

Apartheid Legislation in Israel

I. Introduction

The State of Israel has a formal legal system of discrimination set up both within Israel, and also within the occupied territories. Both of these systems intentionally systematize discrimination against Palestinian Arabs in many areas of society (from housing to finances to education to veteran's benefits), but also limits where they live in Israel and the occupied territories to small areas of the country (less than 5% of Israel, and less than 30% of the West Bank), areas which are then discriminated against in many ways (such as in terms of receiving development grants, educational funding and security services; some Arab villages have been deprived of basic services such as electricity and sewer maintenance). The system in use in the occupied territories is much more oppressive, and is used to exploit the economy of Palestine for the sake of Israel.

The discriminatory systems found within Israel and the one in use in the Israeli occupation both fit the formal official United Nations definition of Apartheid found in the International Convention for the Suppression and Punishment of the Crime of Apartheid, adopted by the United Nations General Assembly on 30 November 1973 and in force from 18 July 1976.

Apartheid wird als Verbrechen gegen die Menschlichkeit erstmals in der Internationalen Konvention über die Unterdrückung und Bestrafung des Verbrechens der Apartheid definiert, die von der UNO-Vollversammlung am 30. November 1973 beschlossen wurde und am 18. Juli 1976 in Kraft trat, nachdem ihr 76 Staaten beigetreten waren. Eine Reihe von Staaten sind der Konvention bis 2010 nicht beigetreten: Australien, Deutschland, Frankreich, Israel, Italien, Kanada, Neuseeland, die Niederlande, das Vereinigte Königreich und die Vereinigten Staaten.

In Artikel 2 dieses völkerrechtlichen Vertrages wird das Apartheid-Verbrechen, unter ausdrücklichem Hinweis auf ähnliche Politiken und Praktiken rassistischer Segregation und Diskriminierung in Südafrika wie folgt definiert: „Inhumane Akte, ausgeführt mit dem Ziel, die Herrschaft einer rassistischen Personengruppe über jegliche andere rassistische Personengruppe herzustellen und aufrechtzuerhalten und [die Letztere] systematisch zu unterdrücken“. Diese Generalklausel wird in konkreteren Tatbeständen ausgeführt, wozu unter anderem gehören: die Verweigerung des Rechts auf Leben und Freiheit durch Mord, Folter, willkürliche Festnahme, illegalen Freiheitsentzug; die absichtliche Herbeiführung von Lebensbedingungen, welche darauf abzielen, die physische Zerstörung solcher Gruppen herbeizuführen; gesetzliche und andere Maßnahmen, die darauf abzielen, die Teilnahme solcher Gruppen am politischen, sozialen und kulturellen Leben zu verhindern; Maßnahmen, die auf eine Trennung der Bevölkerung in rassistischer Hinsicht abzielen (durch Schaffung von Reservaten und Ghettos, das Verbot von gemischten Eheschließungen und durch Enteignung von Grundbesitz); Ausbeutung der Arbeit einer rassistisch definierten Gruppe, insbesondere durch Zwangsarbeit; Verfolgung von Organisationen und Personen, weil diese sich gegen die Apartheid wenden.

Der Staat Israel übt in den besetzten palästinensischen Gebieten eine Kontrolle aus, mit dem Ziel der Aufrechterhaltung eines Systems der Herrschaft von Juden über Palästinenser: diskriminierende Staatsbürgerschafts-, Aufenthalts-, und Besuchsvorschriften bzw. -praktiken, welche Palästinenser im Westjordanland daran hindern, ihr Eigentum wiederzuerlangen oder die israelische Staatsbürgerschaft zu erwerben, im Gegensatz zu einem jüdischen Recht auf Rückkehr, welches es Juden in aller Welt ohne vorherige Verbindung zu Israel ermöglicht, zu Besuch zu kommen, sich aufzuhalten und die israelische Staatsbürgerschaft zu erwerben; diskriminierende Gesetze im Westjordanland und in Ost-Jerusalem, welche jüdische Siedler bevorzugen, indem diese den zivilen Rechtsschutz durch die israelischen Gesetze und die Verfassung genießen, während die Palästinenser unter Militärverwaltung stehen; diskriminierende Verfahrensweisen im Hinblick auf Grundeigentum, -besitz und -

nutzung; weitgehende Erschwerung der Bewegungsfreiheit, einschließlich Checkpoints, wodurch Palästinensern und Siedlern unterschiedliche Beschränkungen auferlegt werden, sowie beschwerliche Genehmigungs- und Identifizierungsbestimmungen, welche ausschließlich Palästinenser treffen; punitive Häuserzerstörungen, Abschiebungen sowie Eingangs- und Ausgangsbeschränkungen in allen Teilen der besetzten palästinensischen Gebiete.

Therefore Israel is technically and legally, an Apartheid State. Much can be learned about these systems of discrimination just by studying the laws of the State of Israel, and the Military Orders the Israeli military uses in the occupied territories.

II. Legal Discrimination within Israel upto 1966

On 14 May 1948, the day when the British Mandate over Palestine expired, the Jewish People's Council approved a proclamation, declaring the establishment of the State of Israel. The Declaration included the following intention: "The State of Israel will be open for Jewish immigration and for the Ingathering of the Exiles; it will foster the development of the country for the benefit of all its inhabitants; it will be based on freedom, justice and peace as envisaged by the prophets of Israel; it will ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations."

But in *Zeev v. Gubernik* (1948) 1 P.D. 85 the Supreme Court of Israel ruled right away, that the Declaration of the Establishment of the State of Israel contained no element of constitutional law which determines the validity of various ordinances and laws, or their repeal. By this way the Supreme Court weakened itself so that the Knesset is able to pass laws that legalize discrimination and restrictions of civil rights that usually a Supreme Court would not allow to stand, such as Section 7A of the Basic Law: The Knesset (Amendment No. 9) of 1985: "A candidates' list shall not participate in elections to the Knesset if its objects or actions, expressly or by implication, include one of the following: (1) negation of the existence of the State of Israel as the state of the Jewish people; (2) negation of the democratic character of the State; (3) incitement to racism." And the Amutot Law No. 93 of 1980 established the regulations for rising up non-profit organizations. It included articles which inhibit the freedom of association by requiring such organizations to make available to all its members its entire membership list with all contact info. This would inhibit many people from joining controversial non-profit organizations because then their membership and contact info would be available to government agents as well, who might be posing as members. Further an amuta (non-profit organization) should not be registered if any of its objects negated the existence or democratic character of the State of Israel or if there were reasonable grounds for concluding that the amuta would be used as a cover for illegal activities.

On 19 May 1948 the Provisional Council of State passed the Law and Administration Ordinance No. 1 of 1948, having effect retroactively as from the 15 May 1948, and declared the state of emergency, which lasts down to the present day.

Article 9 of the Law and Administration Ordinance 1948: "(a) If the Provisional Council of State deems it expedient so to do, it may declare that a state of emergency exists in the State, and upon such declaration being published in the Official Gazette, the Provisional Government may authorise the Prime Minister or any other Minister to make such emergency regulations as may seem to him expedient in the interests of the defence of the

State, public security and the maintenance of supplies and essential services. (b) An emergency regulation may alter any law, suspend its effect or modify it, and may also impose or increase taxes or other obligatory payments. (c) An emergency regulation shall expire three months after it is made, unless it is extended, or revoked at an earlier date, by an Ordinance of the Provisional Council of State, or revoked by the regulation-making authority. (d) Whenever the Provisional Council of State thinks fit, it shall declare that the state of emergency has ceased to exist, and upon such declaration being published in the Official Gazette, the emergency regulations shall expire on the date or dates prescribed in such declaration.”

Article 11 of the Law and Administration Ordinance 1948: “The law which existed in Palestine on the 5th Iyar, 5708 (14th May, 1948) shall remain in force, insofar as there is nothing therein repugnant to this Ordinance or to the other laws which may be enacted by or on behalf of the Provisional Council of State, and subject to such modifications as may result from the establishment of the State and its authorities.”

Article 15 of the Law and Administration Ordinance 1948: “(a) "Palestine", wherever appearing in the law, shall henceforth be read as "Israel". (b). Any provision in the law requiring the use of the English language is repealed.”

The legal system of the new state thus comprised remnants of Ottoman law, British Mandatory legislation (incorporating a large body of English law) and, in matters of personal status, the law of the various religious communities - Jewish law, Muslim law and Christian law. Especially the recourse to the Ottoman land law contributed to the conflict between the Jews and the Arabs in Palestine and Israel. The Ottoman Land Code of 21 April 1858 (7 Ramadan 1274) represents the beginning of a systematic land reform program during the Tanzimat reform period of the Ottoman Empire. It is worth exploring some of the provisions in the Land Code:

Article 1

Land in the Ottoman Empire is divided into classes as follows:

- (I) Mulk land (Arazi Memluké) [land possessed in unrestricted private ownership];
- (II) Miri land (Arazi Mirié) [State land];
- (III) Waqf land (Arazi Mevkufé) [dedicated land];
- (IV) Matruk land (Arazi Metruké) [land for public use];
- (V) Mawat land (Arazi Mevat) [dead or unreclaimed land].

Article 2

Mulk land is of four kinds:

- (I) Sites (for houses) within towns or villages, and pieces of land of an extent not exceeding half a donum (dunam), situated on the confines of towns and villages, which can be considered as appurtenant to dwelling houses.
- (II) Land separated from State land (Miri) and made Mulk in a valid way, to be possessed in the different ways of absolute ownership according to the Sacred Law.
- (III) Tithe-paying land, which was distributed at the time of conquest among the victors, and given to them in full ownership (Arazi Ushrié).
- (IV) Tribute-paying land, which (at the same period) was left and confirmed in the possession of the non-Moslem inhabitants (Arazi Kharajie). The tribute imposed on these lands is of two kinds:
 - (a) Kharaj Mukaseme, which is proportional, and is levied to the amount of from one-tenth to one-half of the crop, according to the yield of the soil.
 - (b) Kharaj Muwazzaf, which is fixed and appropriated to the land.

The owner of Mulk has the unrestricted private ownership (Raqaba).

It devolves by inheritance like movable property, and all the provisions of the Mejelle, such as those with regard to dedication pledge, or mortgage, gift, pre-emption, are applicable to it.

Both tithe-paying and tribute-paying land become State land (Miri) when the owner dies without issue, and land becomes vest in the Treasury (Beit ul Mal).

The provisions and enactments which are applicable to the four kinds of Mulk land are stated in the books of the Sacred Law, and will not therefore be dealt with in this Code.

Article 3

State land (Miri) the legal ownership (Raqaba) of which is vested in the Treasury, comprises arable fields, meadows, summer and winter pasturing grounds, woodland and the like, the enjoyment of which is granted by the Government.

Possession of such land was formerly acquired, in case of sale or of being left vacant, by permission of or grant by feudatories (Sipahis) of Timars and Ziamets as lords of the soil, and later through the Multezims and Muhassils.

This system was abolished and possession of this kind of immovable property will henceforward be acquired by leave of and grant by the agent of the Government appointed for the purpose. Those who acquire possession will receive a title-deed bearing the Imperial Cypher.

The sum paid in advance (Muajele) for the right of possession which is paid to the proper Official for the account of the State, is called the Tapu fee.

[NB. Miri was cultivated or cultivatable land acquired for the state through conquest or through forfeiture of Mulk due to a failure of heirs. Such forfeited land was termed Mahlul.]

Article 4

Waqf or dedicated land is of two kinds:

(I) That which having been true Mulk originally was dedicated in accordance with the formalities prescribed by the Sacred Law (True Waqf). The legal ownership (Raqaba) and all the rights of possession over this land belong to the Ministry of Awaqf. It is not regulated by civil law, but solely by the conditions laid down by the founder. The Code therefore does not apply to this kind of Waqf land.

(II) Land which being separated from State land has been dedicated by the Sultans, or by others with the Imperial sanction (Takhsisat Waqf). The dedication of this land consists in the fact that some of the State imposts, such as the tithe and other taxes on the land so separated have been appropriated by the Government for the benefit or some object. Waqf land of this kind is not true Waqf. Most of the Waqf land in the Ottoman Empire is of this kind. The legal ownership (Raqaba) of land which has been so dedicated (of the Takhsisat category) belongs as in the case of purely State land to the Treasury, and the provisions and enactments hereinafter contained apply to it in their entirety. Provided that, whereas in the case of purely State land the fees for transfer, succession and the price for acquiring vacant land are paid into the Public Treasury, for this kind of Waqf land such fees shall be paid to the Waqf concerned.

The provisions hereinafter contained with regard to State land are also applicable to Waqf land, therefore, whenever in this Code reference is made to Waqf land, this land which has been so dedicated is being understood as being referred to.

But there is another kind of such dedicated land of which the legal ownership is vested in the Treasury (Beit ul Mal) and the tithes and taxes thereon belong to the State and of which only the right of possession has been appropriated for the benefit of some object, or the legal ownership is vested in the Treasury and the tithes and taxes as well as the right of possession have been appropriated for the benefit of some object.

To such dedicated land the provisions of the civil law with regard to transfer and succession do not apply; it is cultivated and occupied by the Awaqf Authorities, directly or by letting it and the income is spent according to the directions of the dedicator.

