

Israeli Parliament Votes to Approve Nation-State Law That Enshrines Jewish Supremacy Over Palestinian Citizens

New Basic Law approved by a Knesset vote of 62-55 has distinct apartheid characteristics and requires racist acts as a constitutional value.

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The Israeli Knesset voted 62 to 55 early today, Thursday, 19 July 2018, to approve the Jewish Nation-State Basic Law that constitutionally enshrines the identity of the State of Israel as the nation-state of the Jewish people.

This law guarantees the ethnic-religious character of Israel as exclusively Jewish and entrenches the privileges enjoyed by Jewish citizens, while simultaneously anchoring discrimination against Palestinian citizens and legitimizing exclusion, racism, and systemic inequality.

The Jewish Nation-State Basic Law is the “law of laws” capable of overriding any ordinary legislation.

The law will apply to areas known as the “Green Line”, where nearly twenty percent of the population are Palestinian citizens of Israel, as well as to territories occupied in 1967 such as Jerusalem and the Golan Heights, which were annexed to the territory of the State of Israel by law. This annexation is considered illegal under international law.

Adalah General Director Hassan Jabareen responded to the Israeli parliament’s vote to approve the Nation-State Law:

“The Jewish Nation-State Law features key elements of apartheid, which is not only immoral but also absolutely prohibited under international law. The new law constitutionally enshrines the identity of Israel as the nation-state of the Jewish people only – despite the 1.5 million Palestinian citizens of the state and residents of East Jerusalem and the Golan Heights – and guarantees the exclusive ethnic-religious character of Israel as Jewish. By defining sovereignty and democratic self-rule as belonging solely to the Jewish people – wherever they live around the world – Israel has made discrimination a constitutional value and has professed its commitment to favoring Jewish supremacy as the bedrock of its institutions.”

The Nation-State Basic Law declares that Israel is a Jewish state – only. The law provides

that,

“The Land of Israel is the historical homeland of the Jewish people, in which the State of Israel was established” and that “the State of Israel is the nation-state of the Jewish people”.

The “people” here are not limited to “Israeli Jews” nor is it defined in terms of the “state of all citizens”, but rather it includes the “Jewish people” wherever they are in the world. Palestinian citizens of Israel, who comprise 20% of the population, are totally excluded.

The Nation-State Basic Law, which has constitutional status, is anti-democratic: The law negates the main purpose behind the introduction of a democratic constitution according to which residents living in a given territory are equal citizens and constitute the sovereign.

The Basic Law provides that self-determination will be exclusive to Jews. The law stands to justify the difference between the realization of basic rights between Jews and non-Jews as a legitimate distinction and not as an invalid discrimination.

The Nation-State Basic Law establishes discrimination as a constitutional value: It determines the national interest in accordance with the collective Zionist interests, which serve to justify the exclusion of the rights of the Arab population. Despite the bi-national reality, the law promotes exclusive, ethnic discrimination. National projects that seek to Judaize spaces, encourage Jewish settlement, and create demographic balances become worthy causes that justify discrimination against Arabs on the level of individual and collective rights.

Oppression and control are expressed in two main aspects of the law: First, the law imposes a constitutional identity on the Arabs without their consent. Second, the law creates a situation in which the Arabs participate, under coercion, in promoting the discrimination against them. While they bear equal tax obligations as citizens/residents, the Basic Law’s alignment of national interests with the exclusive interests of the Jewish population, results in forcing the Arab population to contribute, subsidize and promote those national projects that negate their identity and status.

What is new in the Basic Law that differs from existing practice? The policy of discrimination and oppression against Palestinians has existed since 1948, according to principles based on the supremacy of the Jewish population that support the Judaization of the space and the demographic dilution of the Palestinian population. However, there is a difference between racism and racist practices and this new Basic Law that requires, as a constitutional mandate, racist acts.

The Nation-State Law violates absolute prohibitions under international law: The Basic Law suspends the two systems of law that are perceived as legitimate under international law: The first system is the state’s domestic legal system, which should be based on equality before the law and the rule of law. The second system is that of international humanitarian law (IHL), which is applicable to an occupied territory.

A colonial regime is expressed in this Basic Law by the imposition of a constitutional identity of Jewish ethnic supremacy and control, without consent and cooperation, which denies the

connection between the Palestinian natives (citizens and residents) with their homeland. This colonial regime is the kind that falls within the bounds of absolute prohibitions under the International Convention on the Suppression and Punishment of the Crime of Apartheid ("the Apartheid Convention"), which proclaims practices of apartheid, including legislation, as a crime against humanity.

The Nation-State Basic Law is illegitimate. It seeks to maintain a regime in which one ethnic-national group controls an indigenous-national group living in the same territory while advancing ethnic superiority by promoting racist policies in the most basic aspects of life.

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