

Discriminatory laws against Palestinians living in Israel

Ever since the founding of the Zionist state of Israel in Palestine in 1948, Israeli governments have been trying to make life as uncomfortable as possible for the indigenous Palestinian population. The aim has been to create the circumstances whereby Palestinians will leave their homeland, willingly or unwillingly, in what Israeli historian Ilan Pappé calls “the ethnic cleansing of Palestine”. That illegal and immoral process has been ongoing for more than sixty years. Such “transfer” of the Palestinians has, in fact, been going on since before the state of Israel came into being. More than three-quarters of a million Palestinians were driven from their homes before and after 15th May 1948 by Zionist forces, who went on to wipe more than 540 Arab towns and villages from the map. The Israeli town of Sderot, for example, lauded by Israel and its supporters for its stoicism in the face of rockets being fired from Gaza, was built on the ruins of the Palestinian village of Najd, whose 700 inhabitants were driven out by Jewish militias on 13th May 1948.

Not all expulsions have been carried out by military force; successive Israeli governments have passed racist laws to legalise their discrimination against Palestinians as part of their strategy to “cleanse” the state of non-Jews. This paper sets out the details of such existing and proposed laws and illustrates why the struggle for justice for Palestinians cannot be limited to those living under occupation in the West Bank and Gaza Strip.

1. On 5th July 1950, the Israeli Knesset (parliament) approved the “law of return” under which all Jews, wherever their place of birth and whatever their nationality, were granted the “right” to migrate to Israel. This “right” also applied to the Jews who had migrated to Palestine during the British Mandate period and before, as well as those who were born in Palestine.
2. Thereafter followed the “citizenship law”, passed by the Knesset on 1st April 1952 and under which those immigrants are granted Israeli citizenship immediately. The purpose is clearly to give priority to the Jewish character of the state (so-called Judaisation) in Palestine and the confiscation/eradication of the land’s Palestinian identity.

The Zionist occupation authorities have imposed on the Arab population the need to obtain Israeli citizenship, without which they are considered “absent” and lose their right to their property and access to even the most basic civil amenities. Moreover, despite the imposition of Israeli citizenship on the remaining Arab population in Israel, emergency regulations and military rule deprive them of most of the legal rights and privileges enjoyed by their Jewish co-citizens, so that the Arabs are *de facto* second-class citizens

3. The “intifada law” is designed to prevent Palestinians wounded and otherwise affected by the operations of the Israel Defence Forces from taking legal action against the State of Israel. The exception is if damage has occurred due to negligence or an accident, or if a Palestinian is injured in any way while in detention.

Under this law, all claims lodged in Israeli courts by Palestinians seeking compensation for damage inflicted by Israeli forces since the “Al-Aqsa Intifada” began in September 2000 are cancelled. The Israeli government has justified it by claiming that the thousands of lawsuits made by Palestinians to-date would require compensation payments totalling millions of shekels.



The Central regulation in the “intifada law” says that “in spite of the other laws, the state [of Israel] is not responsible for the damages [inflicted upon Palestinians in the West Bank and Gaza Strip] resulting from confrontations and because of actions carried out by the Israeli security forces”. Israel is not at war with a State of Palestine; it is occupying Palestinian territories and it isn’t free to absolve itself and its soldiers of any responsibility for damage done to innocent people in the occupied areas for which the government is responsible. If Israel wants to be free from civil or criminal liability, all it has to do is withdraw from the occupied territories. However, Israel wants the power, authority and hegemony of an occupying state but without the responsibilities. As it now stands, Israeli law practically encourages the occupation soldiers to commit crimes against civilians in the knowledge that they will not be called to account for their actions.

4. Another “citizenship law” deals directly with the reunification of Arab families in Israel where one spouse is a Palestinian who is not a citizen of Israel. Under this law, the Israeli authorities prevent an Arab man or woman from bringing his or her spouse to live in Israel when the latter is a Palestinian from the West Bank, Gaza Strip or further afield.

The Israeli authorities will consider requests for family reunification in which Palestinian men are over the age of 35 and Palestinian women are over 25 years. The law also defines the age of children who are allowed to enter the country accompanied by their parents.

It is worth mentioning that the Knesset has made several amendments to the citizenship law to prevent the reunification of Arab families in which one spouse is a Palestinian from the West Bank or Gaza. According to data published recently in Israel, tens of thousands of people from the members of these families will be affected negatively by the enactment of this law.

5. Israeli law prohibits the Jewish National Fund to sell or lease land to non-Jews. The Ehud Olmert government, of which the Israeli Labour Party was part, proposed this law which overrode a decision of Israel's Supreme Court which ruled that non-Jews could buy and lease land belonging to the JNF, which owns millions of acres of land.
6. Jewish-led local authorities have the legal right to prevent Arabs from living in areas of influence. This law was passed after the local council in Rakefet refused to allow a Palestinian couple – Israeli citizens - to settle in the town, claiming that “the absorption of an Arab family would deter other Jews from living there”.
7. The Knesset passed a law allowing the prosecution of anyone who visits a state which is hostile to Israel. This law was drafted by a number of Knesset members (MKs) from the right wing and it was intended to deter Arab MKs from visiting Syria, in particular, and Lebanon where they might meet with representatives of Hezbollah and Palestinian factions.