Article 5

Land left for the use of public (Matruk) is of two kinds:

(I) That which is left for the general use of the public, like lakes or roads (Matruk Mahmiyya);

(II) That which is assigned for the inhabitants generally of a village or town, or of several villages or towns grouped together, as market places, pastures or cemeteries (Matruk Murfaqa).

[NB. It was Mulk land that could be converted into Matruk by order of the sultan. For Matruk the Raqaba was vested in the hands of the state.]

Article 6

Dead land (Mawat) is land which is occupied by no one, and has not been left for the use of the public. It is such as lies at such a distance from a village or town from which a loud human voice cannot make itself heard at the nearest point where there are inhabited places, that is a mile and a half, or about half an hour's distance from such.

[NB. Mawat was wasteland which an individual could (until 1858) turn into Mulk land with the permission of the sultan and (until 1921) turn into Miri land by cultivating it for a given period of time and paying for it. But the state continued to regulate its transfer and improvement. The tenant's rights to Miri could be forfeited by failure to cultivate the land; such forfeited land was termed Mahlul. For Mawat the Raqaba was vested in the hands of the state.]

The Land Code of 1858 was soon followed by the Tapu Law of 14 December 1858 (8 Jumada al Ula 1275) which provided for the issuance of title-deeds and the procedures of registration, not only of old titels, but also of transfers, inheritance, vivification of Mawat land, the auction of Mahlul land, and prior purchase. The Tapu Seneds Regulations of 29 February 1860 (7 Shaban 1276) provided that no one in the future for any reason whatsoever should be able to possess Miri land without a title-deed.

Prior to 1858, land in Palestine, then a part of the Ottoman Empire since 1516, was cultivated or occupied mainly by peasants. Land ownership was regulated by people living on the land according to customs and traditions. Usually, land was communally owned by village residents, though land could be owned by individuals and families.

The reasons behind the Land Code of 1858 were twofold: (1) to increase tax revenue, and (2) to exercise greater state control over the area. Peasants, however, saw no need to register claims, for several reasons: Land owners were subject to military service in the Ottoman army, general opposition to official regulations from the Ottoman Empire, and evasion of taxes and registration fees to the Ottoman Empire. The registration process itself was open to falsification and manipulation. Land collectively owned by village residents ended up registered to one villager, and merchants and local Ottoman administrators took the opportunity to register large areas of land to their own name. The result was land that became the legal property of people who had never lived on the land, while the peasants, having lived there for generations, retained possession, but became tenants of absentee owners, who later, in the British Mandate years, mainly sold it to wealthy Jewish families or the Jewish National Fund.

In 1948 the Israeli Government took over all British Government Lands in the area of Palestine which it controlled. These State Lands included Mawat, Matruk Mahmiyya and abandoned Miri, and represented about 70% of all Israeli-controlled Palestine. The Mawat lands, which accounted for over half of the State Lands, had been (as of 1931) supporting 7.869 land owners and 2.508 tenants. Although previously reckoned as owners of the land "by the act of possession", these farmers had no title-deeds and therefore little legal claim to the land. As Matruk lands were often registered in the name of British Mandate officials, these lands now became State Lands as well. Finally, "security" orders were used to "temporarily" clear certain lands of inhabitants; and after a specified time such lands were then declared uncultivated (Mahlul), thereby transferring full legal title to the State.

So, based on Articles 9 and 11 of the Law and Administration Ordinance No. 1 of 1948, the Defence (Emergency) Regulations 1945 installed by the British Mandate Authorities came into force again, although they were criticized so strongly by the Jewish population living in Palestine during the British mandatory power.

Following World War I, the British Government had been fulfilling a mandate given them in 1922 by the League of Nations to administer the area of Palestine until independent Government systems could be established amongst the people who lived there. But by the end of World War II, the conflict between the native Palestinians, European Jews that had immigrated there and the British had become so violent that in 1945 the British Government issued a drastic set of regulations in order to control the situation that severely violated human rights according to internationally accepted norms. These regulations were known as the Defence (Emergency) Regulations 1945. Many on both sides of the conflict protested these regulations intensely.

When Britain's mandate came to an end on 14 May 1948, the British Government rescinded these regulations, and published notice of this in an official law gazette in London. Israel the next day declared itself a State, and then soon after that declared an official state of emergency. Then upon declaring the state of emergency, it began immediately using the emergency regulations against the Palestinian rebellion. When criticized for using these extreme measures against Palestinians when they themselves had so vigorously protested when the British Mandate Government had used the same measures against them, the Israeli government said that the British Government had not cancelled the regulations correctly by not publishing the cancellation in newspapers in Palestine where the regulations were applied, but only in London. The government declared that laws that were passed but not published where they were to be implemented were considered to be invalid. But this still did not answer the question why Israel began using laws that they themselves had earlier found repugnant and had protested vigorously.

The Defence (Emergency) Regulations 1945 were the basis for the military government of Arab areas within Israel from 1948 to 1966. Following the 1948 war, Israel established a military government in the Galilee, the Triangle, the Naqab, and the cities of Ramleh, Lydd, Jaffa, and Majdal-‘Asqalan to control the Palestinian population remaining inside Israel and prevent the return of Palestinian refugees. Jewish affairs in the country however were governed by the civilian government. Freedom of expression was severely restricted, and the Palestinians were confined to controlled areas; written permission from the military commander was required for those leaving Palestinian towns and villages. A special network of military courts was set up to ensure compliance with emergency regulations; military court rulings could not be appealed and could instruct the detention, expulsion, or banishment from Israel, seizure and control of property and land, or the imposition of fines. The military government remained in place until 1966, after which many of its features of monitoring and controlling Palestinian citizens of Israel were transferred to civilian bodies. The most important Defence (Emergency) Regulations 1945 were the following:

Regulation 12 (Establishment of Military Courts) established military courts. Every military court had jurisdiction to try every offence against these regulations committed in Palestine, whether it was an offence to be triable exclusively in Military Courts or otherwise, when the offence could also be tried in a Civil Court.

Regulation 16 (Warrants of Arrest) allowed any magistrate or any commissioned officer of His Majesty’s forces or any police officer in charge of a police station to issue a warrant for the arrest of any person whom he might reasonably suspect to have committed a Military Court offence, and any such warrant should be authority for the arrest of such person by any member of His Majesty’s forces or by any police officer or by a Mukhtar or by a private person.

Regulation 30 (Finding of Judgements, etc. of Military Courts) provided that it was not possible to launch an appeal against any judgment, order or direction of the military courts or to challenge the legality of such an act.

Regulation 72 (Arrest) allowed any member of His Majesty’s forces and any police officer and any Mukhtar to arrest without a warrant any person whom he might find committing, or reasonably suspect of having committed, an offence against these Regulations.

Regulation 74 (Seizure, Forfeiture, etc.) provided that any member of His Majesty’s forces and any police officer might seize and detain any goods, articles, documents or things in relation to which he had reason to suspect that an offence against these Regulations had been committed or which he had reason to suspect to have been used in the committing of any such offence or for facilitating the commission of any such offence or which he had reason to suspect to be evidence of the commission of any such offence.

Regulation 84 (Meaning of Expression "Unlawful Association") empowered an Israeli government official or military commander to declare any body or persons or organization, whether incorporated or not, to be an unlawful association. Thus any person who joined such an organization, or attends their meetings could be subject to fine or imprisonment.

Regulation 87 (Censorship) empowered the censor to prohibit by order generally or specially the publishing of matter the publishing of which, in his opinion, would be, or be likely to be or become, prejudicial to the defence of Palestine or to the public safety or to public order.

Regulation 88 (Prohibited Publications) empowered the censor to prohibit by order the importation or exportation, or the printing or publishing of any publication (which prohibition should be deemed to extend to any copy or portion of such publication or of an issue or number thereof), the importation, exportation, printing or publishing of which, in his opinion, would be, or be likely to be or become, prejudicial to the defence of Palestine or to the public safety or to public order.

Regulation 94 (Newspaper Permits) required newspaper publishers to acquire a license from the District Commissioner, who could refuse to issue the license without giving any reason whatsoever. In addition, the District Commissioner could also revoke or suspend a publishing license without giving any reason. But under current Israeli administrative law, the publisher can ask for a hearing to review the Commissioner's decision, but the Supreme Court generally refuses to grant such hearings. This regulation had been expanded to include all forms of modern publication and media.

Regulation 110 (Police Supervision) empowered the area commander to confine people to a limited area or to stay in any place of his choosing without trial or formal charges, and for as long as he chooses.

Regulation 111 (Detention) empowered the military to imprison people for up to 6 months without trial or formal charges. After 6 months, the case had to be reviewed, and the detention could then be renewed at that point. Candidates for administrative detention could appeal to a military advisory committee, which could only issue non-binding recommendations. Evidence could be kept from the candidate and his lawyer for security reasons.

Regulation 112 (Deportation) empowered the military to deport people from their area of residence without trial or formal charges. Candidates for deportation could appeal to a military advisory committee, which could only issue non-binding recommendations. Further appeal could be made to the Supreme Court of Israel. Evidence could be kept from the candidate and his lawyer for security reasons. "Temporary Deportation" was possible for no more than 2 years.

Regulation 119 (Forfeiture and Demolition of Property, etc.) empowered the military to destroy or seal private homes, and to destroy other private or commercial property without trial or formal charges.

Regulation 124 (Curfew) empowered the military commander to confine individuals or entire neighbourhoods or villages to their homes or offices for an undetermined length of time, without charges or trial. There have been reports of curfews lasting for weeks, or even over a month. This put a damaging burden on Palestinian society and economy.

Regulation 125 (Closed Areas) empowered the military commander to declare an area "closed". Thus no one was allowed in or out without permission from the Israeli Military. This regulation has been used to exclude a land owner from his own land so that it could be judged as unoccupied, and then expropriated under the Land Acquisition (Validation of Acts and Compensation) Law No. 25 of 1953. The closures needed not be published in the Official Gazette.

Even though the military government of Arab areas within Israel was abolished in 1966, the Defence (Emergency) Regulations 1945 remained in force, and over the years, the Israeli Government continued to cancel and modify some of the Defence (Emergency) Regulations 1945, but mostly it added more, and a lot of other Emergency Regulations, as it continued to extend its declared state of emergency. There are also many examples of emergency legislation becoming ordinary legislation.

The Abandoned Areas Ordinance No. 12 of 1948 provided that the Government could, by order, declare any area or place conquered, surrendered or deserted to be an abandoned area, and upon such declaration being made, such area should be considered an abandoned area for the purposes of this Ordinance and any regulation made thereunder. And for the purposes of this Ordinance the Government could, by order, extend the whole or any part of the existing law to any abandoned area, subject to the safeguarding of the right of worship and the other religious rights of the inhabitants in so far as the safeguarding of such rights did not prejudice public security and order, and could also empower the Prime Minister or any other Minister to make such regulations as he could deem expedient as to matters relating to the defence of the State, public security, supply and essential services, schools, hospitals and clinics, health, labour, police or Arab Settlement Police, courts and the appointment of judges, prisons, lock-ups and places of detention, and the expropriation and confiscation of movable and immovable property, within any abandoned area.

The Emergency Regulations (Cultivation of Waste Lands) Ordinance No. 27 of 1948 and the Emergency Regulations (Cultivation of Waste Lands) (Extension of Validity) Ordinance No. 36 of 1949 empowered the Minister of Agriculture to take possession of "waste land", meaning land capable of yielding crops and which in his opinion was uncultivated, in order to ensure its cultivation. Once 800.000 Palestinian-Arabs were barred from their lands, these could be defined as uncultivated and seized. The Minister of Agriculture could issue a notice to the owner of "waste land", who was a refugee either in Lebanon, Syria, Jordan, the West Bank and Gaza or Egypt, and immediately after issuing that notice confiscate this land which

was already being used by the Jewish National Fund and other Jewish agencies. Often this law operated in conjunction with other laws including those declaring “security areas”.

The Area of Jurisdiction and Powers Ordinance No. 29 of 1948 provided, retroactively as from the 15 May 1948, that any law applying to the whole of the State of Israel should be deemed to apply to the whole of the area including both the area of the State of Israel and any part of Palestine which the Minister of Defence had defined by proclamation as being held by the Defence Army of Israel.

The Prevention of Terrorism Ordinance No. 33 of 1948 was passed by the Provisional Council of State in 1948 and is (as amended in 1980, 1986 and 1993) still in use today. It outlines numerous offenses that permit conviction of an accused even where no consequences result from the prohibited conduct. The validity of this Ordinance depends upon a declared state of emergency. Provision 3 of the Ordinance states that membership in a terrorist organization is an offense punishable by up to five years imprisonment. Mere membership is sufficient to indict and convict someone under this provision, and does not require direct or indirect involvement in any violent activities. Provision 4 (g) prohibits any act which identifies or sympathizes with a terrorist organization in a public place or a place in public view, and includes “flying a flag or displaying a symbol or slogan or by causing an anthem or slogan to be heard, or any other similar overt act clearly manifesting such identification or sympathy as aforesaid.” An individual indicted under provision 4 (g) “shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding three years or to a fine up to 22.500 NIS.” In order to convict, it is not necessary to prove identification with an activity undertaken by a terrorist organization, or to prove that the result of the act led to violence, or public disorder, or clearly endangered public safety. The Ordinance allows the confiscation of any property of a terrorist organization in favour of the State, even if acquired before the publication of this Ordinance. After the Palestinian uprising of 2000, the state began using this ordinance to punish Palestinian-Arab political leaders with Israeli citizenship who had expressed support for the Palestinian resistance to the occupation in the West Bank and Gaza.

