

The Latin Patriarchate
SOCIETY OF ST YVES
"I am my brother's keeper"
Catholic Human Rights Legal Center

Narrative Report Full Year 2006

Wednesday, February 28, 2007

Introduction: An Ongoing and Compounding Humanitarian Disaster.

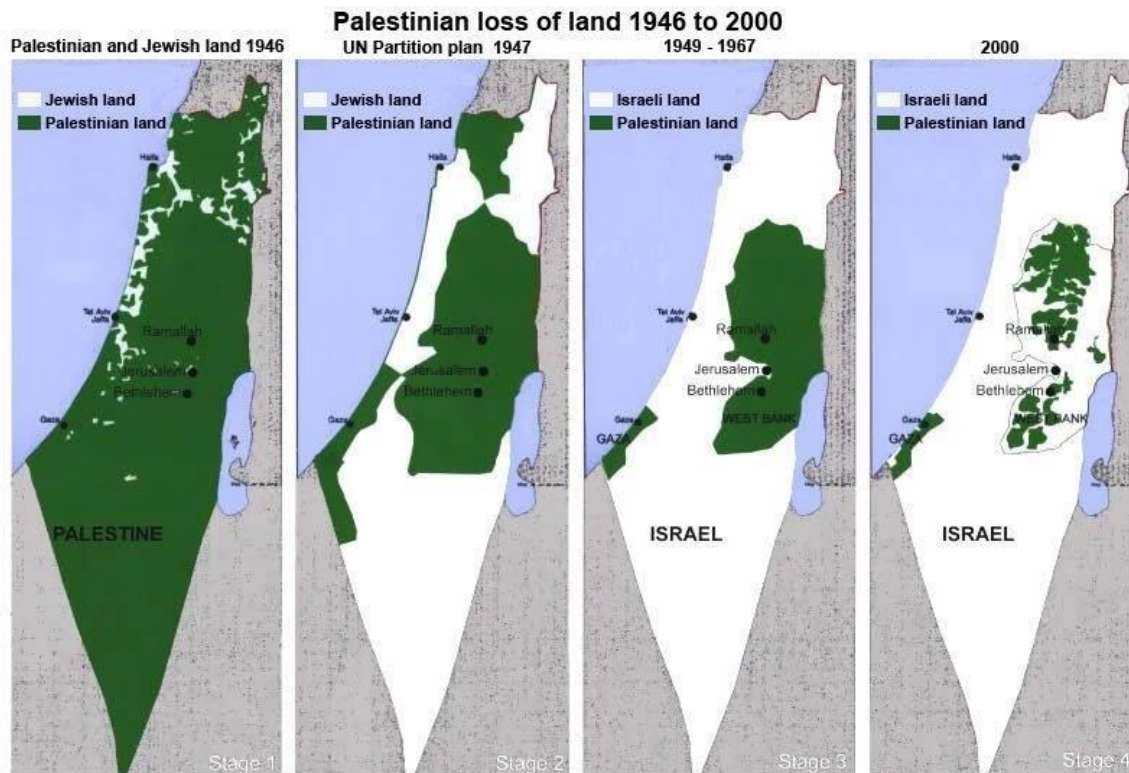
2006 was by any reckoning a difficult year for the peoples of the Holy Land and indeed for all of the peoples of the Middle East. Wars followed in the wake of elections. Fear, death and destruction followed in the wake of the hope of renewal. The Palestinian people learned a lesson in twenty first century democracy and it was a hard lesson indeed. They learned that democracy does not mean electing the government of the people's choosing after robust communal debate, deliberation and consideration of the records of service of the incumbents and the challengers. They learned that a fair and well conducted election with a record voter turnout, given the obvious constraints of radical curtailment of freedom of movement, was not the benchmark of popular participation in the democratic self governing process. They learned instead that modern Western democracy means choosing a government that has the approval of its community's Occupier and of all of the Occupier's international friends. In the course of the year 2006 the Palestinian people learned that democracy means choosing not self government but government by self interested outsiders and a failure to choose the latter option leads inexorably to prolonged and profoundly wounding collective punishment not only by the Occupier but by all of the Occupier's International friends.

