

The Ongoing Nakba and I

Munir Nuseibah

My city, Jerusalem, is well known for being an ancient spiritual center for three monotheistic religions and for being the center of the Palestinian-Israeli conflict. Many may misunderstand the conflict as a competition among Judaism, Christianity and Islam. In my view, it is not. I come from an ancient Muslim family called Nuseibah (also transliterated to the Latin alphabet as Nusseibeh, Nuseibeh or other forms) that believes it has had a continuous presence in Jerusalem for 14 centuries. Over the past millennium, my family has taken the responsibility of opening and closing the church of Holy Sepulcher, the place where most Christians believe Jesus Christ was crucified and buried. This was at the request of the Christian sects (Orthodox, Armenian, Catholic and others) who share the holy church and wanted to stop their sectarian conflict by giving the key and responsibility of opening and closing the church to a non-Christian custodian. By taking this track, religious diversity has helped to keep the peace in the city.

The current conflict between Israel and the Palestinians has little to do with religions. It is a result of colonial ambitions vs. native resistance. Around the end of the 19th century, a movement called Zionism was established as a response to the wide persecution that Jews were facing around the world. The movement aimed at establishing a Jewish state and set Palestine, a territory that was part of the Ottoman State then, as the favorable place for establishing this state. The main problem facing this project was that Palestine was inhabited by a native population, the majority of which was not Jewish. My family was part of that majority.

As the movement advanced with the implementation of its goal, it used a colonial strategy that aimed to exclude the native population of Palestine from the project. By the time the Ottoman state was defeated in the First World War, native and immigrating Jews numbered less than 13% of the total population of Palestine. Following that, Palestine was occupied by the United Kingdom, which ruled Palestine until 1948 as a mandatory power. The UK publically declared that it was going to help with establishing a “Jewish homeland” for Jews in Palestine, a decision that changed my ancestors’ rights radically.

However, despite several waves of Jewish immigration into Palestine during the British Mandate over Palestine, by the end of this era, Jews were only 30% of the total population of Palestine. This is when Israel was established as a Jewish state on 78% of Palestine

after displacing 80% of the Palestinian population living in the territories that it managed to control by the end of the war, an event that got to be known as the catastrophe of Palestine, or the “Nakba.”

Despite securing a large Jewish majority in Israel in the aftermath of that war, Israeli right wing and left wing governments have never stopped their colonial policies which always included displacing Palestinians away from their homes. In 1967 Israel occupied the remaining 22% of Palestine which included the West Bank, formerly annexed to Jordan and the Gaza Strip on which a Palestinian government had functioned under Egyptian supervision and administration. The war that led to the occupation also resulted in the displacement of a number amounting to a quarter to one third of the population of the occupied territory. Soon after the occupation, the Israeli authorities

started an active colonization and displacement policy. As Palestinians observed that what Israel had started during the Nakba was continued on a daily basis, they came to call the results of these policies the “Ongoing Nakba.” My studies and work have been focused on dealing with the consequences of the Nakba and the Ongoing Nakba.

Israel uses several methods for displacing Palestinians mainly through what I call “regulatory engineering.” That is, using and developing laws and other regulations that will bring about the results sought by the Israeli authorities, namely, moving Palestinians out of their homes.

My city, Jerusalem, is where the ongoing Nakba is conducted intensively. Most of my work in Jerusalem at Al-Quds University’s Community Action Center and Al-Quds Human Rights Clinic is focused on its patterns and consequences. West and East Jerusalem were occupied by Israel in the wars of 1948 and 1967 respectively. Following the 1948 war, Israel secured a Palestinian-free West Jerusalem because of its policies of forced displacement during the war and its rejection of the return of any Palestinian refugees to their homes. Following the occupation of 1967, Israel illegally annexed 70 Square Kilometers of the West Bank including the old city of Jerusalem and some of its surrounding villages. This area had a significant Palestinian population who suddenly all became part of a bigger Israeli municipality of Jerusalem. While Israel annexed the territory of East Jerusalem, it refrained from annexing its population. At the beginning, it took a census and registered Palestinians who were physically in Jerusalem. Then, after excluding everyone who was abroad at the time regardless of the reasons of their travel, Israel decided to give the population in the annexed territory a residency status and later started introducing methods to revoke it.

The revocation of residency took place initially if a Palestinian left the country for a period of 7 years, or got a permanent residency or a citizenship abroad. Then, in 1995, the Israeli supreme court decided in a pivotal residency revocation case known as the Shiqaqi case that the residency can be revoked even if the resident has not met any of the stipulated criteria, and it sufficed that her/his “center of life” was outside Israel. This policy has allowed the Israeli authorities to accelerate residency revocation, especially because this new policy also included Palestinians living in the remaining parts of the 1967 occupied territory as individuals whose “center of life” is outside Israel. As a result, the Israeli authorities have revoked the

residencies of more than 14,500 Palestinians, more than 11,000 of them after the “center of life” criterion was introduced. Following the 2006 Palestinian Legislative Council elections, the Israeli authorities revoked the residencies of 3 elected council members and 1 appointed minister from Jerusalem, justifying that these individuals have “breached their allegiance” to the state of Israel. The four Palestinian politicians petitioned the Israeli supreme court, which decided in 2017 that while the new policy was illegal under Israeli law, the revocation was extended for six more months during which the government was invited to ask the Israeli parliament to enact a law that will allow revoking residencies based on “breach of allegiance.” In March 2018, a law was enacted to that effect, formally cementing a new criterion for residency revocation. This law might be used against a wide range of Jerusalem’s population in the future. These laws control our life and choices. For example, when I was studying abroad, I knew that I had to return as soon as my studies are over or otherwise my residency would be at risk. Many of my friends and relatives have lost their right to return home following their sojourn abroad. Part of the work of the university centers I’m involved with is to help victims of this policy to protect their residency status.