The Emergency Regulations (Foreign Travel) Ordinance of 1948 empowered the Minister of Interior to forbid a person - namely Arab political leaders and activists - from leaving Israel, if there was ground for suspicion that his leaving was likely to harm security of the state.

The Emergency Land Requisition (Regulation) Ordinance No. 1 of 1949 repealed the earlier Emergency Regulations (Requisition of Property) Ordinance of 1948 and authorised the requisition of land when: “...the making of the order is necessary for the defence of the state, public security, the maintenance of essential supplies or essential public services, the absorption of immigrants or the rehabilitation of ex-soldiers or war invalids.” The law included clauses concerning the requisition of houses and stated that: “A competent authority may use force to the extent required for the carrying into effect of an order made by a competent authority or a decision given by an appeal committee under this Law.” The law retroactively legalised land and housing requisitions that were carried out under existing emergency regulations. The law was amended in 1952 and 1953. A 1955 amendment, the Land Requisition Regulation (Temporary Provision) Law of 1955, allowed the Government to retain property seized under the law for longer than the three years originally specified. Along with a later amendment in 1957, the law also specified that any property held after 1956

would be determined to have been acquired on the basis of the British Land (Acquisition for Public Purposes) Ordinance of 1943.

The Emergency Regulations (Security Zones) (Extension of Validity) Ordinance No. 2 of 1949 extended the Emergency Regulations (Security Zones) Ordinance of 1948 and designated an area as "security zone" which meant that no one could permanently live in, enter, or be in said zone. This measure was used extensively in various parts of the country, including areas in the Galilee, near the Gaza Strip and close to the borders. Lands so acquired would often be sold to the Jewish National Fund. The regulations remained in place until 1972.

The Emergency Regulations (Security Zones) (Extension of Validity) (No. 2) Ordinance of 1949 allowed the Government to declare certain Arab villages "closed areas", from which the original Arab inhabitants were barred. Specific regulations allowed the Government to restrict movement, detain or expel people, ban organisations, impose curfews, demolish homes, and so on. Jewish settlers and more recent immigrants to Israel were not subject to these restrictions and were free to cultivate lands, including those belonging to Arabs who had remained in the new state and who themselves were largely prevented from accessing their own lands. Martial law was imposed upon Arab communities in three parts of the country: the northern (Galilee) area, the central ("Little Triangle") area, and the area of Beersheba in the Negev. Martial law was not lifted until 1966. Since then, and despite the 1979 repeal of a handful of their provisions, the Emergency Regulations have remained on the statute books to be invoked as needed (as has indeed happened on a few subsequent occasions).

The Registration of Inhabitants Ordinance No. 50 of 1949 repealed the Emergency Regulations (Registration of Inhabitants) of 1948 and provided a registration of all inhabitants in the area to which the law of the State of Israel applied. The particulars of registration were the following: (a) surname, first name and names of parents and, where the names have been changed before the registration, the former names as well; (b) date and place of birth; (c) sex; (d) family status (single, married, widowed or divorced); (e) date of immigration and date of settling at place of residence; (f) nationality, ethnic group, religion [which included whether they were Palestinian-Arabs or not, or Jewish]; (g) everyday language; (h) ability to read and write; (i) occupation, trade, profession; (j) residential address and address of place of work; (k) marriages and divorces; (l) births; (m) adoption; (n) guardianship; (o) departure from, and return to the area of the Ordinance; (p) deaths. This procedure thus made the Palestinian-Arab citizens vulnerable to discrimination; for example, this information had been used by government employees to practice discrimination in the provision of government services.

The Jerusalem Military Government (Validation of Acts) Ordinance No. 57 of 1949 extended Israeli jurisdiction to "the Occupied Area of Jerusalem" (the western part of Jerusalem that was incorporated into Israel in 1948). It declared that all orders and regulations enacted by the Military Governor or other Government ministries should be given the force of law.

The Absentees' Property Law No. 20 of 1950 provided provisions for the confiscation of lands, buildings, dwellings, business and trade premises, movable property, moneys and rights of so-called "absentees", all those who were expelled, fled or left the country in the first years of the war. The lands and properties of the refugees were confiscated, transferred to the "Custodian of Absentee Property", who later transferred it to the Development Authority, and

eventually used for the purposes of Jewish settlement. Those who remained within the newly created state of Israel, even those who became Israeli citizens, were classified as “present-absentees” and prevented from reclaiming their lands and possessions, if they were not physically present on their property, such as Palestinian-Arabs, who had leased their fruit and vegetable plantations to Jews. The provisions in the law made sure that the term “person” did not apply to Jews, but only to Palestinian-Arabs. The absentee property played an enormous role in making Israel a viable state. In 1954, more than one third of Israel's Jewish population lived on absentee property and nearly a third of the new immigrants (250.000 people) settled in urban areas abandoned by Arabs. Between 1948 and 1953 alone, 350 of the 370 new Jewish settlements were created on lands confiscated under the Absentees' Property Law. The law replaced the Emergency Regulations (Absentees' Property) Ordinance No. 37 of 1948, the Emergency Regulations (Requisition of Property) Ordinance No. 39 of 1948 and other related laws.

The Crime of Genocide (Prevention and Punishment) Law No. 31 of 1950 is consequent upon the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the United Nations General Assembly on 9 December 1948 and in force from 12 January 1951.

The Law of Return No. 48 of 1950 stated that every Jew had the right to come to Israel as an Oleh. An Oleh's visa should be granted to every Jew who had expressed his desire to settle in Israel, unless the Minister of Immigration was satisfied that the applicant was engaged in an activity directed against the Jewish people, or was likely to endanger public health or the security of the State. The Law of Return (Amendment No. 2) of 1970 extended the right to return to a child and a grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew and the spouse of a grandchild of a Jew, except for a person who had been a Jew and had voluntarily changed his religion. Non-Jewish Palestinian-Arab refugees were in most cases prevented from returning and not even entitled to residency or citizenship status. Even spouses of Arab citizens of Israel could only gain citizenship or residency status through complicated and exhausting legal procedures. Like other states, to be born in Israel was one of the ways of acquiring Israeli nationality, provided that one of the parents was an Israeli citizen. Therefore an Arab born in Israel, who was not included under the Nationality Law No. 32 of 1952 and not granted the right to return, and whose parents had not acquired Israeli nationality through residence in Israel would also not get Israeli citizenship on the basis of being born in Israel. Yet a Jewish child automatically acquired Israeli nationality and was granted this nationality without other conditions.

The Development Authority (Transfer of Property) Law No. 62 of 1950 established an Authority for the Development of the Country. The Development Authority was established to work with relevant Government agencies to acquire and prepare lands for the benefit of newly arriving Jewish immigrants. Vast amounts of land allocated for this purpose were bought from the Custodian of Absentee Property. The Development Authority was competent to buy, rent, take on lease, take in exchange or otherwise acquire property; to build, erect, pave, alter, repair, complete, improve, develop, carry on, maintain, manage, operate or regulate buildings, ways, roads, railways, bridges, canals, mines, lines of communication, ports, airfields, factories, irrigation schemes, afforestation schemes, electric power plants, transport enterprises, waterworks, settlement schemes, housing schemes and other undertakings; to develop, complete, meliorate, merge, cultivate and reclaim property... and to do anything necessary for the exercise of any of its powers, together or in partnership with the organs of the State, the Jewish Agency, the Jewish National Fund, local authorities, companies, cooperative societies and other bodies or persons.

The State Property Law of 1951 declared property of the Palestine authorities, situated in Israel, being property of the State of Israel as from the 15 May 1948, and ownerless property, situated in Israel, being property of the State of Israel as from the day of its becoming ownerless or as from the 15 May 1948, whichever would be the later date. Additionally the Government, on behalf of the State, was empowered to acquire by way of purchase or exchange or in any other manner, hire, take on lease or otherwise acquire rights in, property situated in or out of Israel, on such conditions as it would think fit.

The Roads and Railways (Defence and Development) (Amendment) Ordinance of 1951 revised earlier British ordinances relating to road construction, to give more weight to the “development” of the country (as well as its defences). It contained provisions for compensating owners whose lands were requisitioned for such purposes. It also stipulated the size of areas to be cleared alongside roads. This law may not immediately appear to be a land law with a disproportionate effect on Palestinian citizens. However, viewed in the context of other laws (particularly those defining “unoccupied State land”), both this law and its 1966 amendment played a significant role in legalising massive land expropriations in the Galilee and other Arab areas for the construction of the Trans-Israel Highway, for which land was expropriated in 1994. This major road network was designed to bisect Palestinians lands in Israel all the way from the northern Galilee to the Negev in the south.

The World Zionist Organisation – Jewish Agency (Status) Law No. 1 of 1952 established the World Zionist Organization and the Jewish Agency as quasi-governmental bodies for the promotion of immigration and settlement of Jews in Israel. These organizations managed land, housing and service provision, almost exclusively serving the Jewish population. As no non-Jewish organizations were granted similar status, this produced a remarkably lower quality of life for the Palestinian-Arab community.

The Nationality Law No. 32 of 1952 regulated the process of granting the nationality. It conferred automatic citizenship upon all who had the right to return under the Law of Return No. 48 of 1950 and the Law of Return (Amendment No. 2) of 1970. The right to acquire Israeli nationality automatically and without preconditions, on the basis of the right to return, was not merely granted to Jewish immigrants after the establishment of Israel, but was given retroactively to Jews who had immigrated to Palestine or had been born there before the creation of the State. Non-Jews - including native-born Palestinians - had to prove residency and pass other tests. The citizenship was granted at the discretion of the Minister of the Interior. Under the Nationality and Entry into Israel (Temporary Order) Law of 2003 a discriminatory system had been put in place preventing applications for citizenship from Palestinian spouses of Israeli citizens.

The Entry into Israel Law No. 71 of 1952 regulated the process of granting the permit for residence. In those cases in which the spouse who lived in Israel was a permanent resident of the state, the matter was within the discretion of the Minister of the Interior, in accordance with his general power under section 2 of the law, which authorized the minister to grant a permit for “transitory residence” (for a limited period of up to 5 days), a “visitor’s permit of residence” (up to 3 months), a permit of “temporary residence” (up to 3 years) and a permit of “permanent residence.” In addition, the military commander in the area was authorized, under the security legislation, to grant to residents of the area a permit to stay in Israel. Under the

Nationality and Entry into Israel (Temporary Order) Law of 2003 a discriminatory system had been put in place preventing applications for residency from Palestinian spouses of Israeli citizens.

The Keren Kayemet Le-Israel Law (Jewish National Fund Law) No. 3 of 1953 dissolved and re-organized the Jewish National Fund from a company in the United Kingdom to an Israeli company and transferred all its assets situated in the area of jurisdiction of the government. The law likewise stated that the laws pertaining to the new company would be the laws pertaining to local government authorities in Israel.

The Cultivators (Protection) (Amendment) Ordinance of 1953 amended earlier legislation protecting tenant farmers from eviction upon the sale of their lands. The 1953 law removed such protection of farmers on what became “Absentees’ Property”, thus facilitating the acquisition of these lands by the State.

The Land Acquisition (Validation of Acts and Compensation) Law No. 25 of 1953 provided that property in respect of which the Minister certifies by certificate under his hand (1) that on 1 April 1952 it was not in the possession of its owners; and (2) that within the period between 14 May 1948 and 1 April 1952) it was used or assigned for purposes of essential development, settlement or security; and (3) that it is still required for any of these purposes, should vest in the Development Authority and be regarded as free from any charge, and the Development Authority could forthwith take possession thereof. The owners of acquired property were entitled to compensation therefore from the Development Authority. The compensation should be given in money, unless otherwise agreed between the owners and the Development Authority. The amount of compensation should be fixed by agreement between the Development Authority and the owners or, in the absence of agreement, by the Court, as hereinafter provided. More than 400 Palestinian villages were confiscated in this way.

The Candidates for Agricultural Settlement Law of 1953 is noteworthy because it defined the role of the World Zionist Organisation – Jewish Agency as a “settlement institution” that collaborated with the Government of Israel in establishing “agricultural settlements”. These settlements were sited: The inhabitants of which had been settled for the purpose of agricultural settlement, whether simultaneously or at different times by one or more settlement institutions or with the assistance of a national settlement body; but where such a place was a part of a settlement the inhabitants of which had not been settled as aforesaid, only the place settled as aforesaid should be regarded as an agricultural settlement. The significance of this law lies partly in the fact that in World Zionist Organisation – Jewish Agency terminology “national” was synonymous with “Jewish”.

