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## Written statement\* submitted by the International Organization for the Elimination of all Forms of Racial Discrimination (EAFORD), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[1 January 2013]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## Are Arabs discriminated against in Israel? Is discrimination racist? Who is responsible for the discrimination?

Discrimination against Arabs in Israel is grounded deep in the legal system by a distinction made between “citizenship” and “nationality.” Under Israeli law, these are far from synonymous terms. In Israel, Arabs may be Israeli citizens, but they can never be Israeli nationals. In most other countries, nationality is defined by territorial boundaries. But in Israel, Zionist-proclaimed, extra-territorial “Jewish People” nationality is the only nationality status recognized.

Three related fundamental laws interact to mandate preferential treatment of Israeli Jews:

**The Law of Return:** It gives all Jews in the world the right to “return” to Israel and obtain Israeli citizenship automatically. Palestinian refugees in the Diaspora who were forcibly evicted from their homes and driven out of their lands have, under international and natural law, the right to return, but are not allowed to.

**The Law of Citizenship:** Arabs in Israel, who are the indigenous people of Palestine-Israel, may acquire citizenship if they were born in present-day Israel. But these Arabs do not have the same rights as Jews because Jews are both citizens and nationals, while Arabs are only citizens.

**The Status Law:** It officially sanctions “national” institutions to provide “national” benefits exclusively for a “nation” that Israeli law identifies as “the Jewish people” or “citizens by return.” Arabs, not possessing “nationality” status in the state of Israel, are not legally eligible for “nationality” benefits. They cannot live or work on “national” land, participate in “national” housing, nor share government benefits of “national” agriculture.

These three “fundamental” laws convey the false impression Israel tries hard to make as a so-called democracy where all citizens have equal rights. Racial discrimination is by definition “any distinction, exclusion, restriction, or preference based on race, color, descent, or national or ethnic origin.” By this definition, discrimination against Arabs in Israel would, correctly, be called “racist,” because it is based on differences in “national or ethnic origin.” United Nations as well as United States laws have expanded the strictly biological definition of “racism” to recognize also as “racist” any discrimination based on religious differences.

The very laws that require Israel to “in-gather” Jews, regardless of race, are the same laws that discriminate against Arabs. Israel is legally obliged to “in-gather” Jews, provide benefits to Jews immigrating from foreign countries, and to deny the same benefits to native-born Arabs who are already Israeli citizens. This is certainly “racist” by UN and US criteria.

Is Zionism responsible for this discrimination? Yes, because Israel’s laws and internal policies derive from the ideology of Zionism which insists that Israel be a “Jewish” state. This means demographically and politically and not only symbolically Jewish. To maintain a Jewish majority in the face of the Arabs’ greater natural population increase, some of Israel’s population already agrees with the proposition that Arabs should be expelled from their native land.

EAFORD, an NGO that has been struggling for more than three decades against racial discrimination, believes that all states are under legal and moral obligation to treat their citizens and others who have come under their control equally in dignity and rights, without any discrimination based on religion, race, ethnicity or any other consideration.

We are far from arguing against any state being “known” this or that. For instance, Egypt may be “known” as a Moslem country, and many, including some main stream Arabic publications, refer to Israel as “the Jewish state”. This is not the question. For EAFORD, no distinction is made on the basis of the name. States are judged by their policies and behaviour and their respect for international law, international humanitarian law and human rights law. The question is to what extent such nomination affects or is likely to affect its policies and, in particular, its treatment of its own citizens and others for whom the state becomes responsible, e.g. in the case of Israel, the Palestinians who are Israeli citizens and Palestinians living in the occupied territories (the West Bank and Gaza) for whom Israel has become an occupier since 1967.

Israel’s application for recognition on its creation in 1948 by USA, as recited in the first paragraph of the recognition application, spoke of a new “Jewish” state proclaimed in Palestine. However, in the operative recognition part of the letter, Truman deleted the words “Jewish state”, which were stated in the draft prepared for his signature, and wrote “the state of Israel”. The reason?

There are at least two reasons that might have come to Truman’s mind and that of his advisers: (1) The name given to the new state in the “proclamation of independence” was “Israel”, and not “The Jewish State”. (2) The First Amendment of the American Constitution prohibits discrimination. His advisers might have told him that to recognize it officially as “Jewish” would have discriminated against the Moslem and Christian Palestinians who have become Israeli citizens by virtue of the United Nations partition of Palestine resolution, and may adversely affect the rights of hundreds of thousands of these who have been forcibly evicted from their homes and who would have the right to return. (Alan Peppe, a Tel Aviv University professor, has studied in detail from Israeli sources the official process of this forcible eviction that has created the Palestinian refugees problem. See his book *The Ethnic Cleansing of Palestine*).

The issue is now alive in the open in Israel’s insistence on its official recognition by the Palestinians as “the Jewish state” or “state of the Jewish people”, while Israel flatly rejects the right of Palestinian refugees to return to their homes, and pushes for the “transfer” of the Palestinian minority that has survived the ethnic cleansing and remained in that part of their country, Palestine, that has become the state of Israel. The right of return to one’s country is specifically enshrined in the Universal Declaration of Human Rights as one of the basic human rights. Moreover the right of the Palestinian refugees to return to their homes has been specifically confirmed in numerous resolutions of the UN General Assembly, the same body that recommended the creation of Israel.

Obviously, Truman’s refusal to recognize Israel officially as a “Jewish” state was justifiable, as is the present rejection of such recognition by the Palestinians who experience in their daily lives and in their rights the discriminatory consequences of recognizing Israel as a “Jewish” state. (To learn more, please visit: “Beith Salem: Palestine: A Journal of Everyday Occupation”. “Beith Salem” is a well-respected Israeli Human Rights NGO).

If this is the meaning of “Jewishness” before official recognition, what will be the position after official recognition is granted, Palestinians, many caring Jews and others ask?

Is it any wonder that Israel is losing so much sympathy, not because of alleged anti-Semitism, anti-Jewishness or self-hatred, but mainly because of the utter disregard for the rights of others and of the rule of law under international law, international humanitarian law, human rights law and the rulings of the International Court of Justice, by the so-called “only democracy in the Middle East”. If you happen to visit Jerusalem, in the neighborhood, a village used to be called Lifta. The Palestinian inhabitants of that village, like many others who have become termed as “internal refugees”, are refused to return to

their homes in their village, which is left to decay into ruins. The Palestinians in question are Israeli citizens.

Many Jews, including the new young, are increasingly becoming worried as to the effect on them of Israeli policies through a process of “guilt by association” by Israel’s claim of being the state of the Jews, and these people have started to speak out. Example, the interruption of the speeches of Netanyahu in his visits to USA, in which this young generation, who strongly believes in true Jewish values, continues to remind him of the actions by Israel, such as the siege of Gaza and the settlements, that are now “delegitimizing” Israel.

Successive Israeli governments have been implementing to the letter the Zionist ideology of Vladimir Jabotinsky, the most honored Zionist leader in Israel, as expressed in an article written in 1923 entitled “The Iron Wall – We and the Arabs”, which can be found on the internet search under the title of the article or the author. According to him, modern Jewish settlement in Palestine is similar to the earlier Jewish “plundering” of the country and of the European settlement of the Americas. History tells us, he says, it has never happened that foreign settlement was accepted by the indigenous population. Palestinians, in his view, will be no exception.

Israel is insisting on binding recognition by the Palestinians, because only recognition by them will provide it with the legal protection of its negation and violation of Palestinians’ historical and legal rights, as recognized by international law and the international community. Obviously, the Palestinians would not concede such recognition, and Truman’s foresight becomes relevant.

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