



ACADEMIE DE GEOPOLITIQUE DE PARIS

QUELS ENJEUX POUR AL-QODS ?

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Al-Quds: The prototype of an apartheid system

Al-Qods: Le prototype d'un système d'apartheid

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Resolution 181 adopted on November 29, 1947 by the United Nations General Assembly created a *corpus separatum* for the Jerusalem region, entrusted to the UN administration. Therefore, although Israel occupied the western part of the city after the 1948 war, its government was committed, upon joining the UN, to recognizing the fact that Jerusalem was not an integral part of his territory. But from 1949, with the armistice between Israel and Jordan, Jerusalem found itself divided into two parts: East Jerusalem, which came under Jordanian domination, and West Jerusalem, which the Israelis had made their capital, and whose size they were to double from 1952. municipal area by expanding it towards the west to the detriment of Palestinian villages. This policy of Israeli expansion marks the gradual establishment of an institutionalized regime of systematic oppression and domination, including the existence of inhumane acts committed intentionally as an integral part of this regime

The ethnic cleansing of the West Jerusalem Villages (Deir Yassine, Lifta, Ain Karim, al Malha) began with the Deir Yassine massacre on April 9, 1948. In vain, through a letter published in the New York Times on December 2, 1948, Albert Einstein and Hannah Arendt, as well as 25 other Jewish intellectuals, attempted to alert public opinion in the USA to the project of Menachem Begin and his party (Tnuat HaHerut) “to preach a mixture of ultranationalism, religious mysticism, and racial superiority.” But the Israeli government was quick to formalize the policy of ethnic cleansing west of Jerusalem. About 33% of the land in West Jerusalem before 1948 belonged to the Palestinians.

The Knesset passed a dozen laws for the transfer of these Arab lands to Israel, including, among others:

-Ordinance on the acquisition of land for public purposes, based on a law of the British Mandate of 1943; “Return” Law (1950); Absentee Owners' Property Act (1950); Israeli Citizenship Law (1952); Country Development Authority (Property Transfer Agency) Act (1950); Basic laws of a constitutional nature can only be modified or repealed by an absolute majority of the members of Parliament [Knesset Law (1958), Israel Land Property Law (1960); Amendment 9 (1985); Law on the “Statutes” of the Organization of the World Jewish Zionist Agency (1952) and the Jewish National Fund (Keren Kayemet Le-Israel/JNF Law, 1953); Pact with the Zionist Executive Leadership (1954)].

These laws*, still in force today, strip Palestinians of their citizenship, making them refugees with no right of return; give higher civil status (a “Jewish nationality”) to Jewish Israeli citizens defining Israel as the state of the “Jewish people”; allow a systematic and irreversible confiscation of Palestinian properties, transferring them to the Israeli state and the Jewish National Fund (JNF); grant official status and functions to private Zionist organizations, such as the JNF, which prepare and develop land for the “Jewish people.”

*See, Adalah:

<http://adalah.org/eng/Israeli-Discriminatory-Law-Database>

After the June 1967 war, Israel occupied East Jerusalem and imposed its legislation on it, thus beginning the process of “unification” and Judaization of the city. On July 30, 1980, the Israeli Parliament decided to make the unified city the “eternal capital” of Israel. Through a constant erosion of Palestinian territories, the Israeli authorities initially expanded the municipality of East Jerusalem from 6 to 73 km², and surrounded the city with two circles of settlements: the first known as “Greater Jerusalem”, namely 330 km² of land reclaimed from the West Bank; the second, under the name “Metropolitan Jerusalem”, encompasses 665 km² of the West Bank.

