

Dr. Uri Davis

Basic Law: Israel – the Nation State of the Jewish People (of 2018) is not Inconsistent with the Declaration of Establishment of the State of Israel of 1948

Introduction

On Thursday, 9 August 2018, the Van Leer Jerusalem Institute (VLJI)¹ held an emergency Session on the subject of the "Basic Law: Israel – the Nation State of the Jewish People" promulgated by the Israeli Parliament (the Knesset) on 19 July 2018 .and published in the Official Gazette (Reshumot) on 26 July 2018

The said Session was led by expert Panelists – prominent among which is Attorney Talia Sasson, President of the New Israel Fund (NIF) and Chair of its board – who argued that that the basic principles of the said Basic Law (enshrining Jewish supremacy) violate the principle of equality rights for all as formulated in what is regarded as the document – though not Constitutional – embodying the basic principles of the political regime of Israel as a "Jewish .and Democratic" State

The basic principles of the said Law read as follows

Basic Principle 1

- A. The Land of Israel is the historic national home of the Jewish people, in which the .State of Israel was established
- B. The State of Israel is the national state of the Jewish people, in which it exercises .its natural, cultural, and historic right to self-determination
- C. Exercising the right to national self-determination in the State of Israel is unique to the Jewish people. (Unofficial translation, https://www.adalah.org/uploads/uploads/Basic_Law_Israel_as_the_Nation_State_of_the_Jewish_People_ENG_TRANSLATION_25072018.pdf)

The Case at Hand

One of the key arguments put forward by spokespersons demanding the revocation of the said "Basic Law: Israel – the Nation State of the Jewish People" has it that the Basic Principles of the said Basic Law violate the principle of equality rights for all as formulated in the Declaration of the Establishment of the State of Israel (promulgated on 14 May 1948), regarded as the document – though not Constitutional – embodying the basic principles of the political regime of Israel as a "Jewish and Democratic" State, notably the Section stipulating : "equality of rights" (highlighted in red) hereunder

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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 [Jew/Muslim/Christian], race [White/non-White] or sex [Male/Female]; 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.
(<http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/declaration%20of%20establishment%20of%20state%20of%20israel.aspx>)

Read less than carefully, one gets the impression that the paragraph above paraphrases the UN International Convention on the Elimination of All Forms of Racial Discrimination (ICEAFRD)² – except that it doesn't. Whereas the ICEAFRD explicitly prohibits black-on-white "distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin – the Declaration of the Establishment of the State of Israel **does** **!!!not**

:Conclusion

In other words, the said "Basic Law: Israel – the Nation State of the Jewish People" is not inconsistent with the Declaration of Establishment of the State of Israel in that (in my opinion) the Drafting Committee of the said Declaration being aware that they were about to declare the establishment of an apartheid State at core (advisedly, in my opinion) refrained from establishing the principle of equality in respect of national or ethnic origin [Jewish/Palestinian-Arab] just as they had advisedly refrained from declaring the³ establishment of the State of Israel as a sovereign State

Israel was established as an apartheid State at core anchored in the crime-against-humanity of the ethnic cleansing of Palestine⁴. However, the founding leadership of the State were fully aware that projecting Israel in the world arena as "the only democracy in the Middle East" .was not just a public relationship necessity but an existential necessity

Towards that end considerable trouble was taken to cover the criminal apartheid core of settler-colonial Israel with a veil of false democratic procedure (as illustrated in the "equality" section of the Declaration of the Establishment of the State of Israel, above). Remove the veil,

Article 1 In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction² or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.
(<https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>)

The late Secretary General of the then Eretz Israel (sic) Communist Party, Meir Vilner, was a member of the³ said Drafting Committee (and a signatory to the said Declaration). His intervention to the effect that the prospective State be declared "sovereign" as well as "independent were ignored. The State of Israel was advisedly not established as a sovereign because conventionally sovereign states are generally defined within establish borders and represent only their citizens, whereas in political-Zionist thought and practice as well as in the framework of the settler-colonial-political-Zionist expansionist invasion of the country of Palestine, the borders of apartheid Israel were to remain fluid and the State was designated to represent not just its citizens – but the "Jewish people" the world over. (See Uri Davis, *Apartheid Israel: Possibilities for the Struggle Within*, Zed Books, London, 2003, p 62

See Ilan Pappé, *The Ethnic Cleansing of Palestine*, Oneworld Publications, London, 2006⁴

and Israeli apartheid (not necessarily the "Jewish State" as defined in UN General Assembly Resolution 181(ii) of 1947) collapses not unlike the collapse of the now defunct South African apartheid

This is why the current political and security leadership of apartheid Israel regard the non-violent, civil society based international BDS (Boycott, Divestment & Sanctions) movement as a "strategic danger". Whereas BDS represents no military challenge to the one of the eight most powerful nations in the world (<https://www.jpost.com/Israel-News/Two-major-US-surveys-rank-Israel-among-most-powerful-innovative-countries-539661>) – it does represent an effective challenge to the false claim of Israeli legitimacy as a "liberal-democratic State" in the west-European sense of the term

Also in my opinion, the primary reason for the promulgation of the said Basic Law at this time represents an a pathetic by the apartheid State of Israel to curb the rising self-empowerment and self-confidence of its 2 million odd Palestinian Arab citizens, originating in the circa 150,000 indigenous Palestinian Arab population who survived the 1948 ethnic cleansing of Palestine (the Palestinian Nakba) representing an some 20% of the total population of the State and represented inter alia by the 13 members of Common List⁵ in the Knesset and referred to by Minister of Education Mr Naftali Bennet as a "shrapnel/thorn/pain .in the ass" (<https://news.walla.co.il/item/2652433>)

Except that by so doing, the state removed the veil awkwardly covering the core of Israeli apartheid, thereby bringing into full daylight and embossing on official stamp confirming the reality it has historically denied in bad in bad faith, namely: that Israel was established as an apartheid State at core anchored in the crime-against-humanity of the ethnic cleansing of Palestine

As of this point apartheid Israeli Parliament and its government have embarked upon the route that will (hopefully) lead to the UN General Assembly subjecting the rogue State of Israel to the 1973 International Convention on the Suppression and Punishment of the Crime .of Apartheid

Dr Uri Davis

)Uri Davis (PhD Anthropology
Member, FATH Revolutionary Council []
Rapporteur of the Political Committee/ FATH Revolutionary Council &
Deputy Commissioner-General FATH Commission of Foreign Relations/FIRC []
Head of FIRC Africa Committee &
)Member, Palestine National Council (PNC []

Cellular: +972 54 452 3838
Tel/fax: +972 2 298 4682
<http://www.uridavis-official-website.info>

Consisting of the Democratic Front for Peace and Equality/JABAH/HADASH, the United Arab 5
List/RA'AM, the National Democratic Assembly/BALAD/TAJAMMU', AND THE Arab Movement
.for Renewal/TA'AL