In the middle of 2007 we will mark four decades of Israeli occupation of the West Bank, Gaza and East Jerusalem. Yes the Israeli settlers, some 8,000 souls, were evacuated from the Gaza Strip in August 2005 but the promise of Palestinian self determination never eventuated. It was as if the settler evacuation was accomplished simply to clear the battle ground so that the Palestinian people could more efficiently be militarily brutalized without fear of collateral settler damage. Gaza remains, in the words of South African professor of law John Dugard in a special report to the United Nations General Assembly, *"a prison and all its inhabitants are prisoners of Israel. Israel has engaged in a scorched earth policy in Gaza."*

No less is true of the Southern and Northern West Bank. Professor Dugard describes in his report, *"an apartheid regime"* in the Occupied Palestinian Territories *"worse than the one that existed in South Africa."* The four decades of illegal Israeli occupation and colonization have been years of de-development of the Palestinian community or rather communities and today the Palestinians are expected to build a state on a barren, butchered landscape cut up and carved into cantons or Bantustans or perhaps they could be called "Indigenous Population Reservations" with all of the access routes and land corridors from village to village and town to town controlled by an occupying army which is one of the best equipped and nuclear capable military forces in the modern world.

Some 70% of Palestinians are today living on less than US\$ 2 per day. The agricultural sector of a population largely dependent on agriculture is in tatters. Since the beginning of the present state of war in September 2000 approximately 1.2 million fruit bearing trees have been uprooted. For every liter of water allowed a Palestinian his settler neighbor consumed 30 liters. Since the beginning of the occupation in 1967 Israel has destroyed over 18,000 Palestinian homes and will not issue permits for the building of new ones except through a process which is excessively drawn out over half decades and is exorbitantly expensive, costing not thousands of Dollars but tens of thousands of Dollars. Accurate figures are unavailable but it would be safe to estimate that some one hundred and

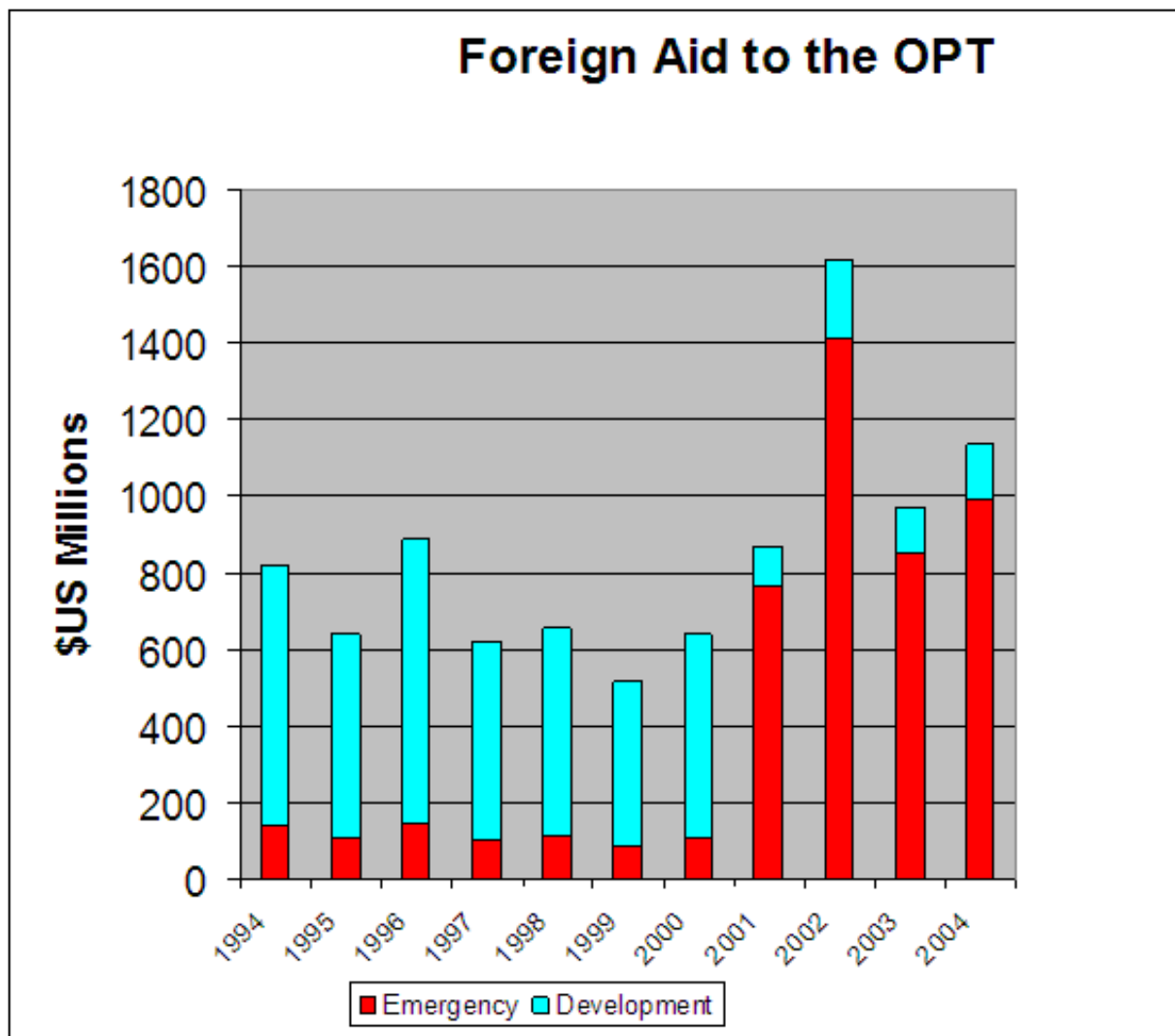
fifty to two hundred thousand people have been made homeless by this unremitting policy of colonization through destruction of the indigenous population, which the Israeli historian Ilan Pappé calls, "The Ethnic Cleansing of Palestine." This is not an accidental phenomenon. It is a deliberate and thought out choice for an ongoing and relentless policy of violence over the peaceful resolution of tension and conflict. Since the Oslo Accords in 1993 which were supposed to freeze the settlements in the Occupied Palestinian Territories, the settler population has more than doubled as has the area of lands taken by settlements for "natural growth" and "Israeli only" roads that connect those settlements. Today not less than 60% of the Palestinian population is 18 years old and younger and it is for them that a new Palestinian State is to be built in the vision of the "Two State Solution." This young population is expected to contain its "natural growth" into an ever shrinking, non contiguous land area as Israel grow and swallows it up. It will be state built by two generations of people who have never known freedom, only harsh and unrelenting military occupation. A state built by a people who have born the burden of distress and trauma, undereducated, abused, humiliated and vilified and who enter a new world and a new state practically and deliberately deprived of modern skills and with little hope of employment.