The State Education Law No. 50 of 1953 established a system of schools designed to meet the explicit demands of the Jewish community. The objectives of the Israeli education system as explicitly stated in Article 2 of the law were to exclusively advance Jewish culture and Zionist ideology. The Minister of Education and Culture was authorized to set education curricula for each state institution, and the Arab schools are not outside of the boundaries of Article 2 of the law. As no autonomous educational system had been established for the Arab community, Palestinian students were subjected to an educational curriculum which had been developed by and for the Jewish population. So Arab students were expected to spend more time studying the Torah than their own religious texts. Zionist literature and poetry were included

in the standard curriculum, but not Palestinian classics. Matriculation exams included questions on Judaism, but not the Muslim, Christian, or Druze faiths. In addition, studies have found that Israeli textbooks contain persistent negative and racist references to Arabs and Palestinians. The Ministry of Education at a time did not deny that the reason for such direct discrimination in the curriculum was the fear that Arab history, culture, elements and symbols would rouse national feelings among the Arab citizens.

The Rural Property Tax (Amendment) Ordinance of 1954 amended the British Rural Property Tax Ordinance of 1942. Viewed in conjunction with the earlier Candidates for Agricultural Settlement Law of 1953, these laws offer special advantages to Jewish immigrants settling in Israel. The law stated that land settled by an agricultural settlement established after 15 May 1948 by or with the assistance of the Government, the Jewish Agency or the Palestine Jewish Colonisation Association should be exempted from rural property tax for a period of five years from the first of April following occupation.

The Prevention of Infiltration (Offences and Jurisdiction) Law No. 52 of 1954 was not labelled as an official "Emergency Regulation", but it extended the applicability of Regulation 112 of the Defence (Emergency) Regulations 1945, giving the Minister of Defence extraordinary powers of deportation for accused infiltrators even before they were convicted, and made itself subject to cancellation, when the Knesset ends the State of Emergency upon which all of the Emergency Regulations are dependent. "Infiltrator" meant a person who had entered Israel knowingly and unlawfully and who at any time between the 29 November 1947 and his entry was (1) a national or citizen of the Lebanon, Egypt, Syria, Saudi-Arabia, Trans-Jordan, Iraq or the Yemen; or (2) a resident or visitor in one of those countries or in any part of Palestine outside Israel; or (3) a Palestinian citizen or a Palestinian resident without nationality or citizenship or whose nationality or citizenship was doubtful and who, during the said period, left his ordinary place of residence in an area which had become a part of Israel for a place outside Israel. The law established strict penalties for such "infiltration". Under this law, "internal refugees" (Palestinians who were declared absent from their own villages but inside Palestine at the time Israel was created) were also barred from returning to their villages. When caught, they were expelled from the country. Over the ensuing years, several thousand Palestinians were expelled in this manner, paving the way for Jewish immigration and colonisation of their lands.

The Plant Protection Law of 1956 authorised the Ministry of Agriculture, among other things, to regulate the import and export of plants and plant products. Related laws included the Vegetable Production and Marketing Board Law of 1959 and its subsequent amendments. A 1962 amendment of this law, for example, imposed prohibitions on cultivation without permits and provided for the declaration of "personal cultivation and marketing quotas" on certain crops. By regulating which crops could be planted in a given season and whether or not crops could be marketed, and by imposing quotas on certain crops or other restrictions on cultivation for "personal consumption", this law often worked to the disadvantage of Palestinian cultivators. The Plant Protection (Amendment) Law of 1966 amended the Plant Protection Law of 1956 to authorise the Minister of Agriculture to destroy plants as necessary for pest control, especially in "security areas".

The Absentees' Property (Eviction) Law of 1958 provided for the possibility of revoking an ordered eviction or expulsion under specific circumstances. This applied, for example, where an eviction or expulsion had not yet been carried out, or when an order was issued before the

publication of the Absentees' Property (Amendment) Law of 1956, an amendment clarifying tenancy rights.

The Prescription Law No. 38 of 1958 defined the period within which a claim for the enforcement of any right, in respect of which an action had not been brought, should be prescribed, (1) in the case of a claim not relating to land — seven years; (2) in the case of a claim relating to land — fifteen years or, if the land had been registered in the land register after settlement of title in accordance with the Land (Settlement of Title) Ordinance of 1928, twenty-five years. The law added the proviso that lands purchased after 1 March 1943 would be subject to a 20-year verification period. The law also specified a five-year hiatus between 1958 and 1963 that would not be counted toward the prescription period. The law was one of the most critical to understanding the legal underpinnings of Israel's acquisition of Palestinian lands. Although not readily apparent in the language of the law, the purpose behind this legislation was to enable Israel to claim as "State lands" areas where Palestinian-Arabs still predominated and where they could still assert their own claims on the land. The law was designed to revise criteria related to the use and registration of Miri land (cultivated or cultivatable land) and to facilitate Israel's acquisition of such land. Farmers were required to submit documentation proving uninterrupted cultivation of designated plots of land over the period of prescription. Israel decided that British aerial photographs of 1945 would be used to verify cultivation. Arab farmers, who had not yet begun tilling their lands at the time the photographs were taken, found they were by definition unable to meet the requisite 15-year prescription period. As Israel did not accept other evidence of cultivation, such as tax records, many Palestinian-Arabs (retroactively) lost their lands in the process of trying to establish their legal ownership.

The Town Planning (Amendment) Ordinance of 1959 amended earlier British law. When it is viewed in association with other town-planning laws and related land laws, the disproportionate impact on Palestinians in Israel becomes evident. The Town Planning (Amendment) Ordinance of 1959 specified that permits should be obtained prior to building. It also stipulated that "where any building operations continue in contravention of an order under subsection (1) or (2) (hereinafter referred to as a "judicial cessation order") without a permit under this Ordinance or in considerable deviation from the conditions of such a permit, the Court may, on the application of the Attorney General or the Local Commission, if it deems it just to do so, order that the whole or any part of a structure erected in contravention of the provisions of the judicial cessation order shall be demolished forthwith". The significance of this law becomes apparent when we consider that Israel has not permitted the establishment of a single Arab town since 1948. This is despite severe overcrowding in many existing Arab towns and the fact that numerous Jewish towns have been established in the same period. The Israeli authorities also restricted building expansion within existing Arab towns (for example, in Nazareth).

The Water Law of 1959 followed the earlier Water Drillings Control Law of 1954 which required that licenses had to be obtained from the appropriate authorities at the Ministry of Agriculture prior to digging a well. The Water Law of 1959 decreed that all water resources in Israel were "public property", "subject to the control of the State". Although all citizens were entitled to water according to this law, rights to land did not confer automatic rights to water resources on the same lands. The law authorised the Ministry of Agriculture to declare "rationing areas". It also listed requirements for any proposed water supply schemes and plans, and outlined conditions where approval could be subject to provisions of the town-planning laws. Pursuant to the Water Law of 1959, Government authorities could requisition

land, as needed for installing water supply systems, and could restrict access to these lands. The Water Law of 1959 went through several amendments. Several of the new provisions restricted water plans in parts of the country. Israel enacted other laws pertaining to water supplies; for example, the Streams and Springs Authorities Law of 1965, which gave relevant authorities control over springs and streams as water resources. This included the right to regulate the flow of water, divert the water, control the supply of water to “interested” parties, or drain the areas as necessary (in accordance with other relevant laws). Lands could be expropriated to these ends under the Land (Acquisition for Public Purposes) Ordinance of 1943. The appropriate Government bodies could also designate streams or springs within proscribed parks or nature reserves.

The Basic Law: Israel Lands No. 31 of 1960 prohibited the transfer of the ownership of Israel lands, being the lands in Israel of the State, the Development Authority or the Jewish National Fund, either by sale or in any other manner. But this should not apply to classes of lands and classes of actions determined for that purpose by Law. So the Israel Lands Law No. 32 of 1960 provided a permission for the transfer of certain classes of transactions. And the Israel Lands Administration Law No. 33 of 1960 established an "Israel Lands Administration" to administer Israel lands. In fact the use of land in the sense of the laws meant leasing rights from the Israel Lands Administration for a period of 49 or 98 years. The Israel Lands Administration could not lease land to foreign nationals, which included the Palestinian residents of Jerusalem who had identity cards but were not citizens of Israel. In practice, foreigners were allowed to lease if they showed that they would qualify as Jewish under the Law of Return No. 48 of 1950.

The National Parks and Nature Reserves Law No. 66 of 1963 authorised the Government, in consultation with the Minister of Agriculture, to designate certain areas as “national parks” or “nature reserves”, where access and building could be restricted as necessary. A council consisting of Government officials, an ILA representative, a Keren Kayemet Le-Israel representative, and others, would oversee administration of these areas. “Security” areas could be designated as park areas if so approved by the Minister of Defence. Under this law, Arab lands could be seized and declared parks or reserves, and would thus no longer be available for use by Arabs. Other lands, initially requisitioned from Palestinians by the army as “security areas”, could be transferred to the Parks Authority. This law was amended in 1964 to forbid the sale of any “national assets” without the approval of the Minister of Agriculture. In another amendment, the National Parks and Nature Reserves (Amendment No. 3) Law of 1974, “national sites” were defined as “a structure or a group of structures or a part thereof, including the immediate vicinity thereof, which are of national-historical importance with regard to the development of the Yishuv (the Jewish population of Eretz Israel)”. Similar laws were later adopted in the occupied territories. In one instance, three Palestinian villages were demolished and their lands confiscated in this manner to make way for the establishment of “Canada Park”, “an Israeli heaven for picnickers, hikers, cyclists”.

The Acquisition for Public Purposes (Amendment of Provisions) Law of 1964 specified procedures to be followed in the acquisition of lands based on this and other laws, including the original Land (Acquisition for Public Purposes) Ordinance of 1943. This 1943 ordinance was originally enacted by the British Mandate Authorities and authorised the Minister of Finance (who had succeeded the High Commissioner under the British Mandate) to confiscate land for public purpose. “Public purpose” was defined as “any purpose certified by the Minister to be such a purpose”. The state of Israel used this ordinance extensively, in conjunction with other laws such as the Land Acquisition (Validation of Acts and

Compensation) Law No. 25 of 1953 and the Absentees' Property Law No. 20 of 1950, to confiscate Palestinian land in Israel. The Acquisition for Public Purposes (Amendment of Provisions) Law of 1964 also defined circumstances under which no compensation would be offered to those whose lands had been expropriated; generally, where the expropriation had occurred prior to the coming into force of this law. Many Palestinian-Arabs challenged the expropriations and did not accept compensation. The Acquisition for Public Purposes (Amendment of Provisions) (Amendment No. 3) Law of 1978 addressed this issue by decreeing that where the owner refused compensation or did not give consent within the time allotted, these funds would be deposited with the Administrator-General in the name of the owner. Lands acquired under the Land (Acquisition for Public Purposes) Ordinance of 1943 were used for the building of new Jewish settlements or other ventures from which Palestinian-Arabs with Israeli citizenship were excluded. The Jewish-dominated sector of Upper Nazareth was created in this manner and was the subject of several lawsuits. The Land (Acquisition for Public Purposes) (Amendment No. 3) Ordinance of 2010 confirmed state ownership of land confiscated under the Land (Acquisition for Public Purposes) Ordinance of 1943, even where it had not been used to serve the original confiscation purpose. It allowed the state not to use the confiscated land for the original confiscation purpose for 17 years, and prevented landowners from demanding the return of confiscated land not used for the original confiscation purpose, if it had been transferred to a third party, or if more than 25 years had elapsed since the confiscation. The amendment expanded the authority of the Minister of Finance to confiscate land for public purposes, which under the law included the establishment and development of towns.

The Absentees' Property (Amendment No. 3) (Release and Use of Endowment Property) Law No. 23 of 1965 extended the scope of the Absentees' Property Law No. 20 of 1950 and earlier regulations concerning the Muslim religious endowment property, the Waqf. Most Waqf property in Israel (such as Muslim charity land, cemeteries and mosques) was expropriated under this law (giving rise to the sarcastic quip: "Apparently God is an absentee in Israel") and afterward handed over to the Development Authority, ostensibly because this was necessary to prevent its being neglected, but actually so as to make it possible to sell it. Only about one-third of Muslim Waqf property, principally mosques and graveyards that were currently in use, were not expropriated. In 1956 its administration was turned over to the Board of Trustees of the Muslim Waqf, which by then was made up of collaborators appointed by the authorities. These "trustees" would sell or "exchange" land with the Israel Lands Administration without any accountability to the Muslim community. Anger over these deeds led to acts of violence within the community, including assassinations.

The Planning and Building Law No. 79 of 1965 set up a national plan for future development. Dozens of Palestinian villages were denied official recognition by this discriminatory law and therefore excluded from development planning schemes. Overnight, all buildings in these villages became retroactively "illegal" and "unlicensed" and therefore subject at any moment to demolition. Approximately 100,000 Palestinians in Israel (10% of the Palestinian population) resided in these villages which had been deemed "illegal" by the State and therefore could not be found on any map, had no local council or government representation, and received no government services such as health facilities, running water, connection to a sewage or electricity network, safe access to major roads, postal services, connection to telephone network, adequate education facilities, environmental upkeep and security. These villages were known as "unrecognized villages". Most of these communities existed prior to the establishment of Israel and their residents continued to struggle to survive as citizens of a state that denied them their most basic rights and needs. At the same time, planning

authorities were given the right to plan projects on these lands, establishing exclusively Jewish settlements on the remains of the villages.

