

The Law of the Promised Land 2011: Between Absentees and Foreigners

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During its last term, the Knesset's debated a "marathon" of racist laws before retiring for the Passover holidays, after having fulfilled its national obligations to the utmost degree. On 29 March 2011, the Knesset enacted a new law[†] prohibiting any entity (public or private) from selling or renting out property for a period of over five years, or from bequeathing or bestowing rights to private property registered in Israel to "foreigners". Foreigners are defined as anyone who is not a resident or citizen of Israel, or anyone who is entitled to immigrate to Israel under the Israeli Law of Return (1950), i.e. Jewish persons. The new law expands the prohibition on lands registered only in the name of the State of Israel that has been in effect since the 1980s, to include private property, be it Arab or Jewish.

At a session of the Knesset's Constitution, Law and Justice Committee held on 23 November 2010 to discuss the text of the draft law shortly prior to its vote in the Knesset, one of the law's initiators justified the need for such legislation in the following terms:

"We asked ourselves how we could guarantee that the land of this country, part of which was salvaged at the time by virtue of donations from the Jewish people, and part of which was bought by the State of Israel, would not fall in hostile hands through slack procedures or perhaps through other methods of acquisition enabling them to appropriate large sections of land. There may be heavy waves of purchasing, which would pose a real threat to the fact that this (state) is the state of the Jewish people first and foremost. Land is allotted for that purpose. All the conflict between us here is all over land. It is the essence of the conflict."

The law, the enactment of which has attracted no interest in the media, is another link in the campaign to trade off the land that Israel has seized from its Palestinian Arab owners since 1948. This land includes privately-owned Arab land whose owners became citizens or residents of Israel or refugees in the Diaspora and land that was in Palestinian public ownership before the Nakba. The land that is registered in the name of the State of Israel is estimated at 93% of the total area of the state's current "borders". For decades, Israeli law has banned sale of this land and only has allowed it to be leased out, for limited periods of time, based on Zionist premises prohibiting the sale of the land of the Jewish people in perpetuity. However, in 2009 the Knesset enacted a law named the "law of privatization", which permitted the sale of 800,000 dunams of land in Israel. But Zionist colonial thought, which is deeply rooted in all Israeli legislation and decisions, particularly those concerning land, is based on keeping the "promised land" in Jewish hands and protecting it from "foreigners", even if they have a legitimate and fundamental right to the land. Therefore it did not allow this privatization law to be passed without nationalist or ethnic restrictions being

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† The Israel Lands Law (Amendment No. 3) – 2011. An English translation of the law is available at: http://www.adalah.org/upfiles/2011/discriminatory_laws_2011/Israel_Lands_Law_2011_English.pdf

imposed on the purchasers. Thus the law constitutes an ideological basis for anyone with an "interest" in land that lies under the Israeli state control. And so the right to the land of Palestine is limited exclusively to the Jewish people, regardless of the history of this land and the rights of its native inhabitants.

This particular law constitutes a landmark in the history of the dispossession of the land of Palestine from Palestinians, since it consecrates the geographic dispersion and the "civil" status of Palestinians in the State of Israel, using plain and neutral legal language, thereby nullifying the entire historical period that preceded the appropriation of the land. By waving the cards of residency and citizenship, the Palestinians who were not expelled from their land and became citizens or residents of Israel, are asked not only to "accept" Zionist thought, but also to implement it actively, since their private land has fallen into exclusive Jewish control.

In parallel, the Palestinian refugees in the Diaspora, with their different nationalities, have now become "foreigners", along with all non-Jewish foreign passport holders. For the past sixty years, Israeli law has defined the Palestinian refugees as "absentees", after Israel attempted to preserve a respectable image in the first few years after the Nakba by making commitments to the international community to safeguard the rights of the Palestinian refugees, their homes and their properties, pending a future political solution. Today, however, Israel defines the Palestinian refugees as "foreigners", and has thus redefined the "legal" status of Palestinian land by forever excluding anyone who is a "foreigner" from the project of the Zionist state.

This article was originally published in Arabic in the Lebanese Al-Akhbar newspaper on 20 April 2011.