It is well nigh impossible to describe in a few words to those who have not seen with their own eyes the unrelenting and punishing conditions under which ordinary Palestinians live their lives today. It is also impossible to escape the conclusion that Israel could not accomplish this task alone. The world watched the spectacle of a real time television war in Lebanon during the summer months of 2006 and wept over holes in roads and damaged buildings (mostly Arab owned) made by Katyusha rockets in Israel's north while remaining dry-eyed or at most shed crocodile tears over the devastation of the southern suburbs of the city of Beirut and the near total destruction of a score of villages in Southern Lebanon. What did not rate as newsworthy for the better part of the year 2006 was the constant bombardment from air, sea and land of the Gaza Strip, one of the poorest and most densely populated areas in the world. Beirut was spared the bombing of its power station but Gaza was not, leaving some 900,000 people, men women and children, without electricity for well over a long, hot summer month. Neither is there a question of who will pay the cost of this policy of

collective punishment and deliberate, aggressive de-modernization of the Palestinian people through a frenzy of violence. It will certainly not be Israel and most definitely will be her allies. In the seven fat years after the Oslo Accords the Palestinian economy and civic culture were developing despite the rigors of the continued occupation. The more it modernized the more intolerable the occupation became. The lean years that followed the outbreak of the Second Intifada were far more costly for the international donor community and far less productive. The table below illustrates the comparative cost to the donor community of developing a viable democratic civil society against merely sustaining a brutalized people and nurturing it into a world of impacted abject poverty and hopelessness. If the poor have no peace how can they engage in a productive peace making process?

One can only wonder at the possibilities in the furtherance of good relations between neighboring states if development aid without, rather than within the acceptance of occupation, was to be made the weapon of choice by the international community in the birth of a Palestinian State built on true democratic principles and sustained by effective and efficient modern civic structures and institutions. Continuing progress through development aid would seem to be a surer way to peace than the band aid, conscience appeasing, endless pit of humanitarian aid which seems only to perpetuate poverty and victim hood rather than eradicate and transcend it.



Case Area report and Strategy

The Society of Saint Yves classes its cases under certain heads for the sake of identification and tactical handling of the cases but in fact all of the work of the Society is aimed at combating a deliberate Israeli governmental policy designed to make life impossible for Palestinians and to actively promote immigration or ethnic cleansing from Israel and the West Bank. This is done through a complex and comprehensive barrage of laws inside Israel and military (Civil Administration) regulations and of course by military force in the Occupied Palestinian Territories. For a non-comprehensive table of examples see [Appendix 1](#) of this Report. The Society's cases are rarely single issue actions and more often than not involve fighting on several legal fronts at one and the same time.

Family Reunification.

