



Demonstrators at a rally to protest against the Nation State Law in the Israeli coastal city of Tel Aviv on July 14. The Nation State Law is going to make it harder for Israel to weather criticism that it is replicating South Africa's once notorious apartheid system, says the writer. PHOTO: AGENCE FRANCE-PRESSE

Move to give Jews special status sparks controversy

Israel's Nation State Law said to entrench discrimination against Arab citizens and promote cause of Jewish settlers

Victor Kattan

For The Straits Times

Israel's controversial Nation State Law has provoked indignation all over the world. The American Jewish Committee, one of the oldest and most prominent Jewish advocacy organisations in the United States, said it was "deeply disappointed" with the law because it puts "at risk the commitment of Israel's founders to build a country that is both Jewish and democratic". Famed orchestra conductor Daniel Barenboim was more explicit, writing in Israel's Haaretz newspaper that "we now have a law that confirms the Arab population as second-class citizens. It therefore is a very clear form of apartheid".

This view was echoed by Mr Ayman Odeh, leader of the Joint List, a political alliance of four Arab-dominated parties in Israel, who told Israel's Parliament that Israel "has passed a law of Jewish supremacy and told us that we will always be second-class citizens".

The Nation State Law is a Basic Law, which makes it part of Israel's Constitution. The law was passed narrowly after a heated eight-hour debate during which opposition and Arab members of the Knesset tore up the printed text of the law, waved black flags, and shouted

"apartheid". Even Mr Benny Begin, son of former Israeli prime minister Menachem Begin, founder of the Likud, abstained from the vote, warning of the party's growing disconnect from human rights.

UNIQUE OR EXCLUSIVE?

But what does the law actually say and why is it so controversial?

An authorised English translation of the The Basic Law: Israel as the Nation State of the Jewish People is not yet available, but already there appears to be some discrepancies in translations of the law, with different versions being referred to.

Take Section 1 (C). The translation of this provision that is most frequently cited in newspapers such as The Jerusalem Post provides that: "The actualisation of the right of national self-determination in the State of Israel is unique to the Jewish people". However, other translations refer to self-determination as being exclusive to the Jewish people.

Although the Hebrew word used in this provision is ambiguous, I have been reliably informed that an accurate translation of the Hebrew text in the context in which the word is being used is, in fact, "exclusive". This is because the Hebrew word is close to the singular that can be assigned only to one group and not to others. Accordingly, the

Nation State Law provides that only the Jewish people have the right of self-determination in Israel. No wonder the law has provoked a storm of protest in Israel, given that 1.8 million of its citizens are Arab.

But it gets worse. What most commentators have overlooked is that the law does not apply only to Israel. It also applies to the occupied West Bank.

The new law will not surprise Palestinians who have been arguing for years that Israel treats the West Bank as an extension of its own territory, where the 1949 ceasefire line that ended the 1948 war has long been blurred.

This complaint was graphically illustrated in a recent video of a student on a tour organised by Israel Birthright, a not-for-profit educational organisation that sponsors heritage trips to Israel for young Jewish adults, which subsequently went viral on social media.

In the video, Mr Elon Glickman complained to his tour guide that their trip to the West Bank felt "like the equivalent of going to the Jim Crow south during segregation". (Jim Crow laws were state and local laws that enforced racial segregation in the southern US until 1965).

What concerned Mr Glickman was that the maps that Birthright was handing out to participants did not show the West Bank: "Literally if I hadn't asked anything, like, how would anyone know where the West Bank was because this map doesn't say anything?"

And this is why the Nation State Law is so controversial. It does not

define the "Land of Israel". But "Eretz Israel" has always included Judea and Samaria, the biblical term for the West Bank, where most Palestinians live.

And this brings us to another problematic part of the law: Section 7, which states in no ambiguous terms that the State of Israel "views the development of Jewish settlement as a national value and will act to encourage and promote its establishment and consolidation". By Jewish settlement, the law is not only referring to Jewish settlement in Israel, but also to Jewish settlement in the West Bank.

The establishment of settlements in the West Bank has been consistently condemned as "a flagrant violation of international law", in successive United Nations Security Council resolutions. Moreover, the settlements make it less likely, if not impossible, for the Palestinians to establish an independent state of their own beside Israel.

POWER OF SETTLERS

Liberal Israelis have long complained that their country has been hijacked by the settlers (some 600,000 people, including those in East Jerusalem), who have swung every election in the right's favour since the assassination of Mr Yitzhak Rabin in 1995, except for the 2001 election of Mr Ariel Sharon.

The Nation State Law is just the latest example of a slew of laws targeting Arabs in Israel, such as those that allow Jewish municipalities and smaller settlements to deny Arabs access to their recreational centres and in some cases exclude them from living in Jewish communities.

The Nation State Law is going to make it harder for Israel to weather criticism that it is replicating South Africa's once notorious apartheid system of racial segregation and discrimination that is now universally condemned.

For it is one thing to enshrine a discriminatory legal system that covertly annexes the West Bank in obscure military orders; it is another to enshrine the system in a Basic Law for the whole world to see.

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