

Palestinian Christians

The Forcible Displacement and Dispossession... *Continues.*

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PALESTINIAN CHRISTIANS: THE FORCIBLE DISPLACEMENT AND DISPOSSESSION CONTINUES

Introduction

The land of Palestine is the cradle of Christianity. Over the centuries, it has been called the “Fifth Gospel”—its geographical features lending context to biblical events and the life and teachings of Jesus. From north to south, from east to west, the contours of the land bring deeper insight to the texts of the four Gospels. Despite the rich and diverse history of the Christian presence in the land, however, there are many who are surprised to learn that Palestine has always been—and still is—the home of a vibrant Christian community. Sadly, there is a real risk that the presence of a Christian community in Palestine will soon come to an end.

The history of the land is one of invasions, empires, colonization and military occupations. Through it all, Palestinian Christians have survived the turmoil, oppression and injustice, bearing an unbroken witness to the “Good News” of God’s love and compassion for all of humanity. In the last century only, from the beginning of the British Mandate in Palestine in 1922 to the end of 1947, an estimated 100,000 – 150,000 Palestinians – nearly one-tenth of the Palestinian population – were expelled, denationalized, or forced to leave their homes.¹ Additionally, tens of thousands of Palestinians, many of whom were Christians, were internally displaced as a result of Zionist colonization, the eviction of tenant farmers, and punitive home demolitions by the British administration.

According to the British census of 1931, there were around 90,000 Christians in Palestine, about 10% of the total Palestinian population of Palestine. By the end of the 1940s, this number rose to 130,000 and Palestinian Christians were considered a “thriving community”, despite the displacement they experienced at the hands

¹ BADIL, ‘Survey of Palestinian Refugees and Internally Displaced Persons 2019-2021’ (2022) X Survey of Palestinian Refugees & IDPs, 5 <https://www.badil.org/cached_uploads/view/2022/10/31/survey2021-eng-1667209836.pdf>.

of British occupiers.² Today, the number stands at around 180,000, or less than 2% of the total Palestinian population in Mandatory Palestine.³ Evidently, the colonial creation of the state of Israel and its simultaneous crimes of forcible displacement and transfer have left a heavy mark on the percentage of Palestinian Christians in the land. According to Mitri Raheb, highlighting the immediate aftermath of the colonization of Palestine:

35 percent of all Christians living in Palestine lost their possessions, their work, their land, and their homes. The decline of the Christian population was quick and striking in the thriving Palestinian cities like [...] Jerusalem (about 88 percent), Haifa (52 percent) Jaffa (about 73 percent), Ramleh (about 40 percent), and Lydda (approximately 70 percent) ... The percentage of Christians in Palestine dropped from around 8 percent to 2.8 percent within just a few months. If the 1948 displacement had not occurred, the 170,000 Christians living in historical Palestine today would, by now, number nearly 600,000. The Nakba and the establishment of the State of Israel was a huge blow to the demography of the Palestinian Christian community and triggered a trend toward a declining demography. Christians in Palestine have never recovered from the effects of the Nakba.⁴

The Nakba, or catastrophe, which culminated in the forcible displacement of more than 750,000 Palestinians, between 1947-1949 continues today. During the Nakba, 90,000 Palestinian Christians were forcibly displaced, and a long list of almost thirty churches of different denominations were forced to close.⁵ The ethnic cleansing of Palestinian Christian communities involved multiple documented cases of massacres and the desecration of various churches. Examples of these cases include the Haganah's terrorist attack on the Semiramis Hotel in Qatamon, Jerusalem,⁶ which saw the bombing of the hotel and the murder of 25 Palestinian Christians.

² Mitri Raheb, *The Politics of Persecution: Middle Eastern Christians in an Age of Empire* (Baylor University Press 2021).

³ Mitri Raheb, 'Palestinian Christians in Modern History: Between Migration and Displacement' in Mitri Raheb (ed), *Palestinian Christians: Emigration, Displacement and Diaspora* (Diyar Publisher 2017), 12.

⁴ Raheb (n 2).

⁵ Emad Diab, 'The Nakba of the Birthplace of Christianity: The Case of Palestinian Christian Refugees in Lebanon' (*Higher Presidential Committee of Churches Affair in Palestine*, 17 May 2023) <<https://www.hcc.ps/en/archives/9536>> accessed 21 May 2023.

⁶ *Ibid.*

Similarly, in October of 1948, 12 Palestinian Christians were executed in the village of Eilabun, near Nazareth, after its fall.⁷

For Palestinians generally, including Palestinian Christians, the *Nakba* is an ongoing reality and an ongoing catastrophe given that Palestinians continue to be denied their right to return and many remain at risk of forcible displacement and transfer. This document, a collaboration between Kairos Palestine and BADIL Resource Center for Palestinian Residency & Refugee Rights makes the clear and convincing case that the decline in numbers of Palestinian Christians is mainly and directly related to Israeli colonial and apartheid policies. In 2012, we published the study, *Palestinian Christians Ongoing Forcible Displacement and Dispossession...until when?*⁸ Eleven years later now, and 75 years since the beginning of the *Nakba*, Israel's colonial-apartheid regime and its displacement of Palestinian Christians continues.