The Society is currently managing well over one hundred cases in the area of Family Reunification. The area is fraught with pitfalls and difficulties as are all areas of law pertaining to Palestinian populations and individuals but perhaps no other area is subject to the outrageous changes and variations in the law and regulations as is Family Reunification. To illustrate the playing field conditions we need only point to the halcyon days just a few years ago when a Family Reunification was exactly as it is stated; the application of a family to live as a unit.

For instance a Jerusalem spouse would apply for the right of the spouse to cohabit in Jerusalem and with the spouse would be included all the children of the marriage. A family was recognized in Israeli Law as being a unit. This is no longer the case and the family, the Palestinian family that is, is no longer regarded in Israeli Law as a unit but rather as an accidental agglomeration of individuals with no unified interest save that each member has a relationship with the one primary member, the Jerusalem or Israeli spouse or parent. Thus where once the Society administered a single file application, that file now contains as many sub files as there are members of the family. That is to say that in the family Reunification legal playing field not only are the goal posts constantly moving but there are different goal posts for different players.

This is not the only pitfall as amendments to legislation have been passed that tie the application to the ages of spouses and also to the "security profiles" of members of the extended families of any member of the reunification application who in the secret reckoning of the Shabak (General Security Services) "*may constitute a security threat to the State of Israel.*"

In a recent case an application for cohabitation was rejected on the ground of a recent amendment to the law with respect to age requirements so that the application was rejected because the "foreign" husband was under the age of 35 years. He was 32 and therefore *could* constitute a "security risk."

Further, the Society recently also had an application dismissed on the grounds of "security" because the brother of and applicant spouse had married a woman whose brother had a "security profile." The General Security Services were not obliged in Law to state in court the nature of the "security profile" or how it *may constitute a security threat to the State of Israel*, of the twice by marriage removed "security risk" but gave testimony to the judge alone. The judge herself was forbidden by Law to divulge the content or nature of the testimony of the General Security Services agent and so there was no opportunity to discover, examine or refute the secret testimony.

In the final analysis these laws and regulations whatever difficulties they may present in the management of a Family Reunification application simply pale before the High Court of Israel decision of May 14th 2006 to ratify legislation passed under the Nationality and Entry into Israel Law (Temporary Order) 2003 whereby an Israeli Arab spouse is denied cohabitation with their "foreign" spouse.

Together with Adalah and the Association for Civil Rights in Israel and three other Petitioners, the Society lodged a High Court Petition demanding the annulment of the clearly discriminatory and racist law. (*Further comment on this case will be made in the section on organizational development*

which follows.) In 2004/5, the High Court of Justice postponed decision on the temporary order, after the State promised to change it. Previous versions of the temporary order completely prohibited family unification. New amendments seemed to relax the prohibition but were in fact no more than a feeble drafting smoke screen. The amendments introduced age and security considerations into applications for Reunification. On the face of it the amendments enabled Palestinian males over 35 and Palestinian women over 25 to request a status in Israel for their spouse but also contained a provision that permits denial of permission to stay in Israel, including East Jerusalem, or to file a request to obtain a status in Israel, regardless of age qualifications, if the Shabak (General Security Service) believes or considers that a member of the extended family **may constitute a security threat to the State of Israel**. The GSS is the sole authority or agency that determines if a person **may constitute** a "security threat" and because the General Security Service does not have to explain its decisions, it is difficult if not impossible to successfully appeal against its secret evidence.

In one of the dissenting opinions in the minority position the Chief Justice, Aharon Barak considered the law disproportionate, as it removed the possibility of conducting specific and individual security checks on a case-by-case basis but rather striped away rights in a collective, sweeping and arbitrary manner. Chief Justice Barak observed, "The issue concerns the right of Israeli citizens of the state to family life and equality, which derive from the constitutional right to human dignity, as espoused in the Basic Law (Human Dignity and Liberty)" He continued, "...a citizen has the right to conduct a family life with a spouse in Israel. There [in Israel] is his [or her] house and his [or her] society, there is his [or her] historical, cultural and social roots." He concluded succinctly that, **"...this violation of rights is directed against Arab citizens of Israel. As a result, therefore, the law is a violation of the right of Arab citizens in Israel to equality."**

The Society prosecuted some **10** cases in the courts in 2006 of which **2** resulted in favorable outcomes and **2** were rejected one of those on "security" grounds. The remaining **4** cases were held over for further hearings continuing in 2007 and beyond. It is well worth remembering that cases in Family Reunification can take five to seven years to bring to a conclusion.

Home Demolitions - Jerusalem.

In previous years the Society was able to report substantial and sometimes precedent setting results in the courts. For the past two to three years the legal strategy was to challenge the criminal nature of the offense of building without a license by challenging the requirement of "criminal intent". Successes in these pleadings lead in many cases to the criminal charge of illegal building being dropped in favor of the very much lesser offence of occupying an illegal structure.