Since 1993, measures aimed at tightening this hold on the city have been intensified: construction of settlements on its periphery, restrictions on Arab construction and withdrawal of residence permits for each Palestinian citizen of Jerusalem residing in the West Bank, in the Strip, Gaza or elsewhere and absent from the city for seven years. On March 7, 2018, the Israeli Parliament even adopted a law allowing the Minister of the Interior to confiscate the papers of any resident of Jerusalem who had committed an offense punishable by Israeli law or who had simply **“adhered to ideas not consistent with Israel’s interests.”**

After the Oslo Accords in September, 1993, measures aimed at tightening this hold on the city were intensified: 66,000 Palestinians, and a few hundred Jews, lived in this area in 1967, according to a census by the Israeli authorities. But from 1993, the number of Jews, 155,000, exceeded that of Arabs, 150,000. In East Jerusalem, planned public actions mix with private initiatives and **all move towards the expropriation of the original inhabitants**. Everything is done to drive out the Palestinians and increase the Jewish presence in this part of the city. Obstacles are increasing for the replacement of passports or residence of Palestinians in East Jerusalem. They are refused building permits while property purchases and the installation of settlers are increasing in the heart of Palestinian neighborhoods. **A UN report revealed that 70% of demolitions in the holy city concern Palestinian residents.**

The Israeli settlements total in 2020 more than 705,000 inhabitants distributed as follows: approximately 440,000 people in the West Bank, more than 230,000 in al-Quds (East Jerusalem) and its outskirts, approximately 35,000 on the Syrian Golan. Deprived of land, houses and heritage: house demolitions and forced evictions characterize the policy of the occupier: At least a third of Palestinian land has been expropriated primarily under the Absentee Property Law and for so-called “public utility” purposes. Even under the pretext of urban planning, Israel limits Palestinian development to 13% of the area of East Jerusalem. Thousands of Palestinians have been expelled from their homes and seen their heritage destroyed. Their land was allocated for infrastructure, settlements, establishments, tourist sites and places of worship intended for Israeli Jews. In the Old City after the 1967 war, entire Palestinian neighborhoods were destroyed and land expropriated. Several thousand Palestinian residents, including many 1948 refugees, were expelled to create space for Jewish worshipers and a new, expanded Jewish quarter.

• In the outskirts of East Jerusalem, houses and communities (Beit Haninam Shufat, Beit Safafa, Palestinian Bedouin communities) are destroyed to make way for Israeli settlements and roads built on land expropriated from the Palestinians by Israel for creation of “Greater Jerusalem in the occupied West Bank”.

• Palestinian structures built without permits are systematically destroyed. In 2009-2013, Israel demolished 370 Palestinian structures, mainly houses, forcibly displacing 909 people. Deprived of any civic status and rights in their city, around 30,000 Palestinians, inhabitants of the region annexed by Israel, were absent at the time of the population displacement which followed the 1967 war, a significant number of whom had been displaced because of fights. Israel did not register them and excluded them from the Jerusalem population register. According to Israel, they and their descendants do not exist, have no legal status and have no right to return to their city.

• The right to settle in Jerusalem is denied to almost the entire occupied Palestinian population, more than 4 million people, because Israel only grants legal residency to Palestinians counted in its 1967 East Jerusalem census and their descendants. • Since the early 1990s, more than 4 million Palestinians under occupation have also been denied free access to the city from the West Bank, even for short-term visits for business, medical care, education, worship or other purposes. Indeed, Israel has institutionalized its discriminatory “Jerusalem Closure” policy using military orders, magnetic cards, entry authorization, checkpoints and the Wall. 55 years of population transfer by Israel: forced displacement of Palestinians in East Jerusalem = between 246,000 and 293,000. About 48% are refugees from 1948, mainly from West Jerusalem. At least a quarter (61,000-70,000) of today's East Jerusalem Palestinians have been forcibly displaced since 1967.

- Most of those cited (74%) previously were forced to leave in the past - due to lack of housing - then forced to return between 2006 and 2012 - mainly for fear of losing their "permanent resident" status in Jerusalem .
- Permanent residence is revoked, if the ministry believes that the Palestinian Jerusalemite does not have the "center of his life in Jerusalem" but lives in the occupied West Bank or elsewhere or if he has remained abroad 6 years or he has obtained residency/citizenship of another country. Since 1967, Israel has withdrawn their residency permits from at least 14,300 Palestinians, removed them from civil status and denied them the right of return under Israeli law.
- Since 2003, family reunification between Jerusalemites and Palestinians from the West Bank and the Gaza Strip has been prohibited by Israeli law. Many Palestinian families are leaving Jerusalem to avoid forced separation.