In addition to that, Israel has introduced restrictions on the ability of Palestinians from Jerusalem to register their children as residents, leaving thousands of children unregistered. Many Jerusalemites go through very complicated procedures in the ministry of interior to register their children, but if they fail, the child will lose her/his right to live in their parent’s city. Furthermore, Israel introduced a law in 2003 according to which it blocked the ability of family members who have a West Bank or Gaza Strip residency status from getting a residency status in Jerusalem or Israel, effectively separating many family members from each other. Several of my family members, work colleagues and friends, are unable to live their full rights because of this policy.

Moreover, the Israeli authorities strictly restrict Palestinian construction in the city. When Israel occupied East Jerusalem, it zoned it in such a discriminatory way that only allowed Palestinians to build on the already crowded 13% of the total territory of the annexed city. This has led many Palestinians who wanted to continue to live in Jerusalem to build houses without a permit. The Israeli Jerusalem municipality considers this construction criminal and punishes those responsible for it or benefiting from it with expensive fines or imprisonment and

then demolishes the construction “illegally” built. Part of our job at Community Action Center- Al-Quds University is to provide free legal representation for those whose houses received a demolition order. While demolishing homes as a result of building without a permit is the primary method for home demolition, Israel has also been demolishing homes as a method of collective punishment. Following attacks characterized by Israel as a “terrorist acts” conducted by a Palestinian, the Israeli authorities frequently demolish the house of the alleged attacker’s family, in spite of the fact that they had nothing to do with the alleged act, and even when the alleged attacker is killed or imprisoned by the Israeli authorities. Through my work, I have interacted with many families whose houses were demolished and who were forcibly transferred out of Jerusalem based on the claim that their family member attacked Israelis, even though they were innocent.

By contrast, the Jewish population of Jerusalem have an unlimited right to leave Jerusalem or Israel and return at their convenience. They are Israeli citizens. Moreover, any Jew from anywhere around the world has a right to immigrate to Israel, including occupied Jerusalem or live in colonies in the West Bank, and enjoy more rights than any Palestinian can dream of. According to the Israeli law, any Jewish child born in Israel (including occupied Jerusalem) is an Israeli citizen, even if her/his parents are not. Israel has been building Jewish only colonies in Jerusalem, at the same time that it has been demolishing Palestinian homes.

Comparing my rights to those of a Jew in Jerusalem always reminds me of the importance of working towards changing the regime under which I live. As I mentioned earlier, religion does not play a big role in the conflict, but the discriminatory aspects of this colonial regime do. How can I accept that my mere presence in my ancestral homeland is a burden to the occupation authority while the settlement of Jewish foreigners is seen as a blessing?

As a result of the Israeli policies, Palestinians who feel rooted in their homeland frequently use the Arabic word “Sumud,” which may be translated poorly as resilience, to express their major resistance action. Sumud is practiced passively as well as actively. Its passive exercise takes place through not leaving their homes, shops, roads, etc. The active exercise includes several actions including organizing cultural activities, building institutions, and supporting one another.

The human rights community, which I am a member of, is an active contributor in resisting the ongoing Nakba. For example, Al-Quds University, which is the major Palestinian academic institution in Jerusalem, established the two university centers I am involved with (CAC and the Clinic) to provide legal services to help victims of Israel’s discriminatory policies resulting in the ongoing Nakba through the Israeli legal system. It is way beyond our capacity to stop it, but at least we can council and represent victims on the regime’s loopholes to allow them to survive in their city. At CAC, we also support women and children with education, empowerment and psychosocial support.

However, despite all the efforts invested in these services, justice will not prevail until the Israeli regime changes fundamentally, leaving behind the colonial approach to politics, statehood and law. While Sumud might be the only way a colonized population can understand their hard life, it should be a phase that leads toward full freedom.

My vision for Jerusalem might be influenced by my scholarly and professional experiences, but also by my family history. I understand that Jerusalem and Palestine/ Israel are precious to Palestinians and Jews in the same way the Church of the Holy Sepulcher is precious for the different Christian sects. The only way peace can prevail is if those who love the city coexist in it. The Israeli continuous attempts to exclude the Palestinians from their own homeland (the Ongoing Nakba) are making the dream of peace and justice further away every day. Hence, it is imperative in the current circumstances that my local human rights community, supported by likeminded international actors, continues to help Palestinians with Sumud and simultaneously work to change the current regime and end the occupation. When the victims of the Nakba and Ongoing Nakba are redressed, it will be much easier to end this conflict.

NOTES

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2. Anglo-American Committee of Inquiry on Jewish Problems in Palestine and Europe, "A Survey of Palestine, Prepared in December 1945 and January 1946 for the Information of the Anglo-American Committee of Inquiry" (Washington: Institute for Palestine Studies, 1991), 143.
3. Henry Cattan, *Palestine and International Law: The Legal Aspects of the Arab-Israeli Conflict*, vol. Second (London: Longman, 1973), 15–19.
4. Nur Masalha, *Expulsion of the Palestinians: The Concept of "Transfer" in Zionist Political Thought 1882-1948* (Washington: Institute for Palestine Studies, 1992), 175.
5. Badil, Resource Center for Palestinian Residency and Refugee Rights, "Survey of Palestinian Refugees and Internally Displaced Persons 2010-2012" (Beithlehem: BÄDIL, 2012), xxvi; John Quigley, *The Case for Palestine: An International Law Perspective*, 2nd ed. (Durham & London: Duke University Press, 2005), 168.

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