Secondly the Society challenged the discriminatory policy of levying disproportionately high fines to Palestinian offenders particularly in East Jerusalem and successful submissions in that area led to substantial reductions in fines prompting the state prosecutor to comment to the press, **"The State of Israel lost more than 700,000 NIS (New Israeli Shekel) in fine revenues due to this decision."**

The underlying problem with all Jerusalem home demolition cases remains the same and nothing the Society nor any other like organization including the Israel Committee against Home Demolitions and the Association for Civil Rights in Israel has been able to do has influenced any change in the Jerusalem Municipal Planning Authority to give any thought to the planning of East Jerusalem Arab residential areas or industrial and business zones for the enhancement of community and urban life and good governance. The only serious planning is the route and building of the Wall and Separation Fence which is an aggressive mechanism of demographic control and ethnic cleansing.

It has become obvious over the years that the Society is unable to compete with the enormous resources of the State and the Municipality in furthering the often stated and clear policy to reduce the Arab population of Jerusalem by any and all means at the government's disposal. Non-planning of Palestinian areas and the home demolitions that follow are but one way and the wall and Separation Fence are another. The State of Israel also uses the Ministry of the Interior and the confiscation of Jerusalem Identity Documents to further force the Palestinian population to abandon

the city. In 2006 there was no less than a 500% increase in the confiscation of Jerusalem IDs just as there was a corresponding increased vigor in the area of home demolition and the speed of progress in the building of the Wall.

The Society in 2006 prosecuted some **14** cases in the first instance and took **4** of those cases to Appeal in the Jerusalem District Court principally on the severity and excessively punishing nature of the fines. Of all **14** cases **11** remain unresolved and will be set for continuing hearings in 2007.

Home Demolitions – West Bank Including Land & Water - LAW cases.

Once again it is well worth restating that the LAW cases are not separate from the West Bank Home Demolitions cases but are in fact and in reporting a "project within a project." With the collapse of the NGO, Land and Water - LAW, the Society was invited to take up the cases left moribund and without legal attention. It was important in the initial stages of this venture that a separate reporting should be made because certain of the funds recovered from LAW were held in trust and reallocated by Cordaid of the Netherlands in its attempt to protect the Southern West Bank clients whose cases were left in neglect. That strategy was initiated some three to four years ago and the redirected funds have been spent the cases have long since been absorbed into the West Bank case load.

The legal strategy of the Society over the past seven years has been to take cases to the Supreme Court sitting as the High Court of Justice and to argue the cases on the grounds of international law, laws of occupation of indigenous peoples and international human rights conventions. The strategy has been successful and the High Court continues to be favorably disposed to the granting of Interlocutory Injunctions which prevent demolitions and or the further confiscation of lands.

The Society added some **37** new Petitions to its growing number of High Court Petitions in 2006 bringing the total to **165** current open appeals to the High Court of Justice. These Petitions are sometimes in the name of a single client or family and in many cases in the name of a large clan or tribe and protect the dwellings and agricultural infrastructure and wells of hundreds of people. In addition the Society is managing some **93** Civil Administration appeals in Land and West Bank Demolition cases. A Civil Administration appeal is the last step or more often, protracted series of hearings before petitioning the High Court and now very often the appeals are the result of a High Court directive to review the cases and come to an equitable solution. For the Palestinian land owner a negotiated settlement means the legal process of minimizing losses. In the situation of aggressive colonization and illegal settlement of occupied lands the Palestinian is always in a no win situation.

Land Confiscations.

Most of the cases in the area of Land Confiscation are covered by existing High Court Petitions and the Interlocutory Injunctions that were issued pursuant to the action. The same difficulties which have existed for many years now continue to plague the prosecution of these cases to the full. The Civil Administration will not countenance an appeal without up to date survey maps provided by and at the expense of the landowner and because of the high level of military activity in the West Bank corridors land survey is more often than not impossible and always dangerous and expensive. Certainly the policy of the High Court in recent years continues and the cases are sent back to the Civil Administration for reconsideration. This often results in land owners gaining permission if not protection to use tracts of their property and this of course gives agricultural yields that sustain families.

The Society is currently managing Civil Administration appeals and some **14** High Court Petitions.

National Insurance Cases.