The Rehabilitation Zones (Reconstruction and Evacuation) Law of 1965 established an “Authority for the Reconstruction and Evacuation of Rehabilitation Zones”, whose responsibility was “to initiate and plan the reconstruction and rehabilitation, and the evacuation for the purposes of reconstruction and rehabilitation, of slums and underdeveloped quarters and of structures which endanger their inhabitants, and to carry out any activity assigned to it by this Law.” This law, operating in conjunction with other relevant laws including the Planning and Building law and town-planning laws, enabled the Government to declare certain areas “rehabilitation zones” and present plans as needed for the “reconstruction of the zone and the evacuation, resettlement and re-housing of all or part of its inhabitants”. Once so declared, new land transactions in these zones were prohibited. Certain exceptions could apply; for example, in cases of land acquisition by the State. All planning schemes were suspended. The authorities could requisition additional lands adjacent to the “rehabilitation zone” if necessary for the “efficient planning and reconstruction of the zone”. Lands could be expropriated by the State in a rehabilitation zone under the Land (Acquisition for Public Purposes) Ordinance (1943), whereby these lands become “State property”. The law required that inhabitants of such zones should be compensated or resettled elsewhere, so long as the alternative site itself was not to be designated as a “rehabilitation zone” in the foreseeable future. These laws disproportionately affected Arab Palestinians remaining in Israel. For example, thousands of Bedouins of the Negev had been forcibly resettled outside their traditional areas. These were declared as rehabilitation or development zones – and thus placed strictly off-limits to Bedouin – so that Jewish towns could be built there. Another example is the coastal city of Jaffa, where old Arab quarters were declared “slums” and torn down, paving the way for the construction of expensive development projects and artist colonies for Jews.

The Population Registry Law No. 67 of 1965 repealed the Registration of Inhabitants Ordinance No. 50 of 1949 and provided a registration of all residents in Israel. The particulars of registration were the following: (1) Surname, first name and previous names; (2) names of parents; (3) date and place of birth; (4) sex; (5) ethnic group; (6) religion; (7) personal status (single, married, divorced or widowed); (8) name of spouse; (9) names, dates of birth, and sex, of children; (10) past and present nationality or nationalities [Jewish, Arab, Druze]; (11) address; (12) date of entry into Israel; (13) date of becoming a resident. It became obligatory to obtain an identity card carrying this information.

III. Apartheid Legislation from the 1967 War to Present

By virtue of the Defence (Emergency) Regulations 1945 the Israeli military has been given the role to govern the occupied territories since the beginning of the 1967 war. They do so by the issue of Military Orders and Proclamations, through which they oppress and exploit the local Palestinian population. The impacts of these military orders on the occupied territories violate significant numbers of International Laws, such as the International Covenant on Civil and Political Rights, adopted by the United Nations General Assembly on 16 December 1966 and in force from 23 March 1976.

The impact of the military orders can be identified in five categories: 1. Actual annexation of East Jerusalem and the Golan Heights into Israel itself; 2. Creating de facto annexation in the other areas of the occupied territories by creating a separate set of governing, judicial and security systems for the Israeli settlements often tied to Israel; 3. Replacing local Arab institutions (Jordanian in the Region of the West Bank of the Jordan River, Egyptian in Gaza) of government, judiciary and security with Israeli military committees or committees completely controlled by the military, over which local residents have no democratic say; 4. Creating a web of permits and licenses which control every aspect of the Palestinian economy, to the benefit of Israel; 5. Using other methods to constrict Palestinian society that are oppressive and exploitive: (a) Building a web of Israeli settlements, by-pass roads (for Israeli-use-only), military zones, wilderness preserves, and a security/separation fence/wall throughout the territories isolating and/or splitting up Palestinian communities separating families, cutting off workers from their jobs, farmers from their fields, students from their schools, patients from medical care, etc. which seriously undermines Palestinian society and economy; (b) Installing a system of military checkpoints throughout occupied Palestine which further limits movement in inhumane ways (because of the way the Israeli military manages them), thus further strangling the economy and social life of Palestinian society; (c) Destroying or closing Palestinian civil infrastructure such as walls, bridges, and roads or by building ditches around neighborhoods or business centers which further inhibit movement and isolate Palestinian population centers and strangles the economy; (d) Destroying Palestinian economic assets such as office buildings, and port and airport facilities, orchards, and factories which further strangles the Palestinian economy and social movement; (e) Destroying Palestinian security facilities such as police stations and jails so that they cannot fulfill peace agreements, or enforce their own laws; (f) Enforcing the law in inhumane ways such as imprisonment without charges or trial, deportations, home and business demolition, area closures, beatings and torture, assassinating rebel leaders. Often many of these measures are implemented on a massive level.

Israel's governmental position is that the Defence (Emergency) Regulations 1945 were part of the domestic law in the occupied territories prior to the 1967 war, because the Jordanian and Egyptian administration never revoked the 1945 regulations in those areas. During the period of 1967 to 1992 more than 2000 military orders were issued non-sequentially, sometimes without number and many were unpublished. They were not widely distributed and notification of these orders occurred randomly and obtaining copies from the Israeli military governor's legal adviser was difficult. Thus these military orders were not enacted in regular legislative procedures, including parliamentary debates. Moreover, there is no publication in an Official Gazette as requested for laws in order to become formally valid.

Soon after the 1967 war Israel amended the Law and Administration Ordinance No. 1 of 1948. The Law and Administration (Amendment No. 11) Ordinance of 1967 stipulated that "the law, jurisdiction and administration of the State shall extend to any area of Eretz Israel designated by the Government by order." One day later the Israeli government issued the Law and Administration Order (No.1) of 1967, which declared that "the territory of the Land of Israel described in the appendix [to this Order] is hereby proclaimed territory in which the law, jurisdiction and administration of the state apply". It was on the basis of the two aforementioned laws that Israel extended its sovereignty and control over (an expanded) East Jerusalem. The law of East Jerusalem today is the same as the law of West Jerusalem and other areas attached to the state as a result of the 1948 war.

The Military Proclamation No. 1 (Proclamation on the Assumption of Power) of 1967 set up the military government in the Region of the West Bank of the Jordan River.

The Military Proclamation No. 2 (Proclamation Regarding Regulation of Administration and Law) of 1967 stipulated that laws already in existence in the occupied territories would remain in force, as long as they did not conflict with any other Israeli regulations. In the event that they did, Israeli law would supersede any pre-existing law. The proclamation authorised the Israeli Military Commander in the occupied territories, to take over any property of the Jordanian State or government.

The Military Proclamation No. 3 (Concerning Security Provisions) of 1967 illustrates the extensive authority enjoyed by the Israeli Military Commander in the occupied territories. Issued at an early stage in the occupation, the original proclamation confirmed that provisions of the Fourth Geneva Convention were applicable to judicial procedures and military courts. The proclamation declared that the Israeli Military Commander could close areas and deny freedom of movement. He could also impose curfews and forbid movement without a permit. The proclamation has been amended several times. The Military Order No. 144 (Concerning Security Provisions) of 1967 repealed Article 35 of the Military Proclamation No. 3 revoking the previous admission by Israel that her military was bound, in its treatment of the Palestinian population of the West Bank, Gaza and Golan, by the terms of the Fourth Geneva Convention. The Military Order No. 257 of 1968 gave soldiers the power to remove from the area people who had lacked permits. The Military Order No. 307 of 1969 gave the Area Commander the power to seize the property of any person who had failed to pay a fine for any violation, and to resell such property to ensure payment of the fine.

The Agricultural Settlement (Restrictions on Use of Agricultural Land and of Water) Law No. 42 of 1967 provided that the the occupier of land should not make non-conforming use of that land save under a written permit from the Minister of Agriculture. An occupier for whom a water quota has been fixed by the Water Commissioner or by any other authority empowered in that behalf under law or to whom a quantity of water has been allocated out of a quota fixed as aforesaid for a body of persons of which he is a member (both such first-mentioned quota and such quantity hereinafter referred to as a "personal quota") should not transfer his personal quota to another person, or use it or permit another person to use it, for the purposes of land of which non-conforming use is made, save under a written permit from the Minister of Agriculture. The provisions of this law did not apply to non-conforming use permitted by a written agreement between the occupier and the Israel Lands Administration.

The Absentees' Property (Amendment No. 4) (Release and Use of Property of Evangelical Episcopal Church) Law No. 51 of 1967 amended relevant sections of the original Absentees' Property Law No. 20 of 1950 to authorise the establishment of a body of trustees to manage properties vested in the "Custodian of Absentee Property" formerly owned by the Evangelical Episcopal Church. In certain cases, for example where owners and their rightful descendants had passed away, the Custodian could retain control over such properties. No comparable legislation was enacted to release Waqf properties taken over by the State after 1948.

The Military Order No. 2 (Concerning Quarantine) of 1967 imposed a quarantine on the entire West Bank region. It was prohibited to transport any plant or animal, of any kind, from the West Bank region to any location outside this region.

The Military Order No. 5 (Concerning the Closure of the West Bank) of 1967 declared the entire West Bank a closed military area, with exit and entry to be controlled according to the orders and conditions stipulated by the military. It was amended by the Military Order No. 18 (Concerning Closed Areas) of 1967 which required a permit for anyone wishing to enter the West Bank. The Military Order No. 34 of 1967 amended the Military Order No. 18 of 1967 and replaced the Military Order No. 5 of 1967. Several amendments to this Military Order were issued between November 1967 and June 1974. Regulating the entry of persons to the West Bank allowed Israel to control other aspects of life as well, including access to land and property.

The Military Order No. 13 (Concerning Restricting Aviation in the West Bank) of 1967 prohibited any use of airplanes in the area without a permit. The Jerusalem Airport could not be entered without a permit.

The Military Order No. 21 (Concerning Securing the Rights of Depositors) of 1967 supervised the activities of banks and limited their power. The Israeli official-in-charge was to be granted considerable powers of jurisdiction over the running of banks, the appointment and dismissal of bank employees, and over the accounts. He had the right to transfer funds from one bank to another in the area, and to manipulate bank funds in whichever way he deems necessary. No one was to benefit from the liquidation of property (in accordance with corporate law) except for depositors who were residents in the area and whosoever took over the jurisdiction of the Jordanian government or any of its agencies (which were Israeli military committees).

The Military Order No. 22 (Concerning Appointment of Police and Prison Guards) of 1967 allowed the head of the Israeli military forces to delegate the powers of appointing and supervising policemen and prison guards to the Military Commander as well as the administration of detention centres and prisons.

The Military Order No. 25 (Concerning Transactions in Property) of 1967 made it illegal to conduct business transactions involving land and property without a permit from the military authorities.

The Military Order No. 26 (Concerning Control over Currency, Bills of Exchange and Gold) of 1967 made it illegal to conduct transactions in foreign currency or gold, or to import into the area foreign currencies or gold without a permit.

The Military Order No. 29 (Concerning Operation of Prisons and Detention Centres) of 1967 stipulated that prisoners from the area should be kept separate from Israeli prisoners whenever possible and that detainees should be separated from convicted prisoners. It also detailed the regulations under which a detainee should be allowed to prepare for trial; he should be allowed to consult his lawyer when necessary, although the Military Commander had the right to appoint a person to sit in on these legal consultations, cut them short or ban access to the prisoner altogether if he deemed it necessary for reasons of security. The order also established a registration system for tracking prisoners while they were in the prison system.

The Military Order No. 30 (Concerning Jurisdiction over Criminal Offenses) of 1967 gave Israeli Military Courts jurisdiction over all criminal cases in the West Bank, even over cases from before the occupation. The order also set rules for Israeli settlers having dealings with Arabs to also be tried by these Military Courts.

The Military Order No. 31 (Concerning Appointments with Regard to Law of Customs and Excise Duties) of 1967 vested all the powers granted by Jordanian laws and regulations relating to customs duties, fees and taxes, and powers of delegation and appointment related to them to an Israeli officer to be appointed by the Area Commander. The order then imposed excise duty on some products - salt, alcohol, tobacco, petrol products, match manufacturing, etc.

The Military Order No. 36 (Concerning Appointments in Accordance with Postal Law) of 1967 cancelled all postal appointments made, or postal service jurisdiction granted by the Jordanian government, and transferred this duty to the Israeli official-in-charge, who then was to make new appointments.

The Military Order No. 37 (Concerning Appointment and Employment of Staff in the Government Sector) of 1967 transferred to the Israeli official-in-charge all powers concerning the removal and appointment of government employees in the occupied territories, and the replacement of those previously hired (under Jordanian rule). The same process occurred in a variety of other sectors, including the courts and municipal councils, as authorised by different Military Orders.

The Military Order No. 39 (Concerning Powers and Jurisdiction of District Courts) of 1967 began to install a new legal system consisting of Israeli military committees and replacing the local Jordanian court system.

The Military Order No. 40 (Concerning Closed Areas) (Extending the Licensing Period) of 1967 allowed the Military Commander to extend the entry permit for any individual to enter the West Bank for as long as he sees fit.