Every Palestinian's life, regardless of one's faith, is directly affected by Israeli laws and policies that aim to displace Palestinian communities and alter the demographic balance in favor of Jewish-Israelis, thereby undermining the Palestinian claim to self-determination.⁹ This paper describes seven policies that the Israeli colonial-apartheid regime utilizes against Palestinians throughout all of Mandatory Palestine and those in exile, while giving particular attention to the effects of these policies on the Palestinian Christian community. These policies include: denial of residency; land confiscation and denial of use, discriminatory planning; denial of access to natural resources and services; imposition of a permit regime; fragmentation, segregation and isolation; denial of reparations; and suppression of resistance.¹⁰ Whether these policies are

⁷ *Ibid.*

⁸ BADIL Resource Center for Palestinian Residency and Refugee Rights (BADIL) and Kairos Palestine, 'Palestinian Christians: Ongoing Forcible Displacement and Dispossession...Until When?' (2012) <https://www.badil.org/cached_uploads/view/2021/04/20/wp-kairos-badil-1-1618907352.pdf> accessed 21 May 2023.

⁹ The right to self-determination is inclusive of a people's ability to "freely determine their political status and freely pursue their economic, social, and cultural development." International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 1 [hereinafter ICCPR] <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>> accessed 21 May 2023; International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3, art 1 [hereinafter ICESCR] <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>> accessed 21 May 2023.

¹⁰ BADIL, *Forced Population Transfer: The Case of Palestine – Introduction* (Working Paper No. 15, BADIL 2014) <https://www.badil.org/cached_uploads/view/2021/04/19/wp15-introduction-1618823118.pdf> accessed 21 May 2023.



The Israeli Apartheid Wall that separates Bethlehem from Jerusalem.
2023 (Photo by Loretta Monique)

considered separately or taken together, they amount to forced population transfer, a grave breach of international humanitarian law (IHL).

Many Palestinian Christians and their advocates have appealed to the global church and members of the international community, urging that the values of Christian faith compel people to shed light on the colonial-apartheid nature of the Israeli regime and to work to dismantle it by advocating for the right to self-determination of the Palestinian people, including their right of return. The Kairos Palestine and Global Kairos for Justice's dossier on Israeli apartheid says:

How will your church, council, conference, region or synod respond? The biblical answer is clear. The theological answer is clear. Neutrality is not a faithful response. Denying or ignoring the reality of Israel as an Apartheid State according to the definitions of international law and ethical discernment is not a faithful response. Complicity with a situation of systemic oppression in the name of interfaith solidarity is not a faithful response. Theological and or biblical justification of oppression and injustice is both sin and heresy.¹¹

Eleven years after our first joint report, we ask the same question amidst even more dire circumstances demanding our immediate attention and action. How long?

¹¹ Kairos Palestine and Global Kairos for Justice, 'A Dossier on Israeli Apartheid: A Pressing Call to Churches Around the World' (2022) <<https://www.kairospalestine.ps/images/kairos-palestine-apartheid-full.pdf>> accessed 21 May 2023.

Context

The impact of the creation of the state of Israel on the Christian presence, along with the colonial-apartheid policies of the Israeli regime, are seldom, if ever, discussed among churches around the world. In fact, some Christians try to blame the Palestinian Authority and Muslims for this decline because it fits a narrative and ideology that they are more comfortable with; they prefer to characterize the situation as a conflict of religions: a civilized democratic “Judeo-Christian” tradition versus “terrorist” Arab Muslims. These claims must be questioned and examined by those truly concerned about the future of Christianity.¹² In his book, *The Other Side of the Wall*, Palestinian theologian Munther Isaac describes the experience of living as Palestinian Christians “on the other side of the wall.” He describes this experience as being ignored, discredited and dehumanized by Western Christian attitudes and positions to the Holy Land. Isaac analyzes the Western attitudes, and gives numerous examples showing how these attitudes were translated into dismissive actions that targeted Palestinian Christians in an attempt to silence them. He argued that these positions are not only related to certain Christian Zionist beliefs, but also often stem from racist and Islamophobic attitudes. Isaac says:

Why are Palestinian Christians silenced and discredited? I believe that one of the most prominent reasons has to do with the fact that we challenge common stereotypical perspectives about this land, and in doing so, we unsettle the comfort zones of many people. [...] For many [Western] Christians, it is much more convenient and less challenging to think of the Palestinian-Israeli conflict as a conflict between two ideologies and forces, or to use the infamous words of George W. Bush following the 9/11 attacks, “the axis of good vs. the axis of evil.” The “axis of good” is understood as the Judeo-Christian tradition, and the axis of evil as Islam. Such ideologies are at the root of building walls and classifying people: this group is on that side; and that group is on our side. This way of thinking is simple and safe. It is also self-righteous, as it makes people feel better about “necessary but unwanted” violence. [...] The challenge we present: we are Palestinians, but we are not Muslims. We break the stereotype and challenge the common narrative by insisting that our existence in the land today is not a clash between the Judeo-Christian civilization and Islamic terrorism. The conflict is not religious, but rather political. It has modern

¹² See Munther Isaac, *The Other Side of the Wall: A Palestinian Christian Narrative of Lament and Hope* (InterVarsity Press 2020).

historical roots that have to do with one nation oppressing and occupying another. [...] For some, this is not a comfortable message, as it invites and challenges people to step into the other side of the wall, and most are not prepared for that. Our existence and message compel many people not to engage with us and believe our perspective. The fact that many Christians still choose to ignore, silence, and discredit us points to the sad and unfortunate state of these Christian communities who live in a world of extreme poles and refuse to engage with those they disagree with, instead labeling them and casting them aside. Walls have long existed between them and “the others.”¹³

Before beginning our discussion in full, it is important here to write about our choice of words to describe Israeli policies on the ground, specifically the “colonial-apartheid” framework as a point of departure for our analysis of the historical and present-day situation in the whole of Mandatory Palestine (1948 Palestine, Gaza, the West Bank, including East Jerusalem). Members of the international community, including Human Rights Watch and Amnesty International, have recently taken up the mantle of the apartheid framework in their analysis of Israeli policy.¹⁴ In 2022, Kairos Palestine and the Global Kairos for Justice published their dossier on Israeli apartheid that offers a summary of these studies, a theological response to and analysis of this reality, and a call to the global church for action.

However, apartheid on its own is an insufficient framework to analyze the realities Palestinians face. Apartheid is a manifestation of the settler-colonial agenda followed by Israel since its creation. While colonial societies, such as Britain, seek to exploit the indigenous population, settler-colonial societies set out to replace the indigenous population. Indeed, without acknowledging the settler-colonial nature of Zionism and the Israeli regime, we fail to account for the domination, ethnic cleansing, and forcible displacement of a people, the Palestinians, and the annexation of their land through the implantation of a settler community and the ongoing denial of the Palestinian people’s

¹³ *Ibid.*, 46-48.

¹⁴ Human Rights Watch, *A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution* (Human Rights Watch 2021) <https://www.hrw.org/sites/default/files/media_2021/04/israel_palestine0421_web_0.pdf> accessed 21 May 2023; Amnesty International, *Israel’s Apartheid Against Palestinians: Cruel System of Domination and Crime Against Humanity*, (Amnesty International 2022) <<https://www.amnesty.org/en/documents/mde15/5141/2022/en/>> accessed 21 May 2023.

internationally-recognized right to self-determination on their land.¹⁵ Accordingly, apartheid is only one of three pillars and systems of domination that characterize the Israeli regime in Mandatory Palestine — the second being colonization, and the third being forcible transfer.

The right to self-determination and the prohibition of colonization, apartheid, and forcible transfer are peremptory norms of international law,¹⁶ meaning under no circumstances is derogation permissible.¹⁷ Further, third-party stakeholders have both positive and negative obligations, triggered in response to breaches of peremptory norms by other states. As delineated in the Draft Articles on Responsibility of States for Internationally Wrongful Acts, these include the positive duty to “cooperate to bring an end through lawful means any breach” and the negative duty not to “recognize as lawful a situation created by a serious breach [...] nor render aid or assistance in maintaining the situation.”¹⁸

¹⁵ ‘United Nations Relief and Works Agency for Palestine Refugees in the Near East’ (8 December 1970) UNGA A/ RES/2672 (XXV) <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/349/37/IMG/NR034937.pdf?OpenElement>> accessed 21 May 2023; ‘The Question of Palestine’ (22 November 1974) UNGA Res A/ RES/3236(XXIX) <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/738/38/IMG/NR073838.pdf?OpenElement>> accessed 21 May 2023; ‘Right of the Palestinian People to Self-Determination’ (26 February 2013) UNGA A/RES/67/158 <<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N12/488/08/PDF/N1248808.pdf?OpenElement>> accessed 21 May 2023.

¹⁶ Charter of the United Nations (24 October 1945) 1 UNTS XVI (UNC), art. 1 <<https://www.refworld.org/docid/3ae6b3930.html>> accessed 21 May 2023; *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (ICJ Advisory Opinion) 2004 <<https://www.icj-cij.org/public/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>> accessed 21 May 2023.