The Society began opening cases in this area in the first months of 2003 and since then the cases load has grown to a point where we must look carefully at the human resources and time available to do justice to these clients and clients in other areas in which the Society works. While it is true that this case area has brought enormous benefits to the East Jerusalem Palestinian community over the

past four years the sheer weight of the case load demands that a strategic review be undertaken. Essentially this is a Civil Rights issue and involves obtaining financial (welfare) benefits for our clients including invalid, old age and widow's pensions, child and unemployment benefits, burial grants income and unemployment insurance and the rights to medical benefits. Since the Society has been taking these types of cases it has brought millions of shekels into the East Jerusalem community in almost every case to the poor and the destitute. The Society has succeeded in obtaining back payments in many cases and the payments received by our clients are received on a monthly recurring basis.

The National Insurance cases are the quintessential example of the strength and weakness of the Society. The ambition has always been to be available and accessible to ordinary people seeking legal help and assistance. The aim was to be "community lawyers" operating in the community, for the community and responding to the needs of the community. The Society has been extremely successful in achieving this goal and that very success has highlighted the limitations of the work. In the last five to seven years the Society's work load has more than doubled while the staff force has remained essentially steady. This places an increasing burden on all staff members and there is the danger that the quality of the work could be sacrificed on the alter of quantity. Weighed against that is the fact that many people have come to view the Society as a place where they can seek help and express their problems. Clearly not all of these contacts end in the opening of a legal action and many ought properly be dealt with by social help and referral. Presently this task falls on the legal and secretarial staff and we hope that in the future we may be able to add a staff member skilled in both filtering and referral and also highly sympathetic to the plight of the poor and marginalized.

This matter and many others were looked at in some depth during the course of 2006 when the staff of the Society undertook a protracted facilitated Strategic Planning exercise. This process and the resulting recommendations will be discussed later.

The Society represented clients in this area in **16** cases in the Labor Court and was successful in **15** cases while at the same time succeeding through negotiations with the various ministries in bringing most cases to a satisfactory conclusion without court action. A great many cases are mechanical in nature and result from lack of public awareness of personal civil rights and a functional illiteracy in Hebrew.

Permits.

The free movement of the Palestinian population of the Occupied Palestinian Territories is strictly curtailed and controlled by military force with a permit system far more aggressive stringent and comprehensive than the old South African Apartheid pass laws. In the past 6 years over 100 deaths have resulted from the prevention of medical aid in the form of ambulances or medical personnel from passing through check points. There have been over 30 recorded still births at check points when mothers in labor were prevented from passing through check points in order to get to medical midwifery facilities or maternity wards in hospitals. Hundreds of thousands of families have been separated from each other for a decade or more even though they live within some 50 to 75 kilometers of one another. These permit and pass laws prevent sons and daughters from caring for aged and invalid parents, prevent people from attending family weddings and funerals, prevent children from attending school and prevent students from reaching institutions of higher learning. In short they prevent any semblance of modern life and culture from growing and blossoming in the occupied Palestinian communities. Settlers on the other hand enjoy total freedom in the Occupied Palestinian Territories and are rarely inconvenienced by checkpoints and have the comfort of traveling on "Jews only" roads.

More and more the Society focuses its efforts on medical emergencies, permits to enter Arab East Jerusalem for tertiary study and permits to travel through Israel to attend important family events such as weddings or funerals.

The sad truth is that the area of obtaining permits is becoming an area based on the strictest principles of bureaucratic discretion in granting humanitarian assistance otherwise it is a mere recruitment ground of new collaborators.

The Society processed some **114** permit applications through the military authorities during the course of 2006 and in the final analysis had to abandon some **69** cases because they were not strictly speaking humanitarian issues or the General Security Services had closed further progress by alleging "potential or possible security risk" factors none of which are examinable or open to question.

Organizational Development, Consolidation and Capacity Building.

In the closing weeks of 2005 Mr. Hans Kruijssen, the former CEO of Cordaid accepted the joint invitation of both Cordaid and the Society of Saint Yves to conduct an External Assessment of the administration and work of the Society with the view to fueling and invigorating a course of growth and consolidation of the organization.

Mr. Kruijssen has known the Society of Saint Yves for many years and together with Cordaid officers consulted with I/C Consult (<http://www.icconsult.nl/en/>) which is the joint advisory unit of Cordaid (<http://www.cordaid.nl/>) and ICCO (<http://www.icco.nl/delivery/icco/en/>) in Holland before embarking on the mission. I/C Consult are also familiar with the work of the Society and its mission is strengthening the capacity of ICCO and Cordaid partner organizations.

Mr. Kruijssen held interviews in Jerusalem from November 25 to December 2, 2005 during which time he spoke to all of the members of the Board of Directors and staff of the Society and several NGOs who have worked with the Society and who are familiar with its mission. His research was in fact a comprehensive and in depth Organizational Scan and included assessment of the Society's:

- i. Legal Status.
- ii. Governance.
- iii. Management and Leadership.
- iv. Staff.
- v. Culture/Structure.
- vi. Systems and Procedures.

