

# Israel: Apartheid-style law passed by Knesset

By David Cohen  
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The “Nationality and Entry into Israel” law, passed by the Israeli parliament (Knesset) by 53 to 25 votes on July 31, is blatantly racist legislation that prevents Palestinians living in the Occupied Territories of the West Bank and Gaza Strip from residing with their Israeli spouses in Israel and from obtaining Israeli citizenship.

Prime Minister Ariel Sharon pushed the legislation through the Knesset before the summer recess, even making it a vote of confidence in his government. Under the law only Palestinians are specifically targeted—people of other nationalities marrying an Israeli can still apply for a residency permit and for Israeli citizenship.

In response, the Adalah organisation (Legal Centre for the Arab Minority Rights in Israel) has submitted a petition to the Supreme Court of Israel challenging the new law’s constitutionality.

It has submitted a petition against the minister of interior and the attorney general on behalf of the El-Sana and Tbilah families, Shawqi Khatib, (Chairperson of the High Follow-up Committee for the Arab Citizens in Israel), and Israeli Arab MPs.

According to Adalah, the new law “violates the constitutionally-protected rights of equality, liberty and privacy, as it limits the ability of Israeli citizens, namely Palestinian citizens of Israel, to exercise these rights based on the ethnicity of their spouses.” On its web site, Adalah published a press release in which it requested that the Supreme Court cancel the law, and instate alternative procedures for the granting of citizenship and residency status in Israel for Palestinian spouses of Israeli citizens.

The El-Sana family is representative of the group of newly married couples whose lives are dramatically affected by the new law. Mr. Morad El-Sana is a citizen of Israel and an Adalah Staff Attorney. Mr. El-Sana married Abeer El-Sana, a resident of

Bethlehem in the West Bank, in March 2003. Mrs. El-Sana is a social worker and a lecturer at Al Quds University. After their marriage, Mr. El-Sana submitted a request on behalf of his new wife to receive status in Israel. The Ministry of Interior denied this request.

In an affidavit submitted to the Supreme Court, as part of the petition, Mr. El-Sana stated that, “I want to make it clear that my wife and I were aware of the legislative process and the government’s decision and that it will interfere in our daily life... My wife will not be able to live with me in Lagiyya, in the Naqab (Negev), and I won’t be able to live with her in Bethlehem. The legislator has decided to prohibit us from living together. To know that our most fundamental rights were revoked by the legislator, although we did nothing wrong, is so bitter that I cannot swallow it. Both my wife and I have no criminal or security past... But because of my wife’s ethnic belonging, we are being categorised as suspects and our rights are being denied.”

B’Tselem, the Israeli Information Centre for Human Rights in the Occupied Territories, claims that “the Law will harm every Israeli who wants to marry a resident of the Occupied Territories. The bill also applies retroactively, harming thousands of already-married couples. Because of the Ministry of Interior’s slow handling of family unification applications, couples who married years ago and have been living in Israel lawfully waiting for family unification will now also be required to separate or to leave Israel.”

It added, “The law will impact not only married couples, but also their children. According to the Interior Ministry’s policy, children born in the Occupied Territories to permanent residents of Israel, can only be recognised as Israeli residents after an application for family unification has been submitted and approved. Since all family unification applications

have been frozen since May 2002, the Interior Ministry has refused to register such children.”

“The new law changes this situation. According to the law, the Interior Ministry and the Civil Administration can grant special permits to children of Israeli residents who were born in the Occupied Territories and are under age 12 enabling them to live in Israel. Such permits will given 'in order to prevent separating children under age 12 from their parents who legally live in Israel',” it continued.

B'Tselem explained the situation by arguing, “the law does not specify what type of permits will be given to children who fall into this category. If the permits are granted by the Civil Administration the possibility remains that children will be separated from their parents as Civil Administration permits are valid only for short periods of time, and are cancelled whenever a general closure is imposed on the Occupied Territories. Furthermore, Civil Administration permits do not confer social benefits such as health insurance.”

Ali, 29, a student from the University of Bir Zeit, told the *World Socialist Web Site*, “Anyone can see how the Israeli rule made cynical use of ‘state defence’ in order to justify the bill. Can anyone show me information regarding Palestinians granted family unification who were involved in attacks against Israelis?”

“I want to emphasise the words written in B'Tselem report, ‘Enacting a sweeping law in response to rare cases of security offences will punish an entire community and violate the fundamental rights of a vast number of people who are not guilty of any wrongdoing whatsoever’.”

The law’s right-wing sponsors said the legislation, which expires after one year but can be renewed, was necessary for security reasons. They claimed that Palestinians from East Jerusalem or the Occupied Territories who gained residence in Israel through family unification policies had been involved in 19 attacks against Israelis over the last several years. B'T Selem has said there is no evidence of this, nor has the government sought to produce any.

Amnesty International has also condemned the law. In a statement, the group pointed out that it “targets Israeli citizens of Palestinian origins, who constitute some 20 percent of the population of Israel, as it is they who generally marry Palestinians from the Occupied Territories.” It noted that thousands of couples would

be affected by the law, including those newly married. Some couples had been waiting 10 years for family unification and many had been forced to live separately or with their spouse in Israel without permits and at risk of deportation at any time.

The Bush administration in the US, Israel’s main backer, has said only that it will examine the new legislation before giving its verdict. “We will have to look at that very closely,” State Department spokesman Richard Boucher told a briefing. “We certainly oppose any laws that discriminate against individuals for ethnicity, or race or sex, disability and we will have to look carefully at this law and see how it fits under the standard views that we have on this,” he added.

It is no secret that the Israeli regime are concerned about what they consider to be a threat to the “Jewish character” of the state. There are now one million Israeli citizens of Arab descent, one fifth of the total, and their number expanded particularly after the Oslo accord during the 1990s, which enabled spouses and children of Israeli citizens to gain citizenship.

According to the Egyptian newspaper *Al Ahram*, “Various ministries have been investigating ways either to limit the growth of the Arab population or raise the birth rates of Jewish women.”

*Al Ahram* point out that the Israeli Welfare and Labour Ministry reconvened the so-called Demography Council last year, even though it had been closed down six years earlier after criticisms that it was racist. The Council, made up of lawyers, educators and gynaecologists, has the remit of finding ways to increase the Jewish population in relation to Arab-Israelis. *Al Ahram* also noted that in May this year Sharon, supported by the ultra-right party Shin Bet and Attorney General Elyakim Rubinstein, asked the Justice Ministry to formulate another amendment to the Citizenship Law that would strip citizenship from children born in Israel to a mixed Palestinian-Israeli Arab couple.

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