The Military Order No. 41 (Concerning Control over Currency, Bills of Exchange and Gold) of 1967 defined "resident of the area" as anyone given a permit to remain in the area of his residence after 7 June 1967. Anyone who purchased Jordanian dinars in Israel was allowed to bring them into the area in accordance with the Defence Regulations (Finance) of 1941.

The Military Order No. 42 (Concerning Order Prohibiting Purchase and Sale) (Cancellation) of 1967 replaced the general prohibitions of commercial transactions by conditional permits.

The Military Order No. 45 (Concerning Banking Law) of 1967 empowered the area commander to appoint a Israeli official-in-charge of banks (Inspector of Banks), and awarded him jurisdiction to appoint or delegate responsibility in the banking system, and gave him full control over all Jordanian banks, the power to close banks at will, and control over applications for new banks. This military order also cancelled all of the appointments and

delegations of responsibility made by the Jordanian government, and exempted the banks from banking resolutions of the Jordanian government.

The Military Order No. 47 (Concerning the Transport of Agricultural Products) of 1967 cancelled the Military Order No. 2 (Concerning Quarantine) of 1967. Furthermore it was forbidden by the order to remove or bring any plant or animal product (except for canned goods) from or into the West Bank region without a permit from the competent authority. The punishment for non-compliance was a prison sentence of up to 3 years and/or a fine of 3.000 Jordanian dinars. The Military Order No. 155 of 1967 provided that the competent authority could specify in a permit the route by which agricultural products were transported and their destination.

The Military Order No. 49 (Concerning Closed Areas) (Prohibiting the Transportation of Goods) of 1967 provided that farmers needed permission from the Israeli Military appointee to transport any commodity (with the exception of agricultural products which were subject to separate military orders) within "closed areas".

The Military Order No. 50 (Concerning Distribution of Newspapers) of 1967 provided that all publications published in, or imported into the West Bank had to be approved by a Israeli Military appointee.

The Military Order No. 52 (Concerning Police Forces Operating in Conjunction with the Israeli Military Forces) of 1967 granted all police the same powers and jurisdiction as those granted to soldiers.

The Military Order No. 54 (Concerning Appointments in Accordance with Surveying Laws) of 1967 cancelled all surveying appointments made or jurisdiction granted by the Jordanian government, and transferred these responsibilities to an Israeli official-in-charge appointed by the area commander who would appoint replacements as needed.

The Military Order No. 56 (Concerning Road Transport) of 1967 specified in considerable detail the conditions under which vehicle licensing was to be regulated. This order created a new Israeli Military Committee to oversee vehicle licensing.

The Military Order No. 57 (Concerning Judiciary) of 1967 transferred all cases sent to the Jordanian Court of Cassation to the High Court of Israel instead, and canceled all procedures referring to the Jordanian Court of Cassation.

The Military Order No. 58 (Concerning Absentee Property) of 1967 gave control of absentee land to the Israeli military. The order defined "absentee" as someone who left Israel before, during, or after the 1967 war. Furthermore the order allowed the Israeli Military to keep property even if the property was taken by mistake due to a misjudgement (that it was abandoned for example).

The Military Order No. 59 (Concerning Government Property) (Judea and Samaria) of 1967 established the Israeli Military-appointed position of "Custodian of Government Property" to take over land owned by the Jordanian Government. The order also allowed the "Custodian of Government Property" to appropriate land from individuals or groups by declaring it "Public Land" or "State Land", the latter which it defined as land that was owned or managed by, or had a partner who was an enemy body or citizen of an enemy country during the 1967 war. The Military Order No. 1091 of 1984 added to the definition of "State Lands" lands which were the subject of an appropriation order.

The Military Order No. 60 (Concerning Security Provisions) (Closure of Military Training Zones) of 1967 specified areas closed for military training purposes. Other Military Orders delineated additional military training zones. Separate Military Orders were also issued for the establishment of military camps, for example, the Military Order No. 200 (Concerning Closing an Area for a Military Camp) of 1968. The areas in question were identified numerically as "8038", "8040", "8119" and so on (it was not specified to which sites these numbers referred). Arab landowners often remained utterly unaware of the relevant closure or confiscation order until they found bulldozers tearing up their lands. This practice also had implications with regard to the appeals process. By the time construction had begun on such lands, it was already too late to file an appeal under the law.

The Military Order No. 65 (Concerning Prohibition of Employment) of 1967 required non-residents of the occupied territories intending to start a business or take employment there, including volunteers, to obtain a work permit from the military authorities. This did not apply to non-residents who were employees of the Israeli military or Israeli corporations, or non-residents who were employed prior to 7 June, 1967, and did not leave during the fighting.

The Military Order No. 68 (Concerning the General Census) of 1967 transferred all responsibilities for conducting census to an Israeli official-in-charge, to be appointed by the area commander.

The Military Order No. 78 (Concerning Jurisdiction over Customs Fees and Excise Duties) of 1967 outlined the powers of the Israeli official-in-charge to confiscate and seize the property of anyone who violated any order, regulation or instruction notice issued by the Military Commander, including those pertaining to Customs fees and Excise duties.

The Military Order No. 79 (Concerning Transmission and Broadcasting) of 1967 forbade to own any broadcasting equipment, or to broadcast on it without a permit.

The Military Order No. 83 (Concerning Israeli Currency as Legal Tender) of 1967 converted all payments due in Jordanian dinars to Israeli liras.

The Military Order No. 87 (Concerning Provisional Law of Tourism) of 1967 stated that all appointments made or jurisdiction granted by the Jordanian government pertaining to the tourism industry were cancelled, and tourism responsibilities were to be transferred to the Israeli official-in-charge who could make new ones where needed.

The Military Order No. 89 (Concerning Public Parks) of 1967 stated that the Israeli public parks authority would be in charge of all public parks and an official warden would be appointed. Details concerning entry fees were included.

The Military Order No. 91 (Concerning Jurisdiction over Education Regulations) of 1967 cancelled all appointments made or jurisdiction granted by the Jordanian government pertaining to education; the responsibilities were to be transferred to the Israeli official-in-charge who could make new appointments where needed.

The Military Order No. 92 (Concerning Powers for the Purpose of the Water Provisions) of 1967 vested all powers defined in Jordanian law dealing with water into the hands of an Israeli officer appointed by the Area Commander, and awarded him full control over all water resources. This order also gave him full authority over any new water authority, he could establish new ones, control their methods of operations and appoint their directors. This order also required any person or entity to obtain a permit from the Israeli military official-in-charge before they could install any water-control device (such as a pump, well, irrigation equipment), and this permit could be cancelled at any time for any reason. Public notice in area newspapers concerning these decisions were no longer required, but they could be posted in the offices of the Israeli Military Authority.

The Military Order No. 93 (Concerning Control over Insurance Operations) of 1967 stated that all appointments made or jurisdiction granted by the Jordanian government pertaining to the insurance industry were cancelled, and responsibilities were to be transferred to the Israeli official-in-charge, who could make new ones where needed. This official was given final say over judgments against insurance companies.

The Military Order No. 94 (Concerning Cooperatives) of 1967 stated that all appointments made or jurisdiction granted by the Jordanian government pertaining to the business or housing cooperatives were cancelled, and responsibilities were to be transferred to the Israeli official-in-charge, who could make new ones where needed. All existing cooperatives had to be re-registered. The Israeli official was empowered to appoint new leadership if he deemed necessary.

The Military Order No. 95 (Concerning Appointment and Employment of Policemen) of 1967 stated that all appointments made or jurisdiction granted by the Jordanian government pertaining to the police force were cancelled, and responsibilities were to be transferred to the Israeli official-in-charge, who could make new ones where needed. The Israeli official-in-charge was empowered to delegate authority over police investigations permanently or temporarily to a person outside the police force.

The Military Order No. 96 (Concerning Customs Areas) of 1967 defined the West Bank as a distinct customs area in which it was not permissible to transport or purchase goods in a non-registered vehicle or on a donkey or in certain areas.

The Military Order No. 101 (Concerning Prohibition of Incitement and Hostile Propaganda) of 1967 forbade to conduct a protest march or meeting (grouping of ten or more where the

subject concerned or was related to politics) without permission from the Military Commander. It was also forbidden to raise flags or other symbols. The order prohibited the publication of anything political in any medium, including paintings and other artwork. The punishment for non-compliance was a prison sentence of up to 10 years and/or a fine of 2.000 Israeli lira. The order was amended by the Military Order No. 1079, which prohibited video and audio work of a political nature and published a new list of over 1000 items including all United Nations Resolutions pertaining to Palestine, poetry, novels, etc.

The Military Order No. 103 (Concerning Customs Tariffs) of 1967 imposed customs duties on goods brought into the area of the West Bank in accordance with a permit issued under the Military Order No. 45 (Concerning Banking Law) of 1967, with the exception of goods brought from Israel. It also announced the creation of a public fund which was to be used to develop the economy of the area and into which customs fees levied on goods were to be paid. The order also imposed customs duties on goods brought into the area of the West Bank from any area except Israel. The determination of the level of these duties was left to the "person responsible" appointed by the Area Commander.

The Military Order No. 107 (Concerning Use of Textbooks) of 1967 listed 55 books which were banned from being taught in schools. These included Arabic language books, history, geography, sociology and philosophy books.

The Military Order No. 113 (Concerning Amendment to Collection of Government Monies Law) (Transfer of Authority to Military Commander of the West Bank) of 1967 stated that all appointments made or jurisdiction granted by the Jordanian government pertaining to collection of taxes, fees and other government transactions were cancelled, and responsibilities were to be transferred to the Israeli official-in-charge, who could make new ones where needed.

The Military Order No. 118 (Concerning Supervision of Films) of 1967 stated that all appointments made or jurisdiction granted by the Jordanian government pertaining to the film industry were cancelled, and responsibilities were to be transferred to the Israeli official-in-charge, who could make new ones where needed.

The Military Order No. 119 (Concerning Law of Antiquities) of 1967 stated that all appointments made or jurisdiction granted by the Jordanian government pertaining to the management of antiquities were cancelled, and responsibilities were to be transferred to the Israeli official-in-charge, who could make new ones where needed.

The Military Order No. 124 (Concerning Restriction on the Transfer of Goods) of 1967 stated that it was forbidden for anyone to bring in, move or transfer goods in the municipality of Nablus without the permission of the Area Commander.

The Military Order No. 128 (Concerning Opening of Shops) of 1967 required the owner or manager to open his business during regular working hours. The shop-keeper was forbidden to refuse to sell his stock or provide his services to any person who was willing to pay reasonable fees, or to do so in an irrational manner. Punishment for non-compliance could

involve the enforced closure of the shop, or the dispensation of the stock in whatever manner the Military Commander saw fit, regardless of whether the owner had been convicted.

The Military Order No. 133 of 1967 required a shop-keeper or stall-holder to sell and display any official document at the stated price, if the Military ordered it to.

The Military Order No. 134 (Concerning Prohibition on Operating Israeli Tractors and Other Agricultural Equipment) of 1967 prohibited for any person to bring a tractor or other agricultural machine from Israel to the region, and prohibited for any person to operate a tractor or any other agricultural machine brought from Israel, either directly or indirectly, unless a permit to this effect has been obtained from the official.

The Military Order No. 150 (Concerning Absentee Property) (Private Property) (Additional Regulations) of 1967 widened the scope of the Military Order No. 58 (Concerning Absentee Property) of 1967 by defining “abandoned property” as that which was owned or controlled by a resident of a “hostile” country. It also established provisions for the transfer of assets and control of any businesses owned by an “absentee”. Theoretically and legally, the “Custodian” was entrusted with protecting the property and assets of “absentees” until they return to reclaim their rights. In practice, however, and because Israel had consistently barred the repatriation of refugees, the “Custodian” in the West Bank functioned very similarly to his counterpart inside Israel. Essentially, the former facilitated the transfer of “absentee properties” (especially lands) to Jewish control and thus prevented the rightful Palestinian owners from pressing claims to their own lands and property. Palestinians who returned to the area under processes including family reunification and tried to reclaim their lands had been frustrated by the “good faith” provision, which was virtually impossible to overrule.

The Military Order No. 151 (Concerning Closed Areas) (Jordan Valley) of 1967 declared the Jordan Valley a “closed area” and stipulated that anyone wishing to enter or exit the area had to obtain a permit.

The Military Order No. 152 (Concerning Curfew Hours) (Jordan Valley) of 1967 imposed a night-time curfew on the Jordan Valley area. Later amendments extended and then reduced curfew hours. Other amendments specified what roads could be used, as in the Military Order No. 488 (Concerning Restrictions on Transport, Transfer and Curfew) (Jordan Valley) of 1972. The Military Order No. 547 of 1974 amended this last Military Order to include the Jerusalem-Jericho road.

The Military Order No. 158 of 1967 gave complete control of all water in the Occupied Territories to the Israeli Military.

The Military Order No. 172 of 1967 established the Military Objections Committee to hear appeals concerning decisions of the Custodian of Absentee Property (amended by the Military Order No. 406 and others) and other land appropriation judgements of the Israeli Military and Government. The complainant carried the burden of proof of land ownership. He had to produce complete surveys of property by a licensed surveyor (very expensive), and sworn statements from authorities proving details of his claim, with copies, within 45 days. The

committee was not required to publish its judgements in local newspapers (as required by Jordanian Law), but only to post in the halls of its own offices.