Mr. Kruijssen presented the research and recommendations resulting from his observations and investigations and framed to capitalize on the Society's strengths and suggested workable and proven methods to overcome and eliminate its weaknesses to the Chairman of the Board of Directors, His Beatitude + Michel Sabbah on 15th January 2006. His Beatitude accepted the report and with the unanimous approval of the Board of Directors authorized a facilitated Board and Staff Retreat which was held at Pilgerhaus on the Sea of Galilee on 10th and 11th March and facilitated by Mr. Wallid Namour, the Director of the Centre for Continuing Education at Bir Zeit University.

The retreat was a success as an exercise in familiarization of the Board and Staff with each other and with the work of the Society and as the first step in an intensive and exhaustive self examination of the Mission and Vision of the Society and the drafting of a Strategic Plan for future action and consolidated stable growth and operational effectiveness.

Every Wednesday from morning to late afternoon between the middle of May through to early August was set aside for facilitated working sessions and all appointments and court appearances were scheduled to allow for the full attendance of the staff and members of the Board of Directors at all the working sessions. By late September a final Draft Strategic Plan was completed and ready to be presented for the Board of Director's consideration.

One of the vital recommendations of Mr. Kruijssen had been that the Society acquires more suitable premises from which to conduct its work and that this task be undertaken as a matter of urgency so that a new premises, at least twice the area of the Society offices in Greek Patriarchate Road in the Old City, should be ready for business by the autumn of 2006. This timeframe proved to be impossible but through the good offices of the Greek Orthodox Patriarchate a new location in Latin

Patriarchate Road just a few meters from both the Latin Patriarchate to the North and Jaffa Gate to the South was located, acquired, renovation permits were obtained and renovations begun. A January 1st 2007 opening was hoped for but the premises required excavation to a depth of nearly 2 meters in parts and this required the supervision and approval of the Ministry of Antiquities. The opening date was rescheduled for May 1st 2007.

The Board of Directors was able to review the Strategic Plan on January 9th 2007 and considered it wise, since none of the Directors were able to attend any of the Strategic Planning sessions, to institute further independent assessments by external consultants to review the administration and the work of the Society. Thus in the first half of 2007 the Society and its staff will undergo not only personal work assessments but also further Administrative Procedures assessments, Financial Procedures assessments and Legal Procedures and Quality of Legal Work assessments.

Conclusions

The events in the region in the last year were significant indeed and will pave the way for very significant change, not necessarily for the better, in the years to come.

The Palestinian people after years of preparation, facilitated and made possible in large part by Development Aid from many donor states, were ready for popular democratic elections to select a Palestinian Legislative Council to govern over them and speak to the world and to Israel on their behalf.

The people went to the polls in January 2006 and the international observer teams, which numbered several hundred accredited individuals from a dozen different countries, were virtually unanimous in their praise of the non partisan and highly professional support and performance of a promising Palestinian Civil Service in the education of ordinary men and women on their rights to vote, the procedures to be followed and in the conduct of the elections themselves. The people turned out in record numbers and voted a majority government by a landslide.

Unfortunately the people chose unwisely.

The Palestinian people allowed themselves to be too influenced by their repulsion for the entrenched corruption and ineffectual governance of the incumbent regime and chose instead an opposition with a proven record of social service to a nation and a people buckling under the weight of harsh and oppressive military occupation with their Patrimony, their land, being swiftly colonized and taken from them. The people chose a government that Israel and its allies asserted would not recognize Israel, or more precisely, recognize "Israel's right to exist." But International Law has no conceptual framework for the recognition of a state's right to exist. Rather the focus of recognition in International Law is on the recognition of borders of states. To this day Israel has never declared where its borders are. Israel itself does not recognize the 1948 pre-armistice or post armistice borders, the so called "Green Line". Clearly, neither does Israel recognize the 1967 post Six Day War borders. Israel does not recognize that its annexation of the Golan Heights or of East Jerusalem is illegal by International Law and cannot constitute its borders. Israel does not recognize that its forty year drive to settle the territories occupied by war is illegal by International Law and cannot constitute settling except by exercise of military force. On the contrary Israel asserts that it cannot leave its settlement and so without declaring where its borders are it says where its borders will not be. Israel does not recognize the advisory opinion of the International Court in The Hague that its Wall or Security Barrier is build in contravention of International Law.