8. A law exists which calls for the arrest and trial of any MK who criticises Israel and its Jewish character while he or she is abroad.
9. The Knesset passed a law which cuts Social Security benefits for families with large numbers of children. The MKs who submitted the draft said that it is intended to push Israel's Palestinian citizens to reduce the size of their families. Current Israeli Prime Minister Benjamin Netanyahu boasted that when he was Finance Minister he contributed to reducing the number of births among the Arabs because he insisted on the reduction of social security.
10. A law to remove parliamentary immunity from MKs when they are suspected of espionage or treason was introduced by Atnil Schneller of the Kadima Party; he was the leader of the Council of Settlements in the West Bank and Gaza in the mid-1980s. The police and General Security Service (GSS) have the power to conduct an immediate inspection of the documents and property of such MKs, after which a ratification of the search warrant must be granted by a Supreme Court Judge or the Attorney General.

Only after the inspection and transfer of documents and possessions seized by the police can the Knesset member talk about it or submit claims or objections against the search warrant.

The law was passed on its first reading following the case of former MK and Arab intellectual Dr. Azmi Bishara, who was accused of spying for Hezbollah during the July 2006 war against Lebanon.

MK Haneen Zoubi of the National Assembly said that this law, and the many laws enacted by the current Knesset, are not consistent with human rights and international conventions, but are fully consistent with the intense atmosphere of hostility towards Arabs in the corridors of the Knesset. There are ongoing and systematic attempts to wipe out the legitimacy of Arab MKs, she believes, as a kind of a vulgar policy that uses hatred of Arabs as a compass for political statements.

According to lawyer Hussein Abu Hussein, "This amendment is consistent with earlier amendments, which gave powers to the security agencies to eavesdrop on the communications and telephones of members of the Knesset, without telling them, and thus undermine their parliamentary immunity for entirely fictitious reasons."

11. The "amended Nakba draft law" was originally intended to ban commemoration of the Nakba and imprison anyone who takes part in such events or acts. A modified version provides for the withdrawal of any government funding for groups which commemorate the Nakba (the "catastrophe" of the creation of the state of Israel and subsequent refugee crisis). This bill reflects a racist attempt to remove freedom of expression from the Palestinian Arab minority in Israel, as well the right to express their national identity. Under the new law, broad financial and economic penalties are imposed on institutions and political parties which participate in the commemoration of the Nakba.
12. A bill has been submitted to change Israel's definition of "terrorist organization". Prepared by MK Michael Ben-Ari of the National Union party, an ex-member of the banned terrorist Kach Party (the movement



founded by Rabbi Meir Kahane), the purpose is to expand the legal definition of “terrorist organization” to include the Islamist movement. If ratified, it will give the Israeli government the legal means and justification to declare all Arab parties as “terrorist organizations” and therefore outside the law.

13. The "citizenship and loyalty" draft law was launched by the Minister of Foreign Affairs, Avigdor Lieberman, during his election campaign and submitted by the Chairman of the Parliamentary Law and Constitution Committee, David Rotem, of the Yisrael Beiteinu party. He proposes that anyone who seeks Israeli citizenship or an identity card will be obliged to sign the following statement of loyalty: “I make a commitment to be loyal to the State of Israel as a Jewish Zionist democratic state, and to its symbols and values.” Moreover, applicants must promise to perform military or civil service to the state.

Yisrael Beiteinu and its ultra right-wing leader Lieberman focused their election campaign on citizenship and loyalty, using the slogan “no citizenship without loyalty”. They vowed then to introduce a bill obliging Israel’s Palestinian citizens to pledge allegiance to Israel. The party won 15 seats in the Knesset and is translating its electoral promises into Knesset realities. Israeli politics is being dominated increasingly by right-wing extremists who reflect the public they represent.

14. An old draft bill proposing an amendment to the security service laws has been put before the Knesset once again. It proposes a law requiring those “running away” from military or civil service to pay an annual tax worth 1% of their income until the age of 41. According to the proposal, the new tax revenue will be used for military and civil service costs.
15. It has been proposed that Members of the Knesset must declare their allegiance to the State of Israel as a Jewish and democratic state, and loyalty to its laws and symbols and national anthem, as part of their oath of office. The aim of this bill is to reduce the level of Palestinian participation in Israeli democracy.
16. A law to ban incitement has been proposed, under which the current “violation of incitement” will be amended so that all published material contrary to the definition of the State of Israel as a Jewish and democratic state will be dealt with as incitement, and the publisher will face imprisonment. If passed into law, this proposal will erode freedom of expression.
17. Another attack on freedom of expression and artistic freedom is a draft law which will require all members of commercial film crews to declare their allegiance to the state of Israel as a Jewish and democratic state and to its symbols.
18. An amendment to the Cooperative Societies Act - Admissions Committees states the requirement for admission into public towns as being an “agreement and working to achieve the objectives and principles of the majority living in these towns”. This gives town authorities the right to stop Arab citizens from living in towns with Jewish majorities. This violates civil rights guaranteed by the basic laws of equality and the right to choose one’s place of residence. Decisions will be made on the basis of political affiliation, religious beliefs or ethnic and national considerations, dividing communities and increasing the likelihood of racism.



Conclusion

Discrimination against Palestinians in Israel is rife, and yet many instances go undetected or unchallenged in their various legal or administrative guises. Palestinians in Israel face discrimination in all spheres of life including; education, land, housing and employment. The International Covenant on Civil and Political Rights, which Israel has ratified, contains articles that clearly stipulate the rights of civilians to live freely without discrimination. Israel is in clear breach of international law and the international community is obliged to ensure that Israel fulfils its civic and political duties toward all its citizens. Moreover, the struggle for justice and equality for Palestinians must not be limited to the Occupied Palestinian Territories of the West Bank and Gaza but should also include Palestinians within Israel itself.