The Military Order No. 187 (Concerning Interpretations) (Additional Instructions) of 1967 specified that the term "Judea and Samaria" had to replace the term "West Bank" wherever it appeared; that is, part of the "Land of Israel".

The Military Order No. 224 of 1967 declared the Defence (Emergency) Regulations 1945 to be in effect in the West Bank until specifically declared invalid by name. These regulations gave the Military powers to violate civil rights and international laws because a state of security emergency had been declared in the West Bank.

An unnumbered Military Order of 1967 declared the Defence (Emergency) Regulations 1945 to be in effect in Gaza until specifically declared invalid by name. These regulations gave the Military powers to violate civil rights and international laws because a state of security emergency had been declared in Gaza.

The Military Order No. 267 of 1968 gave the Israeli Military control over the registration of new companies.

The Military Order No. 271 (Concerning Claims) of 1968 empowered the District Commander to declare areas as "combat or fighting zones", where the Israeli military government did not consider itself as being responsible for damage incurred by military action. The Military Order No. 372 of 1970 clearly stated that no compensation would be paid by the Israel Defense Forces for any damage which was caused in any area which the Area Commander had defined as a fighting zone.

The Military Order No. 284 of 1968 prohibited the training or contact with any "hostile organization", which included any organization with aims to endanger the security of the public, or the Israel Defence Force, or public order in Israel, or other areas under control of the Israeli Military.

The Military Order No. 290 of 1968 added deportation procedures and rules used in Gaza, and described in the Defence (Emergency) Regulations 1945 of the British Mandate Authorities. The orders were issued by the Area Commander. A deportee could be detained in prison until deportation occurred. Appeals could be made to a Israeli Military Court of Objections who heard the case in secret (even from the accused), and could only issue non-binding recommendations. Appeals also could be made to the Israeli High Court, who also heard the case in secret, and by practice only reviews the jurisdiction of the issuing officer, and not the details of the case itself.

The Military Order No. 291 (Concerning Settlement of Disputes over Land and Water) (Judea and Samaria) of 1968 froze all land settlements in the West Bank and gave the Military control over all disputes involving land and water. The order recognized the validity of registration done by the Mandate and Jordanian authorities, but canceled incomplete

Palestinian land ownership registrations and land disputes being heard by the Jordanian Settlement of Dispute Courts.

The Military Order No. 297 established an identity card system which was required by authorities for all business transactions. The order gave the Israeli Military the right to confiscate identity cards for any reason. The Israeli Military was not required to give receipt when confiscating identity cards.

The Emergency State Search Authorities Law (Temporary Order) of 1969 allowed state authorities to conduct searches of persons and their property, without a judicially approved search warrant. The powers granted under this emergency law deviate from the legal norms set out in the Penal Law (Enforcement Authorities – Searching the Body of a Suspect) of 1996, that constrain the power to search a person or his property by listing specific conditions and circumstances under which such authority can be used. This emergency law granted any police officer or soldier the power to search a person and his or her property when the search was necessary to uphold national security. This power leads to severe and unjustified violations of the right to privacy and property. Further, such wide authority, based entirely on the discretion of government officials, does not adhere to the principles of rule of law or legality.

The Military Order No. 310 of 1969 created a special Israeli Military Judicial Committee, and gave it powers usually held by the Judicial Council defined by Jordanian Law, and effectively replaced the Jordanian Courts of Cassation and Appeals reducing possible steps of appeal from 3 to 2. The members of this committee were not made public for 12 years.

The Military Order No. 321 (Concerning Land Expropriation for Public Purposes) of 1969 gave the Israeli Military the right to confiscate Palestinian land in name of “Public Service” (left undefined), and without compensation.

The Military Order No. 329 of 1969 added deportation procedures and rules used in the West Bank, and described in the Defence (Emergency) Regulations 1945 of the British Mandate Authorities. The orders were issued by the Area Commander. A deportee could be detained in prison until deportation occurred. Appeals could be made to a Israeli Military Court of Objections who heard the case in secret (even from the accused), and could only issue non-binding recommendations. Appeals also could be made to the Israeli High Court, who also heard the case in secret, and by practice only reviews the jurisdiction of the issuing officer, and not the details of the case itself.

The Military Order No. 344 (Concerning Road Transport) of 1969 established differently coloured vehicle license plates for different areas. This enabled Israel to regulate the movement of Palestinians within the West Bank and the Gaza Strip separately, as well as between these two areas; to restrict their entry into Jerusalem; and to separate Israeli citizens and settlers and facilitate their passage through the occupied territories.

The Military Order No. 361 of 1969 required car mechanics to register with the Israeli Military the particulars of all cars that they service and gave any policeman access at any time

to the information in this register. The Military Order No. 395 amended the Military Order No. 361 of 1969, adding the requirement that the register kept of customer vehicles include descriptions of damage, his guess how damage was caused, and description of the repairs to that damage.

The Military Order No. 363 (Concerning Protection of Nature Reserves) of 1969 imposed severe restrictions on construction and land use in areas declared nature reserves. The process of transformation of private owned land into nature reserves worked as follows: The registrar of lands attached a "warning notice" to the lands in the registry, thus diminishing the value of land. No compensation for damages was specified. Although the declaration of a nature reserve was aimed at protecting the environment, in reality it was considered by the authorities an integral part of the land-seizure program.

The Military Order No. 364 of 1969 amended the Military Order No. 59 of 1967 and declared that Israeli Military could appropriate land simply by declaring it "State Lands" (according to previous definitions).

The Military Order No. 378 (Concerning Security Provisions) of 1970 replaced Regulations 110 and 111 (concerning area detention and administrative detention) of the Defence (Emergency) Regulations 1945 and refined procedures for their implementation and review. The order empowered Military Area Commanders to establish military courts with prosecutors, officials and judges all appointed by same Area Commanders. In addition, these courts could diverge from rules of evidence and regular procedures, or hold hearings in secret when needed. Anyone disobeying or resisting the court could be immediately sentenced and jailed for upto 2 years. If the Area Commander did not approve of the results of a trial, he had the right to cancel its proceedings and call for a new trial in front of a new judge, or change the sentence. No appeal was allowed on jurisdictional grounds, but was allowed against the findings of guilty or the sentence. The order allowed the court to order the detention of a person for a 6 month periods without trial (using an "arrest warrant"). The person could then be kept in jail longer with issuance of a new arrest warrant. Detention without trial was called "administrative detention". The order stated that the Military Area Commander had the right to restrict any movements and activities of any persons including confinement to a specific area including his home. In addition, Area Commanders had the right to restrict or control the use of any vehicle for any purpose, had the right to impose curfews on any area, and had the right to close off any area or building or business or institution to any person prohibiting either entrance or exit. In addition, the burden of proof was on the defendant to prove his innocence.

The Military Order No. 393 (Concerning the Supervision of Building in the West Bank) of 1970 empowered any military commander to prohibit construction or order a halt in construction or impose conditions on construction if he believed it necessary for the "security" of the Israeli army in the area or to ensure public order.

The Military Order No. 418 of 1971 gave control of Palestinian development, building, infrastructure repair, construction licensing and permit issuance over to councils and committees controlled by Israeli Military.

The Absentees's Property Compensation Law No. 60 of 1973 established the procedure to compensate owners of lands which had been confiscated under the Absentees' Property Law No. 20 of 1950. It established the requirements to be eligible for compensation: The persons entitled to compensation were all those who were Israel residents on 1 July 1973, or became residents thereafter, and prior to the property becoming vested in the Custodian of Absentees' Property were 1. the owners of property, including their heirs, or 2. the tenants only of urban property, including spouses living with them at the last mentioned date, or 3. the lessees of property, or 4. the owners of any easement in property. Other provisions specified the time limit legally allowed for filing a claim, whether compensation was to be awarded in cash or bonds (depending on circumstances), the payment schedule (generally over a fifteen-year period) and other provisions. Appended to the law was a detailed schedule of how compensation was to be calculated for each type of property, urban or agricultural.

The Military Order No. 537 (Concerning Municipal Law) of 1974 gave wide-ranging powers to the Area Commander over municipal boundaries and services, their scheduling, and who performs and supervises them. Thus empowered the Area Commander to remove Mayors from major West Bank cities that had been elected to those positions by the local populace.

The Military Order No. 561 (Concerning the Administration of Kiryat Arba) of 1974 established the "religious council" of the Israeli settlement of Kiryat Arba, and stipulated that the settlement should be administered in accordance with principles issued by the Area Commander as well as its own internal regulations. It was then in these regulations that the government of this settlement was tied to the government and economy of Israel.

The Military Order No. 569 (Concerning the Registration of Special Transactions in Land) of 1974 created a Department of Special Land Transactions where registration of lands declared to be State Lands, or lands appropriated for security reasons occurred. Public notice of these transactions was limited to notices posted within this office instead of newspapers.

The Emergency Regulations (Judea and Samaria, Gaza region, Golan Heights, Southern Sinai – Criminal Jurisdiction and Legal Assistance) (Extension of Validity) Law of 1977 affirmed the legal rights of Israeli citizens and Jewish settlers to continue receiving National Insurance benefits even if they moved to settlements in the Occupied Territories. A 1998 amendment to the National Insurance Law clarified this further by specifying that Israeli citizens moving to the Occupied Territories would continue to receive National Insurance benefits "only if they moved to Jewish settlements".

The Military Order No. 726 of 1977 even forbade persons with valid permits to remain in "closed areas".

The Military Order No. 741 of 1977 authorised an Area Commander to attach [that is, seize] and resell property or appoint others to do so.

The Emergency Powers (Detention) Law of 1979 replaced Regulations 108 and 111 of the Defence (Emergency) Regulations 1945. The law granted the Minister of Defense broad discretionary power to issue an administrative detention order against an individual who was a

citizen of the state, and allowed an individual to be held without charge or trial. Under Article 2 (a) the Minister of Defense could order a person to be detained if he had reasonable cause to believe that reasons of state security or public security required that a particular person had to be detained. Such an order permitted detention for an initial period of six months and could be renewed indefinitely. And the Minister of Justice could, by order, limit the right of representation in proceedings under this law to persons authorized to act as defense counsels in courts martial.

The Military Order No. 783 (Regarding the Administration of Regional Councils) (Judea and Samaeia) of 1979 established five Jewish Regional “Religious Councils”. These should be administered in accordance with procedures determined by the Area Commander in a Regulation. Regional councils had jurisdiction over a group of Jewish settlements in their area. The Regulations issued by the Area Commander then established special courts within the settlements to handle criminal cases. Other regulations tied the governing, court system, and economy of these settlements to Israel.

The Military Order No. 815 of 1979 amended the Military Order No. 378 (Concerning Security Provisions) of 1970 and changed procedures for administrative detentions (imprisonment without charges or trial). Initially, the Area Commander could issue an order for administrative detention for up to 6 months, and a regional commander could issue such an order for up to 96 hours. This could then be renewed indefinitely in increments of 6 months. The orders had to be reviewed by a Military Committee within 96 hours, and then every 3 months thereafter. The prisoner could request an appeal, but if granted, this was conducted in secret not even heard by the prisoner. Appeals heard by a Military Court of Objections could only result in a non-binding recommendation, appeals to the Israeli High Court by practice only lead to a judgement concerning the proper jurisdiction of the officer issuing the order, and not concerning the details of the case itself.

The Basic Law: Jerusalem, Capital of Israel of 1980, declared the “complete and united” city as Israel’s permanent capital. None of these or any other legal changes to the city’s status were to afford Palestinian residents equal rights and protections in respect of their persons or their property. Many Palestinian residents of Jerusalem gave up and moved to other parts of the West Bank in search of more living space. That, in turn, placed them at risk of losing their residence status in the Municipality.

The Foundations of Law Act No. 72 of 1980 stated that a court, faced with a legal question requiring decision, finds no answer to it in statute law or case-law or by analogy, it shall decide it in the light of the principles of freedom, justice, equity and peace of Israel's heritage.

The Military Order No. 825 of 1980 amended the Jordanian Labor Law No. 21, forbidding election to administration of a trade union anyone not working in that profession, or not an employee of that trade union, or who had been convicted of a criminal offense (carrying sentence over 5 years) or security offense in that area. The Israeli Military Officer overseeing trade union elections had the right to demand a list of nominees, and strike any nominee he wished, and to order the trade union administrative council to continue even with too few members, and to issue regulations governing this.

The Military Order No. 841 of 1980 gave the Israeli Military Commander the power to inspect files of cases pending in the Courts, and the right to withdraw cases from the court schedule.

The Military Order No. 847 of 1980 declared that only Israeli Notaries could authenticate signatures.

The Military Order No. 852 of 1980 forbade grazing animals in closed military areas without a permit. And the Military Order No. 987 of 1982 authorised any soldier to seize any animal which he suspected was involved in a violation of an order or law.

The Military Order No. 854 of 1980 put the Israeli Military in control of acceptance and entrance of students, and faculty and staff employment at West Bank Universities. Further the Israeli Military had to control the licensing of teachers. Students without identity cards had to register with the Israeli Military.

