apartheid activism in South Africa. The Peace-Builders' African Heritage Delegations to Palestine/Israel and other groups thanked Wonder with a letter and invited him to join the BDS movement.

University of Toronto student union votes to support BDS

December 10 - The University of Toronto Graduate Student's Union recently voted in favor of endorsing the global campaign for BDS with a 97% majority out of 150 graduate students who voted.

New Zealand cuts funds for settlement-builder companies

December 12 - The New Zealand Superannuation Fund, which invests funds on behalf of New Zealand's government, has excluded three companies from its \$20 billions investment portfolio. The companies are: Africa Israel Investments, a company owned by Israeli billionaire Lev Leviev and its construction subsidiary Danya Cebus due to their link with the construction of Israeli settlements, alongside Elbit Systems Ltd, and Shikun Binui, which are involved in the construction of the Annexation Wall.

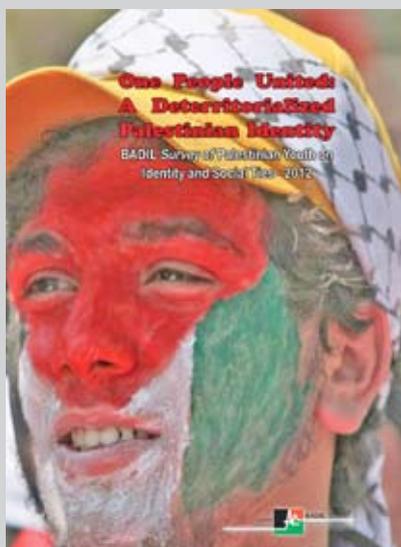
South Africa's ANC reaffirms boycott of Israel

December 21 - South Africa's ruling party reaffirmed a previous resolution, adopted by the ANC's International Solidarity Conference in October, to support the Palestinian BDS movement at its 53rd National Conference. The National Conference is the ANC's highest decision-making body and so this is, by far, the most authoritative ANC endorsement of BDS, setting the groundwork for policy.

One People United: A Deterritorialized Palestinian Identity

The BADIL Resource Center for Residency & Refugee Rights proudly announces the release of its research project:

One People United: A Deterritorialized Palestinian Identity
BADIL Survey of Palestinian Youth on Identity and Social Ties – 2012



The violent birth of Israel in 1948 constituted a catastrophe - *Nakba* - for Palestinian aspirations for statehood. The implications of the *Nakba* on Palestinian society exceed violating their right to self-determination. Palestinian social fabric has been torn as a result of the mass forced displacement of the majority of the Palestinian people from their homeland.

Indeed, the implications of the *Nakba* on Palestinian society have yet to be fully studied and understood. No single research effort can cover the wide spectrum of issues that emanate from the *Nakba*. One of the most visible outcomes of the *Nakba* is the geographical dispersal of Palestinians, mainly across the Middle East, but also in the rest of the world.

Today, nearly six and a half decades after the *Nakba*, it is possible to identify four main Palestinian groups: Palestinian citizens of Israel, who have become second class citizens; Palestinians living in the West Bank and Gaza Strip under

Israeli military occupation since 1967; Palestinian refugees living in the neighbouring Arab countries; and Palestinians in the rest of the world. These four categories denote, crudely, both to different political and social environments in which these groups live.

The question that arises is: if different Palestinian groups have existed for so many decades in different political, socio-economic and cultural environments, in isolation from each other, what can we say about Palestinian national identity, and movement, today?

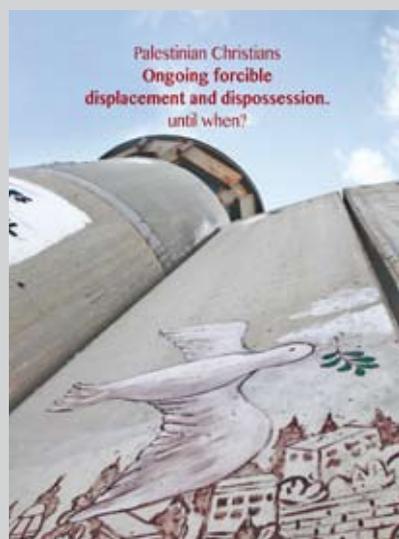
In order to address this question, BADIL has conducted a survey focusing on identity and social ties among Palestinian youth residing in Mandate Palestine (West Bank, the Gaza Strip, and Israel), Jordan, Syria, and Lebanon. This is an initial effort to begin to understand how youth (third or fourth generation of displaced Palestinians) of Palestinian heritage identify with their ancestry. These issues are rendered increasingly relevant given the uncertainty of the continuation of the Oslo framework that has characterized the Palestine question for the past two decades.

