



Israel's "Jewish Nation-State Law" and the Occupied Palestinian Territory

On 18 July 2018, the Israeli Parliament (Knesset) passed the "Jewish Nation-State Law." The Law disregards the rights of indigenous Palestinian citizens of Israel, which currently constitute nearly 20% of the population, and cements their status as second-class citizens. Equally important is the extension of the policies and objectives found in the Law to Israel's administration of the Occupied Palestinian Territory (OPT). This contradicts Israel's obligations as Occupying Power to not extend its own domestic legislation to the OPT, and imperils the most basic rights of Palestinians. This factsheet examines some provisions of the Law, in light of international law and the historical and current day reality of Palestinians.

"Israel is the historic homeland of the Jewish people in which the State of Israel was established."

Reality: Israel has not declared its borders since its establishment. Instead, it has unlawfully annexed Jerusalem and the Syrian Golan Heights. Israeli officials have repeatedly stated that the State will not relinquish control over these areas, as well as other parts of the West Bank, in violation of international law and the prohibition against the threat or use of force to acquire territory.

"The fulfillment of the right of national self-determination in the State of Israel is unique to the Jewish people."

Reality: Colonial powers have historically obstructed the right to self-determination for Palestinians, where use of force and control over territory has further served to change the demography of mandate Palestine. Following the dissolution of the Ottoman Empire and during the period of British rule, the Jewish population increased from less than 10% in 1917 to over 30% by 1947 due to immigration.¹ The right to self-determination is not compatible with "alien subjugation, domination, and exploitation."² Accordingly, this provision of the Nation-State Law continues to disregard the right of Palestinians to self-determination, including both Palestinian citizens of Israel and those in the OPT.³ The right to self-determination also includes the right of peoples to "freely dispose of their natural wealth and resources." Israel, as Occupying Power in the OPT, exploits Palestinian Dead Sea minerals, water, quarries, fertile land, and other resources in violation of international humanitarian law.

"We came to this country which was already populated by Arabs and we are establishing a Hebrew, that is a Jewish, state here."

Moshe Dayan, former
Israeli Minister of
Defense, 1969.

"The unified and complete [city of] Jerusalem is the capital of Israel."

Reality: The UN General Assembly and Security Council have repeatedly affirmed, "any decisions and actions which purport to have altered the character, status or demographic composition of the Holy City

¹ The Origins and Evolution of the Palestine Problem: 1917-1988, Part II, 30 June 1979,

<https://unispal.un.org/DPA/DPR/unispal.nsf/0/D442111E70E417E3802564740045A309>

² Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by General Assembly Resolution 1514 (XV), on 14 December 1960 <http://www.un.org/en/decolonization/declaration.shtml>

³ In regards to Palestinian citizens, the Aaland Islands case suggested that where minority rights were not respected, a case for secession could be made. http://legal.un.org/ola/media/info_from_lc/POB%20Aalands%20Islands%20Exhibition%20opening.pdf



AL-HAQ

of Jerusalem have no legal effect, are null and void.”⁴ Irrespective of the position of Israel and the US, Israel does not hold sovereign rights over Jerusalem under international law.⁵

“The State will be open to Jewish immigration and to the gathering of the exiled.”

Reality: The Law’s reference to the “exiled” does not include indigenous Palestinian refugees and their descendants. Approximately 750,000 Palestinians became refugees as a result of Israel’s establishment in 1948. Since then, the UN General Assembly and Security Council have repeatedly affirmed the right of Palestinian refugees to return to their homes.⁶ Israel has failed to abide by these resolutions and its obligations under international law. Instead, Israel and the US seek to redefine Palestinian refugees in an effort to minimize claims to the right of return, in violation of international law. In addition to not allowing Palestinian refugees to return to their homes, Israel has implemented a variety of measures over the course of its occupation to empty the OPT of its Palestinian residents, leaving them with no right of entry or stay in their homeland.

- At least **270,000 Palestinians** who were not in the OPT at the start of the occupation, due to work, study, or other factors, were not registered in Israel’s census of the territory and **did not receive IDs**.¹
- **130,000 Palestinians** had their **residency status permanently cancelled** by Israel between 1967 and 1994.¹
- Between 1994 and 2014 alone, **over 11,448 Palestinians** from East Jerusalem had their **IDs revoked** by Israel.

“The State views Jewish settlement as a national value and will labor to encourage and promote its establishment and development.”

Reality: This includes support for “Jewish settlement” in the OPT, where at least 600,000 Israeli settlers live in the West Bank, including East Jerusalem. The Israeli government offers a variety of incentives for Israeli civilians, as well as Israeli and international businesses, to relocate to settlements, in violation of international law and a grave breach of the Fourth Geneva Convention.

“The Jordan Valley will always remain a part of Israel. We will continue to settle it, invest in infrastructure and tourism.”

Israeli Prime Minister
Benjamin Netanyahu,
2017.

Importantly, while Israel promotes Jewish settlement in Area C of the West Bank, it creates conditions for Palestinians that force them to leave. In 2017, the Israeli Knesset passed the “Regularization” Law which allows for the taking of private Palestinian land in the OPT. Israel further rarely provides permits for Palestinians to build (approving an estimated 1.5% of applications between 2010 and 2014), and demolishes structures built without permits. These demolitions include donor-funded humanitarian structures. During a six-month period between 2017 and 2018, Israel demolished or seized structures funded by the European Union estimated at €60,920.⁷

⁴ UN General Assembly Resolution ES-10/19

⁵ See, Al-Haq Briefing Paper on Palestinian Sovereignty over East and West Jerusalem, <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/1313-al-haq-issues-briefing-paper-on-palestinian-sovereignty-over-east-and-west-jerusalem>

⁶ See for example: UN General Assembly Resolution 194(III) of 1948, UN Security Council Resolution 242 (1967) and 338 (1973).

⁷ https://eeas.europa.eu/headquarters/headquarters-homepage/41761/six-month-report-demolitions-and-confiscations-eu-funded-structures-west-bank-including-east_en