¹⁷ ‘United Nations Convention on the Law of Treaties (23 May 1969) 1155 UNTS 331, art. 53 <https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf> accessed 21 May 2023.

¹⁸ International Law Commission, *Draft Articles on Responsibility of States for Internationally Wrongful Acts* (2001) Supplement No. 10 (A/56/10), ch IV.E.1, arts. 40 and 41 [hereinafter ILC Draft Articles] <https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf> accessed 21 May 2023.

Forcible Transfer: International Law and Israeli Policies

Forcible transfer, defined to be a war crime by the Fourth Geneva Convention,¹⁹ is one of the primary pillars of the Israeli regime, alongside colonization and apartheid. As explained above, Israel's existence as a settler-colonial regime necessitates the forcible transfer and erasure of the Palestinian population followed by its replacement by the colonizer. Israel's "force" element within Israel's forcible transfer manifests in two forms: direct force and indirect force. Direct force refers to the traditional use of force, which Israel has been employing since the Nakba, relating to the deliberate displacement of the Palestinian population via violence and armed conflict. An example of this can be seen through Plan Dalet (also known as Plan D) which was a military operational plan launched in March 1948 by the Haganah, the main Zionist militia. This plan resulted in the greatest outflow of refugees in April and early May 1948. According to Plan D, Zionist forces deliberately employed tactics of violence aimed at forcibly removing Palestinians from their homes and encouraging flight, and called for the 'transfer'²⁰ of the Palestinian population out of their country.

Indirect transfer refers to the creation of a coercive environment, through a web of laws and policies, that deliberately cause life to be so unbearable that they force individuals or a people to leave. Many of the policies we describe below—rather than employing physical force to expel Palestinians—impose overwhelming obstacles to the fulfillment of daily life to create a coercive environment inducing Palestinians to leave their homes and communities. Again, these policies are: denial of residency; land confiscation and denial of use, discriminatory planning; denial of access to natural resources and services; imposition of a permit regime; fragmentation, segregation and isolation; suppression of resistance; and denial of reparations.

¹⁹ BADIL, *Forced Population Transfer: The Case of Palestine—Introduction* (Working Paper No. 15, BADIL 2014) <https://www.badil.org/cached_uploads/view/2021/04/19/wp15-introduction-1618823118.pdf> accessed 21 May 2023.

²⁰ War and genocide sociologist, Martin Shaw, pointed out that the Hebrew word used by the Zionist colonizers for 'transfer' is *tihur*, which actually is "closer in meaning to 'purification' or 'cleansing' of the land, and thus puts this strand of Zionist thinking close to [...] 'ethnic cleansing' and 'racial purification' ideologies", see Martin Shaw, 'Palestine in an International Historical Perspective on Genocide' (2010) 9(1) *Holy Land Studies*, 12 <<https://doi.org/10.3366/hls.2010.0001>> accessed 21 May 2023.

The Jewish National Fund and Palestinian Self-Determination²¹

A primary agent of the Israeli colonial-apartheid regime is the parastatal Jewish National Fund (JNF). The JNF was founded in 1901 and devoted itself exclusively to the acquisition of land in Palestine to facilitate Jewish settlement and to ensure the erasure of Palestinian presence from the land, as well as to ensure that the Palestinian right of return can never be realized. The JNF began to work towards these aims prior to the creation of the colonial state, and engaged in land purchase via eviction of Palestinian tenants and took a leading role in the detailed survey of Palestine which then guided Jewish militias' ethnic cleansing of Palestine. The JNF ideology was incorporated into the state apparatus, and JNF leaders directed military operations in the Nakba and absorbed from the new state vast amounts of stolen Palestinian lands in order to inhibit the right of return. Currently, the JNF additionally incentivizes more private investment in housing and infrastructure, and strategically has turned its resources towards the practices of greenwashing and memocide.

The JNF Parks and Forests planted on Palestinian land serve the aim of concealing evidence of the Nakba and of Palestinian presence in the land. In order to make Palestine more welcoming to European colonizers, the JNF plants European trees on lands that Palestinians continue to be forcibly displaced from to facilitate this aim, causing increasing damage to the ecosystem, biodiversity, and natural irrigation and anti-flooding systems. Ultimately, the role of the JNF is one of extreme strategic importance; it acts to Judaize the map of Palestine, and to erase Palestinian presence on the land through both the demolition and concealment of villages as well as the erasure of centuries-old Palestinian presence (for example through renaming initiatives). All of the JNF's policies work together to not only to facilitate depopulation and the forcible displacement of Palestinians, but to also deny them of the right to return to their homeland, which is essential to and interconnected with the full realization of Palestinian self-determination.²²

²¹ For more information on the JNF and its colonial policies, see the Stop the JNF website, located at <<https://www.stopthejnf.org/>>.