It is important to note that the findings of this research are not, and cannot be, conclusive. Mapping Palestinian identity across multiple geographically-divided groups is a huge task and one which demands comprehensive quantitative and qualitative research. This paper, then, should not be viewed as definitive, but instead as a piece of preliminary research which can pave the ground for further, deeper and more comprehensive analyses. Accordingly, alongside each set of findings BADIL has hypothesized explanations for trends and variations encountered so as to assist any such future studies, but again, these «explanations» must be investigated fully, and it is BADIL's opinion that this area constitutes a rich potential for future research.

link to PFD file :<http://www.badil.org/en/documents/category/2-working-papers>

Palestinian Christians - Ongoing forcible displacement and dispossession... until when?

Kairos Palestine and BADIL Resource Center for Palestinian Residency Rights and Refugee Rights proudly announce the release of their joint position paper: Palestinian Christians - Ongoing forcible displacement and dispossession... until when?



For over 2000 years, the city of Jerusalem and the town of Bethlehem have held a deeply significant, enduring connection with one another. This connection is forged by cornerstone events of the Christian faith – those of the birth, crucifixion and resurrection of Christ – but also by virtue of geographical proximity and the strong relationships between the Christian communities there, and in the surrounding areas. However, the Israeli military occupation of Palestine and the accompanying construction of the illegal Annexation Wall and its associated regime have served to fracture this connection, with Jerusalem and Bethlehem now physically separated on opposing sides of a barrier which is impregnable to the majority of the Palestinian Christian community.

This paper seeks first to draw attention to the forcible displacement of the Palestinian people and the resulting human impact on the overall population, with a particular focus on the Christians and second to call for action to end this practice.

For this purpose, a general overview of the situation will be provided, alongside a series of case studies concerning the personal experiences of Christian families in Bethlehem and Jerusalem. Finally, the paper will present recommendations on the issue at hand. Each case study will seek to explore and explain a key issue, with each supported by powerful testimony from members of the Palestinian Christian population. These testimonies are drawn from extensive interviews conducted between August-October 2012 by Kairos Palestine and BADIL Resource Center for Palestinian Residency Rights and Refugee Rights.

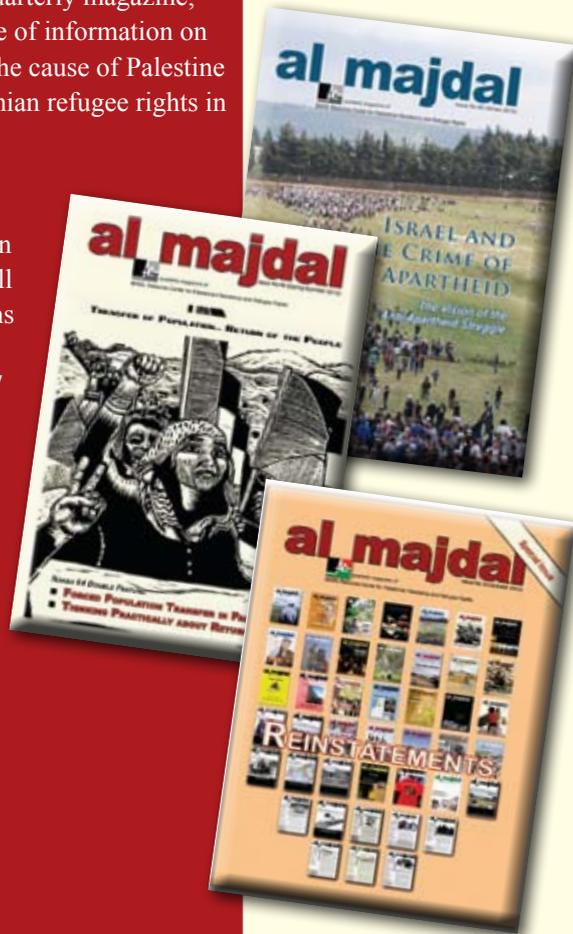
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ABOUT THE MEANING OF AL-MAJDAL

al-Majdal is an Aramaic word meaning fortress. The town was known as Majdal Jad during the Canaanite period for the god of luck. Located in the south of Palestine, al-Majdal was a thriving Palestinian city with some 11,496 residents on the eve of the 1948 Nakba. Majdalawis produced a wide variety of crops including oranges, grapes, olives and vegetables. Palestinian residents of the town owned 43,680 dunums of land. The town itself was built on 1,346 dunums.