- Systematic underfunding of schools in East Jerusalem has led to a chronic lack of classrooms, facilities and equipment. Qualified Palestinian teachers from the West Bank are barred from teaching in East Jerusalem schools because of Israel's "shutdown" policy.
- Virtually no public housing is made available to Palestinians. Home demolitions, combined with a housing shortage, are forcing many Palestinian families to seek housing in East Jerusalem neighborhoods on the other side of the wall or to leave the city.

- Israeli authorities deprive young people in East Jerusalem of the right to learn about their history, heritage and Palestinian identity, by imposing censorship on Palestinian school books, and putting pressure on Palestinian schools to adopt the Israeli program.
- Israeli authorities have created a climate of repression and fear by preventing public conferences and cultural events; threats of legal action and fines against Palestinian organizers, hosts and suppliers; by tolerating settler violence, including against children.
- At least 31 Palestinian institutions have been closed since 2001 under the pretext of security and affiliation with the Palestinian Authority. Many Palestinian institutions and associations have moved from occupied East Jerusalem due to fear of Israeli persecution.

The international legal concept of the crime of apartheid is defined by resolution 3068 XXVIII of the General Assembly of the United Nations (UN) of November 30, 1973¹. It is, furthermore, recognized by the Rome Statute establishing the ICC. The crime of apartheid is defined as any inhumane act of a character analogous to other crimes against humanity, committed within the framework of an institutionalized regime of systematic oppression and domination of one ethnic group over any other ethnic group. Among the crimes of apartheid listed we have deprivation of physical liberty, forced resettlement, and individual and collective persecution.

- Since 1948, Western countries have been content to announce their dissatisfaction with these racist measures, to remind Israelis of UN resolutions, without forgetting to denounce Palestinian reactions on numerous occasions.
- There is no doubt that Western silence and the affirmation of the principle of impunity on serious violations of international law by the Israeli authorities played a central role in the construction of a prescribed apartheid system:

- In July 2018, the “Basic Law: Israel as the Nation-State of the Jewish People”, having the force of constitutional law in Israel, enshrined the privileged status of Jewish citizens in Israel, to the detriment of Palestinian citizens. This fundamental law affirms that the ethno-religious identity of Israel is exclusively Jewish and the only official language is Hebrew. The law states that: Jerusalem, whole and unified, is the capital of Israel (art.5). Considers “the exercise of the right to national self-determination in the State of Israel is unique to the Jewish people” and “the State considers the development of Jewish settlements to be a national value.” (See the text of the law in the appendix) On March 10, 2022, the Knesset passed the “Citizenship Law,” a law that prohibits Israeli Arabs from family reunification and thus their spouses from obtaining permanent residency in Israel

At the 49th session of the UN Human Rights Council (April 2022), UN Special Rapporteur Michael Lynk presented his latest report (03/25/2022), in which he analyzes the commission of crime of apartheid by Israel. Its analysis is structured around the three constituent elements of the crime of apartheid, that is to say an institutionalized regime of systematic oppression and domination, established with the intention of maintaining domination of one racial group over another, the intention to maintain it and which includes the existence of inhumane acts committed as an integral part of this regime. His conclusion is clear: “the political system of well-established rules in the occupied Palestinian territory, which gives one racial-national-ethnic group substantial rights, benefits and privileges while intentionally subjecting another group to live behind walls, checkpoints and under permanent military rule “without rights, without equality, without dignity and without freedom,” meets the prevailing standard of proof for determining the existence of apartheid.”

“If you are Jewish,” writes Israeli historian Shlomo Sand, “you can buy land whereas a non-Jewish citizen will not have the right to acquire it. If you are Jewish, even if you only plan to stay in Israel temporarily with a stammering Hebrew, you can be governor of the Bank of Israel, the central bank of the state which does not employ no Arab Israeli citizens. If you are Jewish, you can be foreign minister and reside permanently in a settlement outside Israel's legal borders, alongside Palestinian neighbors deprived of all civic rights. ” etc. **Hence this question: “Isn't the status of the Jew in Israel similar to that of the Afrikaner in pre-1994 South Africa?”**

It is also with a tragic sentence from Sand that I end:

“I'm getting old and I don't want Hitler to have the last word.”