²² BADIL, *Palestinian Self-Determination: Land, People, and Practicality* (Working Paper No. 28, BADIL 2021) <https://www.badil.org/cached_uploads/view/2021/11/15/wp-28-self-determination-1636973309.pdf>.

As one explores these policies, it will become clear how they infringe upon the Palestinian right to self-determination and the right of return, which is an essential component for the full exercise of the right to self-determination. One will see how the impact of these policies—and the increasing and intensified attacks and incitements by Israeli colonizers—prevent any viable possibility of the existence of a thriving Palestinian community, let alone a Palestinian Christian community.

A Palestinian man in the Jordan Valley holding an eviction order issued by Israeli authorities. 2013 (Photo by Rich Wiles/BADIL Azza)



1. Denial of Residency²³

The policy of denial of residency includes the revocation of residency, denial or hindrance of child registration, denial or hindrance of family unification, and denial or hindrance of change of residence. The combined impediments to residency aim to assert Zionist colonial domination of the Palestinian people, undermining and disrupting normal family life and tearing at the social fabric of Palestinian society. The citizenship and residency statuses for Palestinians throughout the world are defined and constrained by Israeli-drawn geographies and laws that strategically fragment the population. Through differing IDs issued by Israel to Palestinians with Israeli citizenships, Palestinian permanent “residents” of Jerusalem, Palestinians in the West Bank, and Palestinians in the Gaza Strip, the colonial-apartheid regime restricts not only where Palestinians can live but also controls their freedom of movement and access to basic rights such as education, employment and healthcare, among other services.

Furthermore, there are millions of Palestinians living in exile who do not possess any right to residency in the territory of Mandatory Palestine and are severely restricted if not actually denied the ability to visit the land of their fathers and mothers. Many families are separated because of these policies, with the ultimate goal to sever Palestinians from their roots and deny them the security that comes with the ability to be with their loved ones.²⁴

Israeli control is further cemented in its ability to revoke the citizenship of Palestinians with Israeli citizenship and the residency of Palestinian permanent “residents” of Jerusalem through the *Nationality Law (Amendment No.9) (Authority for Revoking Citizenship)* and the *Entry into Israel Law of 1952* respectively. In fact, the application of these racist laws has resulted in the revocation of residency for some 14,000 Palestinians in East Jerusalem since 1967.²⁵ According to Wadih Abu Nassar, a spokesperson for the Council of Patriarch and Heads of the Churches of the Holy Land, while Christians

²³ Unless otherwise indicated by a separate footnote, all information in each subsection of this paper is drawn from specific working papers from BADIL’s series on forced population transfer. BADIL, *Forced Population Transfer: The Case of Palestine – Denial of Residency* (Working Paper No. 16, BADIL 2014) <https://www.badil.org/cached_uploads/view/2021/04/19/wp16-residency-1618823152.pdf> accessed 21 May 2023.

²⁴ See Raheb (n 2).

²⁵ BADIL, *Forced Population Transfer: The Case of Palestine – Denial of Residency* (Working Paper No. 16, BADIL 2014) 12 <https://www.badil.org/cached_uploads/view/2021/04/19/wp16-residency-1618823152.pdf> accessed 21 May 2023.

used to make up 25% of the population in Jerusalem in 1922, they now represent on 2% of the population²⁶ – a decrease that is undeniably caused by Israel’s discriminatory residency policies, among others.

The revocation of residency and citizenship contravenes the Convention on the Reduction of Statelessness in cases where individuals would be without a nationality following this act and thus become “stateless.”²⁷ Such is the case for many Palestinians against whom Israel deploys these laws.

Moreover, the Israeli colonial-apartheid regime denies family reunification through the *Citizenship and Entry into Israel Law (Temporary Provision)*. These policies complicate the lives of many Palestinians, including Palestinian Christians, who marry another Palestinian with a different ID card. For example, when a Palestinian resident of the West Bank marries a Palestinian “resident” of Jerusalem, many complications, legal struggles and financial fees result before the family may be united. These policies further affect Palestinians married to foreign spouses who often have to leave the land to be united with their spouses. As of 2019, there have been more than 30,000 families, including Palestinian Christian families, whose requests for family reunification have piled up at the Palestinian Administration of Civil Affairs (the counterpart of the Israeli Coordination of Government Activities in the Territories), and more than thousands of families who have not bothered to file a request as they know that they will not be examined.²⁸

The discriminatory legislative frameworks enacted by Israel to regulate residency for Palestinians amount to forced population transfer. These laws, policies and practices deliberately create a coercive environment by permanently disrupting and, in many cases, completely severing the development of social and economic ties in Palestinian communities. Social development is a cornerstone for exercising the right to self-determination, but Israeli residency policies purposely render hollow—if not completely impossible—any realization of this right. Jewish-Israelis do not face these same impediments and, in fact, family ties and communal connections for Jews are

²⁶ Rasha Abou Jalal, ‘Jerusalem’s Christian population dwindles further’ (*Al-Monitor*, 8 April 2022) <<https://www.al-monitor.com/originals/2022/04/jerusalems-christian-population-dwindles-further>> accessed 21 May 2023.