The town of al-Majdal suffered heavy air and sea attacks during the latter half of the 1948 war in Palestine. Israeli military operations (Operation Yoav, also known as "10 Plagues") aimed to secure control over the south of Palestine and force out the predominant Palestinian population. By November 1948, more than three-quarters of the city's residents had fled to the Gaza Strip. Israel subsequently approved the resettlement of 3,000 Jews in Palestinian refugee homes in the town. In late 1949 Israel began to drive out the remaining Palestinian population using a combination of military force and administrative measures. The process was completed by 1951. Israel continues to employ similar measures in the 1967 occupied West Bank, including eastern Jerusalem, and the Gaza Strip.

Palestinian refugees from al-Majdal now number over 71,000 persons, and Israel has Hebraized the name of their town as "Ashkelon." Like millions of other Palestinian refugees, Majdalawis are not allowed to return to their homes of origin. Israel opposes the return of the refugees due to their ethnic, national and religious origins. *al-Majdal*, BADIL's quarterly magazine, reports about and promotes initiatives aimed at achieving durable solutions for Palestinian refugees and displaced persons based on international law and relevant resolutions of the United Nations.

Help spread the word, ask your library to subscribe to *al-Majdal*
Annual Subscription: 25€ (4 issues)

www.badil.org/al-majdal

BADIL is proud to announce the release of its biennial Survey of Palestinian Refugees and Internally Displaced Persons 2010 – 2012.

BADIL's 7th installment of its Survey builds on a decade of research on Palestinian refugees worldwide, especially in Gaza, the West Bank, Jordan, Syria and Lebanon and internally displaced persons (IDPs) in Mandate Palestine. The Survey is a distillation of secondary and primary research of use to practitioners, scholars and activists concerned with refugee and IDP rights. Newly included, is a chapter (Chapter Three) of data from an original opinion poll of refugee camp residents regarding humanitarian services they receive. We are confident to say that although the 2010 – 2012 edition is shorter than previous installments, it is a richer resource.

BADIL's opinion poll shows that while almost 80 percent of refugee camp residents expressed that UNRWA's services have decreased over the last three years, almost 90 percent agree on the continuing importance of UNRWA's role. The condition of public services, infrastructure and camp environments were of prime concern to surveyed refugees. Furthermore, more than three-quarters of respondents considered the areas of employment, health services, cash assistance and food aid to be underprovided. In the absence of effective protection and lack of adequate humanitarian assistance, as well as the failure of the international

community and the Oslo peace process, this Survey endeavors to fill gaps of information on, misrepresentation of, or misinformation about Palestinian refugees and IDPs.

Palestinian refugees and IDPs continue to constitute the largest and longest-standing unresolved case of forcibly displaced persons in the world more than 64 years since the Palestinian Nakba (Catastrophe) and 45 years since Israel's belligerent occupation of the West Bank, including East Jerusalem, and the Gaza Strip. End of 2011 there were at least 7.4 million forcibly displaced Palestinians, representing 66 percent of the entire Palestinian population (11.2 million) worldwide. Displacement is a continuing reality for Palestinians in addition to a historical fact. The status of Palestinian refugees and IDPs are a result of Israel's policies such as home demolitions, revocation of residency rights and discriminatory distribution of land. 'Triggers' of displacement are active on both sides of the green line; in locations such as East Jerusalem, the Jordan Valley, southern Hebron, Southern Gaza, the Gaza Strip buffer zone, as well as locations in Israel, including the Naqab (Negev).

BADIL's Survey illustrates how Palestinian displacement and dispossession are not the result of incidental or isolated occurrences, but rather the consequence of an over-arching Israeli policy designed to consolidate a Jewish state in Mandate or historic Palestine while severely restricting the presence of Palestinians in their homeland. In light of this systematic policy and strategy, Israel's contemporary regime of control over the Palestinian people: those in Israel, the oPt and in exile, should be understood as one that combines occupation, colonization and apartheid.

BADIL emphasizes the urgency of instituting a human rights-based approach as the main means of ensuring humanity and dignity for all, putting rights into practice and leading to a just and lasting peace. BADIL's Survey offers a set of recommendations in order to realize these goals.