The Military Order No. 892 (Concerning Administration of Regional Councils) (Settlements) of 1980 created municipal courts to administer regional councils. The commander had the authority to redefine the boundaries of these regional councils. The order then established Religious Councils and Municipal Courts for specific Israeli settlements in the West Bank, and stated that all were constituted and operated according to regulations issued by the Area Military Commander. Again, these regulations thus tied the economy and governing of these settlements to Israel.

The Employment (Equal Opportunities) Law No. 104 of 1981 provided that a person in need of an employee should not refuse to accept a person for employment, or to send a person for vocational training as a condition of his acceptance for employment, by reason of his sex or by reason of his being married or a parent. In this context the law did not mention the nationality of a person or his religion.

The Military Order No. 936 of 1981 empowered the Israeli Military-appointed "Principle Traffic Authority" to cancel the driver's license of people convicted of security offenses and other offenses. Appeals had to be submitted within 7 days, and were reviewed by a committee of Israeli Military Officers.

An unnumbered Military Order of 1981 created a committee of Israeli Military Officers to review all applications for driver's licenses. The applicant was required to submit a certificate from the Israeli Police proving that he had not been convicted or served a sentence for a criminal or security offense within the last 5 years.

The Military Order No. 947 (Concerning the Establishment of a Civilian Administration) of 1981 established a civilian administration in the region, whose head was to be appointed by the area commander. The Civilian Administration had to administer the civilian affairs in the region, in accordance with the directives of this order, for the well-being and good of the

population and in order to supply and implement the public services, and taking into consideration the need to maintain an orderly administration and public order in the region.

The Identity Certificate (Possession and Presentation) Law No. 8 of 1982 required a resident who has completed his sixteenth year to carry an identity certificate with him at all times and to present it to a senior police officer or the head of a local authority, or to a police officer or soldier on duty when requested by him to do so. A person who contravened the provisions of this law should be liable to a fine of 5.000 shekalim.

The Military Order No. 950 of 1982 described the powers of the "Head of Civilian Administration" to pass new laws, but also described how they had to follow Military Orders.

The Military Order No. 952 of 1982 prohibited residents of the West Bank from buying foreign currencies except for importing goods and services, or for transfer to a dependent relative living outside the West Bank (not to exceed \$ 3000). Also, residents of the West Bank could not take more than \$ 3000 with them when travelling outside the West Bank, and no more than \$ 500 of that total could be in cash. The order required all residents who have bank accounts to inform the Israeli Military authorities of the account and its balance. Residents who own immovable property outside the West Bank were required to inform the Israeli Military authorities about the details of that ownership.

The Military Order No. 973 of 1982 prohibited all money transfers by individuals unless permission had been obtained from the Israeli Military authorities. The Military Order No. 1070 of 1983 amended the Military Order No. 973 of 1982 and required resident organizations to obtain permission from Israeli Military-appointed authorities in order to send or receive money transfers.

The Military Order No. 974 of 1982 established a fund for the development of the West Bank (Judea and Samaria). All funds coming into the West Bank for development purposes had to come through this fund, or obtained in advance a permit from the Israeli Military-appointed Civilian Administration which administers the fund.

The Military Order No. 981 (Concerning Judgement in Rabbinical Courts) of 1982 established Rabbinical Courts and appeals courts in the Israeli settlements for handling personal matters for resident Jews (marriages, adoption, inheritance, etc.). Local courts outside the settlements (Israeli military committees handling Arab affairs) were not authorized to deal with these matters relating to the personal lives of Jews. Thus a dual system of courts was created.

The Military Order No. 997 (Concerning Permits to Work on Areas Seized for Security Purposes) of 1982 prohibited the construction, by any person, of roads, buildings or any other structure, on lands that had been expropriated for security purposes.

The Military Order No. 998 of 1982 prohibited any resident individuals or organizations from accepting any gifts or loans which had not either come through the fund, or did not have a

permit from the civilian administration administering the fund. Within 30 days, all financial institutions in the West Bank had to submit to the Israeli Military-appointed Civilian Administration a list of all their resident bank accounts, and within 60 days all of their bank accounts originating outside the West Bank. All withdraws had first to obtain a permit from the Civilian Administration. All deposits could only be made into accounts so registered with the Civilian Administration.

The Military Order No. 1002 (Concerning the Amendment of the Law of Nurseries) of 1982 required a license issued by Israeli Military-appointed authorities to sell seedlings and operate a nursery.

The Military Order No. 1015 (Concerning Monitoring the Planting of Fruitful Trees) of 1982 required permission of the Israeli Military Commander to plant fruit trees. By the Military Order No. 1039 of 1983 permission also was required to plant vegetables.

The Military Order No. 1025 gave the Israeli Military judicial bodies (left undefined) rights to rule in disputes over immoveable property disputes against Jordanian Law which forbids foreign entities from doing so.

The Military Order No. 1057 (Concerning Administration of Regional Councils) of 1983 allowed the head of the Israeli military forces to specify regulations pertaining to the administration of regional councils in the Israeli settlements. This order increased the jurisdiction and renamed the courts in the settlements.

The Military Order No. 1058 (Concerning Administration of Local Councils) (Settlements) of 1983 allowed the head of the Israeli military forces to lay down regulations pertaining to the administration of the local councils in the Israeli settlements. These regulations then tied these local councils to the government, and courts and economy of the State of Israel.

The Military Order No. 1060 of 1983 transferred land disputes being handled in local Jordanian Courts to Israeli Military Committee for judgement.

The Military Order No. 1080 of 1983 allowed Israeli Military-appointed Village Leagues to carry guns and assume many police duties.

The Military Order No. 1101 provided that in order to apply to the Israeli Military Objections Committee for compensation for damages caused by Israeli Military, the person first had to get a certificate from the Area Commander that the Military personnel causing the damage were involved in a "security" operation at the time.

The Jerusalem Development Authority Law No. 65 of 1988 entrenched Israel's claim to sovereignty over Jerusalem. It was enacted in the aftermath of Israel's annexation of East Jerusalem, which followed the 1967 War, and on the foundations of the Basic Law: Jerusalem, Capital of Israel of 1980 declaring Jerusalem as Israel's permanent capital. The

law established the Jerusalem Development Authority, which was responsible for various spheres of development in the city, including economic enterprises. Another of the Authority's roles was "to promote the concentration of the managements of government ministries and units and national organisations in Jerusalem". Its other responsibilities included allocating resources and determining which bodies were authorised to undertake any particular development scheme. This body might also "mobilise capital in and outside Israel for the purpose of carrying out its functions". The law also provided for the formation of a Council to carry out some of the Authority's responsibilities. The Council's members came from various Government ministries and agencies, and one aspect of its work was "to advise the government as to anything relating to the implementation of section 4 of the Basic Law: Jerusalem Capital of Israel, and to advise the Minister as to anything relating to the implementation of this Law". Only Israeli nationals could serve on the Council, automatically excluding the majority of Palestinian residents of (East) Jerusalem.

The Military Order No. 1252 (Concerning Merchandise Transport) of 1988 required a permit issued by the competent authority for transporting merchandise into or out of the region.

The Military Order No. 1323 (Concerning Methods of Punishment) (Provisional Regulations) of 1991 stated that "it is permissible for the government to expropriate land under the Defence (Emergency) Regulations 1945, and demolish buildings in the area."

An unnumbered Military Order (Concerning Security Provisions) (Closed Areas) of 1991 declared various areas in the West Bank "closed", and entry to them without a permit was prohibited.

The Basic Law: Human Dignity and Freedom of 1992 serves as Israel's constitutional Bill of Rights. But there is no provision in it for the concept of constitutional equality. It is absent from the law. While laws exist which protect the equal rights of disadvantaged groups such as women and the disabled, no general statute relates to the right to equality for all citizens. Moreover, there is no statute which specifically protects equal rights for the major Arab minority in Israel. Israel purports to be an ethnic democratic state, but these terms are self-contradictory. Section 1A of the Basic Law: Human Dignity and Freedom of 1992 states that the purpose of the law is to protect human dignity and liberty, in order to establish the values of the State of Israel as a Jewish and democratic state. However, by establishing a hierarchy placing the interests of Jewish citizens above all others, the Israeli legal system creates the basis for a pervasive system of legal and social discrimination against its Palestinian-Arab citizens.

The Political Parties Law of 1992 defines a party as "a group of persons who joined together in order to promote in a legal way political or social objectives and to express them in the Knesset by their representatives." In order to form a party, the Party Registrar registers "one hundred persons or more who are adult citizens and residents of Israel" found in the Voters' Registry. A party will not be registered if in one of its objectives or actions, explicitly or suggested, is one of the following: 1. The rejection of Israel's right to exist as a Jewish and democratic state; 2. Incitement of racism; 3. Support of the armed struggle of enemy states or terrorist organizations against the state of Israel; 4. A reasonable basis to conclude that the party will be used for illegal activities. So the law requires political parties to accept the "existence of the State of Israel as a state of the Jewish people." In practice, the law dictates

that a political party calling for full equality of the Palestinian-Arab community in Israel may be disqualified. In order to become a politician of the Knesset, a Palestinian politician is forced to essentially negate his own identity, history and entitlement to equal rights.

In 1993, the Israeli Government relented to international pressure, and agreed to negotiate with the Palestinians on a peace agreement. The central issue was to end the Israeli Military occupation of the West Bank and Gaza, and to give the Palestinians the freedom to create their own country. The result were six sets of negotiations which resulted in the Oslo I & II agreements. Oslo I (1993) was a basic set of principles describing the right of Palestinians to achieve independence, and Oslo II (1995) was the Interim Agreement (prior to final status negotiations) delineating a schedule of Israeli Military withdrawal from the occupied territories of Gaza and the West Bank, and the turning over of governmental functions to the Palestinian Authority. Following the signing of Oslo II, the Israeli Government ratified the Oslo I & II agreements, and put in action the agreed-upon withdrawal. But their military passed the Military Proclamation No. 7 (The Implementation of the Interim Agreement) of 1995, declaring that the law and security legislation applicable in the area on the date of issuance of the proclamation should remain in force as long as they are not canceled, replaced or amended according to the provisions of the proclamation or the provisions of the Interim Agreement.

An unnumbered Military Order of 1997 set up a building plan for 17 settlements south of Jerusalem for 50,000 people.

The Nationality and Entry into Israel (Temporary Order) Law of 2003 provided that during the period in which this law should be in effect, notwithstanding the provisions of any law, the Minister of Interior should not grant a resident of the region nationality pursuant to the Nationality Law No. 32 of 1952 and should not give a resident of the region a permit to reside in Israel pursuant to the Entry into Israel Law No. 71 of 1952. The regional commander should not give such resident a permit to stay in Israel pursuant to the defense legislation in the region. This law should remain in effect until the expiration of one year from the day of its publication. However, the government had the power, in an order, with the approval of the Knesset, to extend the validity of the law, from time to time, for a period that would not exceed one year each time. So the law also prevented applications for residency or citizenship from Palestinian spouses of Israeli citizens. The reason for this provisional measure was that the security establishment in Israel had come to the conclusion that the number of Palestinians involved in acts of terror, who held Israel identity cards due to unification of families, had considerably increased.

IV. Conclusions.

Many believe the real purpose of Israeli apartheid in the occupied territories is ethnic cleansing - to both drive the Palestinians into smaller and smaller areas, and also out of the country altogether, so that Israel can realize its dream of possessing all of "Eretz Israel" - Biblical Israel - stretching from the Jordan River to the Mediterranean Sea. It does not seem to matter to them that this violates international law on many fronts, and increases world-wide resentment and rage towards Israel, thus increasing world-wide anti-Semitism.

On 9 July 2004 the International Court of Justice came to the conclusion that Israel could not rely on a right of self-defence or on a state of necessity in order to preclude the wrongfulness of the construction of the security/separation fence/wall in the Occupied Palestinian Territory. The Court accordingly found that the construction of the wall and its associated régime were contrary to international law.

There are many who claim that those who criticize the State of Israel are practicing anti-Semitism. The term "anti-Semitism" means hatred of the practitioners of a specific religion - Judaism. But this does not apply to the critics of the State of Israel - because they are criticizing a government and its policies, and a political philosophy (Zionism) - which are rights guaranteed in our democratic system, and in the State of Israel itself, which also claims to be a democracy. It is a mistake to label this criticism of Israel and the Zionist philosophy anti-Semitism because: 1. Critics are not criticizing a religion, but a government; 2. The policies being criticized are not the teachings of that religion, but are actually immoral according to that religion; 3. There are many practitioners of that a religion who passionately oppose the policies of that government; 4. The victims of the government policies being criticized are themselves - Semites.

Many of the supporters of Israel claim that there is a complete identity between the religion of Judaism and the government of Israel, and that this is the basis to the claim that criticism of that government is criticism of the Jewish religion and its followers. But this is a grave error because governments are completely different from religions. This is a dangerous and unnatural association because it is very important that we are able to criticize governments because of the way they affect the lives of people. For example, the people of the government of South Africa considered themselves to be good Christians, yet no one labeled their critics Christian-haters. This is why two of the basic principles of democracy are free speech to criticize the government and also separation of church and state.

For further information on this topic I recommend the internet publications of the Israel Law Resource Center and Yvonne Schmidt - "Foundations of Civil and Political Rights in Israel and the Occupied Territories"; Wien 2001.