²⁷ United Nations High Commissioner for Refugees, ‘Convention on the Reduction of Statelessness’ (1961) <<http://www.unhcr.org/3bbb286d8.html>> accessed 21 May 2023.

²⁸ Amina Hass, ‘This American-Palestinian Endangers Israeli Public Security’ (*Haaretz*, 20 April 2019) <<https://www.haaretz.com/israel-news/2019-04-20/ty-article/.premium/this-american-palestinian-endangers-israeli-public-security/0000017f-f234-d497-a1ff-f2b468640000>> accessed 21 May 2023.

facilitated through the *Law of Return (1950)* and the hierarchical distinction between *nationality* and *citizenship* in Mandatory Palestine. Jewish *nationality* is legally superior to Israeli *citizenship*. Whereas both Jews and non-Jews may possess Israeli citizenship, only those who are Jewish as defined by the *Law of Return (1950)* are considered Jewish nationals and are, thereby, accorded specific rights and privileges.

The Israeli colonial-apartheid regime's denial of residency has significant consequences for Palestinian Christians, especially those in Jerusalem who are married to Palestinians with Israeli citizenships and are as a result prohibited from living with their spouses.²⁹

2. Land and Planning³⁰

Land is essential for the growth of any community. Land confiscation and denial of its use have always been and continue to be central tools that the Israeli regime utilizes to control the maximum amount of territory and to minimize the number of Palestinians in said territory. Palestinian dispossession was executed initially through the use of force but has since been cemented through the promulgation of laws and military orders affecting Palestinians throughout all of Mandatory Palestine. Israel has confiscated over 93% of the land³¹ in 1948 Palestine through the use of Ottoman and British Mandate laws and its own discriminatory legislation. Military orders have served parallel purposes in the West Bank, where Israel has confiscated the vast majority of land since 1967 for colonies, military bases, and nature reserves.

For example, Israel's appropriation of land in and around Jerusalem and Bethlehem for colonies, the Apartheid Wall and checkpoints has divided the two holy cities and their residents, often separating family members from each other. This is particularly devastating for Palestinian Christians given that the majority of West Bank Christians

²⁹ Alessandra Bajec, 'How Palestinian Christians are being driven out of Jerusalem' (*The New Arab*, 13 January 2022) <<https://www.newarab.com/analysis/how-palestinian-christians-are-being-driven-out-jerusalem>>; accessed 21 May 2023.

³⁰ BADIL, *Forced Population Transfer: The Case of Palestine – Discriminatory Zoning and Planning* (Working Paper No. 17, BADIL 2014) <https://www.badil.org/cached_uploads/view/2021/04/19/wp17-zoning-planning-en-1618823771.pdf> accessed 21 May 2023; BADIL, *Forced Population Transfer: The Case of Palestine – Land Confiscation and Denial of Use* (Working Paper No. 21, BADIL 2017) <https://www.badil.org/cached_uploads/view/2021/04/19/wp21-lc-1618823891.pdf> accessed 21 May 2023.

³¹ BADIL, *Land Confiscation and Denial of Use* (n 27), 13.

live in the Bethlehem area and now many have lost the land of their ancestors. In fact, thousands of dunams of land formerly part of Bethlehem, Beit Sahour, and Beit Jala have been annexed and confiscated for the nearby colonies of Gilo, Har Homa, and Giv'at Hamatos.³² Today, Christians in Bethlehem are suffering from shrinking physical space, in addition to their isolation from Jerusalem. In fact, despite evidence of ownership, many Palestinians, including the Nassar family whose farm is surrounded by multiple Israeli colonies,³³ are forced into lengthy legal battles in Israeli colonial courts to hold onto what presently remains of their land. Similarly, the Apartheid Wall that cuts through multiple communities, towns, and villages throughout Palestine, deeply impacts the lives and livelihoods of many Palestinian Christians, such as the 58 Palestinian Christian families living in the Cremisan valley located in Beit Jala who are to be dispossessed of their lands and livelihoods as a result of the Wall.³⁴