Unfortunately the Palestinian people chose unwisely and their choice was unacceptable because the government they chose could not recognize the borders of the Israel they were obliged to recognize and Israel was unwilling to give even the slightest hint or clue as to where they might be now or in the future. That unacceptable choice led Israel and its international friends to visit upon the Palestinian people a collective punishment of grueling magnitude. The withdrawal of financial aid disguised as unwillingness to support a "terrorist organization" has left Palestine open to the ravages of the vultures of poverty, hunger, despair, hopelessness and perhaps given birth to a new radicalism

in the struggle for survival. But the withdrawal of aid was not absolute for Israel openly supplied arms and armaments to the defeated old guard of the Palestinian Authority setting what could be the stage for a Palestinian civil war in the years to come.

The work of the Society in assisting the poor and marginalized is certainly cemented in need but its promotion of the Rule of Law in the non violent resolution of conflict is looking more and more like a Utopian ideal.

Bill Docherty

For Raffoul Rofa. Director.

Appendix 1

These are examples of a complex and comprehensive barrage of laws inside Israel and military (Civil Administration) regulations in the Occupied Palestinian Territories that are deliberately designed to:

1. Severely curtail the Right to Marriage and Family (Reproduction).

- i. Arab citizens of Israel be they Christian, Muslim or Druze, are disentitled by law from freely choosing a marriage partner and having their spouse granted the right of citizenship in Israel.*
- ii. The law allows that only an Arab citizen may marry a fellow Arab citizen in order to be entitled to cohabitation with their spouse.*
- iii. Only under very select conditions may an Israeli Arab citizen be allowed to cohabit with a non citizen spouse and that spouse is only ever able to qualify as a temporary resident in Israel granted on the basis of a permit issued each year for one year's duration.*
- iv. The same measures apply in the Occupied Territories through the rules, regulations and policies imposed and governed by the Civil Administration (Israeli Army) bureaucracy.*

2. Restrict Arab Urban and Community Development within Israel.

- i. The planning and building of new Arab villages in Israel is rigorously prevented by strict planning laws rather than governed by planning the needs of the natural growth of the Arab population.*
- ii. Existing Arab villages in Israel are prevented from expanding beyond the boundaries of their existing houses.*
- iii. Urban areas within Israel, like East Jerusalem and Nazareth for instance, are not the subject of any realistic Town Planning and therefore any attempt to build or expand buildings is impossible due to the inability of the builder to situate his building within the (non existent) Town Planning Scheme (TPS).*
- iv. Municipal budget allocations to Arab towns are extremely disproportionately lower than allocations to Jewish municipalities per capita of population.*
- v. Contravention of any of the above prohibitions is punished by demolition or by extremely disproportionate monetary fines designed to impose and maximize fiscal hardship on the Arab population.*

3. Restrict Arab Urban and Community Development in the Occupied Palestinian Territories.

- i. The planning and building of new Arab villages in the Occupied Territories is rigorously prevented by strict planning laws rather than governed by planning the needs of the natural growth of the Arab population including the refugee population.*

- ii. *These Planning Laws are the RJ5 (Regional Jerusalem Plan covering Jerusalem and the Southern West Bank) and the S15 (Shomron Plan covering the Northern West Bank). These Plans are not the creation of the State of Israel but rather of the British Mandate Authorities and date to the year 1943. They remain essentially unchanged and in force to this day but only for the Arab population. They do not apply in fact and in force to the establishment of Israeli colonial settlements.*
- iii. *The only significant change to the original drafting has been the provisions encouraging registration of ownership (The Torrens System) which were abrogated so as to prevent Arab claims of land ownership being founded firmly in Law.*
- iv. *Existing Arab villages are prevented from expanding beyond the boundaries of their houses as they stood in June 1967.*
- v. *Any deviation by the Arab population is dealt with by destruction of buildings and confiscation of lands.*

4. Restrict and curtail Freedom of Movement of the Palestinian population (Ghettoization).

- i. *In the Occupied Territories Barriers, Walls and a comprehensive system of checkpoints would and do severely disrupt and discourage Arab movement between villages and towns.*
- ii. *For residents of the Occupied Territories entry into Israel or passage through Israel would be and is governed by a strict system of permits very much more severe than the "Pass-Laws" imposed in Apartheid South Africa.*

5. Restrict, sabotage and discourage Modernization and Economic Development.

- i. *Social welfare benefits is restricted and reduced for the Arab population.*
- ii. *Per capita educational budget allocations at all levels of learning to Arab students is hugely and disproportionately lower than allocations to Jewish students.*
- iii. *Expatriate Palestinians inspired by the possibilities of The Oslo accords that came to add economic muscle and much needed capital and entrepreneurial expertise to the emerging Palestinian state are now being systematically excluded from residing in the Occupied Territories and forced to return to the countries they adopted after their first deportation in 1948 and 1967.*