Furthermore, zoning and planning policies were and continue to be implemented through top-down schemes giving the Israeli regime immense power to constrain planning in Palestinian localities throughout all of Mandatory Palestine. This has created a situation in which Palestinian cities, villages, and towns, in their current form, cannot reasonably accommodate natural population growth. For example, in Area C of the West Bank, which comprises more than 60% of the territory and is under complete Israeli military and civil control, the Israeli Civil Administration (ICA) has full discretion in granting the necessary permits for construction in Palestinian locales. Between 2008 and 2019, the extraordinarily high rejection rate of Palestinian applications stood at 98%,³⁵ leaving Palestinians with a terrible choice: to build and risk demolitions of their property or to leave Area C to live in Area A, serving Israel's goal of ethnic cleansing. In occupied Jerusalem, the rejection rate for building permits is similarly excessive at

³² BADIL, *Forced Population Transfer: The Case of Palestine – Segregation, Fragmentation, and Isolation*, (Working Paper No. 23, BADIL 2020) 50 <https://www.badil.org/cached_uploads/view/2021/04/19/wp23-sfi-1618823935.pdf> accessed 21 May 2023.

³³ Ron Dalrymple, 'A Christian Family That Needs Our Help' (*Patheos*, 8 May 2023) <https://www.patheos.com/blogs/determinetruth/2023/05/a-christian-family-that-needs-our-help/?fbclid=IwAR0KW-ujUfBLHDF16axSoofvYX4Z-PSTdyXZ3GAw8A62_RcIOFzvm4hFcso> accessed 21 May 2023; The Carter Center, 'Background: The Tent of Nations' (*The Carter Center*, 21 May 2021) <https://www.cartercenter.org/resources/pdfs/peace/conflict_resolution/tent-of-nations.pdf> accessed 21 May 2023.

³⁴ Society of St. Yves, 'The Last Nail in Bethlehem's Coffin: The Annexation Wall in Cremisan' (2015) <<https://www.saintyves.org/uploads/48b0e3006fed833d1e1ac000954819c5.pdf>> accessed 21 May 2023.

³⁵ UN-Habitat - Special Human Settlements Programme for the Palestinian People, 'Most Palestinian plans to build in Area C not approved' (*United Nations Office for the Coordination of Humanitarian Affairs*, 22 June 2021) <<https://www.ochaopt.org/content/most-palestinian-plans-build-area-c-not-approved#ftn5>> accessed 21 May 2023.

93%. In most cases, Israel forces Palestinians to cover the costs and carry out the demolitions of their own homes.³⁶

The Israeli regime's land confiscation policies have displaced Palestinian Christians through physical violence and racist legislation for decades, amounting to clear instances of forcible transfer. Zoning and planning policies create a coercive environment by obstructing any opportunities for sustainable growth in Palestinian communities. Indeed, when Palestinian Christians are stripped of the right to their own lands and farms for years, when they are unable to build, expand, and develop, they are left with no choice but to flee as survival becomes an impossible task. Extensive seizure of Palestinian land and strict regulation of development on the land Palestinians still possess is yet another example of how Israel is strategically violating the Palestinian right to self-determination.

³⁶ Al Haq, *Special Focus: Israel Intensifies Forced Self-Demolitions of Palestinian Homes in Occupied Jerusalem* (Al-Haq 2021), 2 <https://www.alhaq.org/cached_uploads/download/2021/09/14/weekly-focus-ola-ag-final2-sp-1631603444.pdf> accessed 21 May 2023.



Israel's Annexation Wall winds through Bethlehem cutting off families from one another (Photo by Mohammad Al-Azza)

3. Denial of Access to Natural Resources and Services³⁷

The Israeli regime's physical control over the territory extends beyond its seizure of land. In violation of international law, Israel exploits Palestinian natural resources throughout all of Mandatory Palestine, including water from aquifers, natural gas in the Mediterranean Sea off of Gaza's coast, minerals from the Dead Sea, and marble from quarries in the West Bank.³⁸ The Israeli regime not only decides who has access to these raw materials and in what quantity, but also who reaps their economic benefits: Israelis, of course. Israel's appropriation and strict regulation of these resources further restricts an already limited ecosystem of essential services available to Palestinians across Mandatory Palestine; this is in direct violation of IHL, which stipulates that the Israeli regime, as the occupying power, has a responsibility to provide services to the occupied population.³⁹ The dearth of resources, including water and electricity, directly affects the delivery and quality of social services, such as healthcare and education, for Palestinians. This can be seen starkly in the Gaza Strip, where hospitals cannot utilize some medical equipment to care for patients due to insufficient electricity.

Limited access to, and in some instances a complete lack of resources and services have profound consequences for Palestinians' welfare and safety as well as the economic and social development of Palestinian society. The effects of such policies and practices, which create a coercive environment prompting many to leave their homes, are not limited to individual well-being but extend to the Palestinian collective, triggering de-development and violating the Palestinian right to self-determination.

The city of Jericho, for example, holds much significance for Christianity and has a

³⁷ BADIL, *Forced Population Transfer: The Case of Palestine – Denial of Access to Natural Resources and Services* (Working Paper No. 20, BADIL 2017) <https://www.badil.org/cached_uploads/view/2021/04/19/wp20-danrs-1618823866.pdf> accessed 21 May 2023.

³⁸ Permanent Sovereignty over Natural Resources (4 December 1962) UNGA A/RES/1803 (XVII) <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/193/11/PDF/NR019311.pdf?OpenElement>> accessed 21 May 2023.

³⁹ Hague Convention (IV) Respecting the Laws and Customs of War on Land and Its Annex: Regulations Concerning the Laws and Customs of War on Land (1907), arts. 47 and 55 <<https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907>> accessed 21 May 2023; Geneva Convention Relative to the Protection of Civilian Persons in Time of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 287, art. 147 [hereinafter Fourth Geneva Convention] <https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.33_GC-IV-EN.pdf> accessed 21 May 2023.

number of Christian landmarks and pilgrimage sites. Despite this, the current Christian population has dwindled significantly over the years. This is largely due to Israel's denial of access and expropriation or destruction of natural resources – particularly water. For example, the Israeli regime has destroyed numerous agricultural wells in Jericho and has over-exploited wells to the point where water quantities have ceased or have been contaminated due to nearby drilling. Thus, the denial of access to resources is “part of a broader strategy of harassment against Palestinian farmers to stop their agricultural activities”,⁴⁰ with the aim of creating an environment so coercive and unsustainable that Palestinians are forced to leave.

4. The Permit Regime⁴¹

A rigid permit regime is an added layer of regulation that Israel utilizes to control Palestinians. No sphere of rights—civil, political, social, economic and cultural—is left untouched by the permit regime and its associated physical infrastructures, such as the Apartheid Wall and checkpoints. There are approximately 101 types of permits that regulate and interfere with various facets of Palestinian life, including permits to work in Israeli colonies, to visit holy sites in Jerusalem, to visit family, to access health services, and to operate agricultural equipment. As of 2022, 65% of the planned 710 kilometers of the Apartheid Wall had been constructed.⁴² In addition, Palestinians must daily navigate an unpredictable and arbitrary system of a documented, as of 2020, 593 obstacles including permanent checkpoints, flying checkpoints, and roadblocks on a daily basis.⁴³

Imagine living in Bethlehem, a mere 6 miles from Jerusalem, and not being able to

⁴⁰ Al-Haq, *Corporate Liability: The Right to Water and the War Crime of Pillage* (Al-Haq 2022) <https://www.alhaq.org/cached_uploads/download/2022/12/12/al-haq-report-2-1670826325.pdf> accessed 21 May 2023.

⁴¹ BADIL, *Forced Population Transfer: The Case of Palestine – Installment of a Permit Regime* (Working Paper No. 18, BADIL 2015) <https://www.badil.org/cached_uploads/view/2021/04/19/wp18-ftp-israeli-permit-system-1618823802.pdf> accessed 21 May 2023.

⁴² UN Office for the Coordination of Humanitarian Affairs, ‘The Humanitarian Impact of 20 Years of the Barrier - December 2022’ (OCHA, 2022) <<https://www.ochaopt.org/content/humanitarian-impact-20-years-barrier-december-2022>> accessed 21 May 2023.

⁴³ UN Office for the Coordination of Humanitarian Affairs, ‘West Bank Access Restrictions – June 2020’ (OCHA, 2020) <<https://www.ochaopt.org/content/west-bank-access-restrictions-june-2020>> accessed 21 May 2023.

visit or pray in Jerusalem. This is the reality for a whole generation of Palestinians living in Bethlehem. What makes it even more difficult is seeing through the windows of their homes the expansion of Jewish-Israeli colonies on Palestinian land in and around Bethlehem and Jerusalem, and knowing that millions of pilgrims travel freely throughout all of Mandatory Palestine and are enabled to visit the biblical holy sites while they are prevented from doing so.

Many age-old Christian traditions are affected by the enforcement of the deeply-entrenched permit regime. In order to gain access to their areas of religious significance or worship, Palestinian Christians are forced to apply for a permit that they know will most likely be rejected.⁴⁴ This is particularly true for the annual procession in Jerusalem on Palm Sunday.⁴⁵ The ability of Palestinian Christians to participate in this procession depends on whether they are granted permits by the Israeli regime, which is a difficult, if not an impossible task. The same applies to the Holy Saturday observance in the church of the Holy Sepulcher in Jerusalem. Not only are West Bank Christians not able to be in Jerusalem that day, those who live in Jerusalem are prevented from going to the church due to Israeli-imposed barriers, and in some instances are beaten by members of the Israeli army.⁴⁶ Similarly, Palestinian Christians in Gaza, who as of 2022 stood at 1,100 individuals, are routinely denied access into the West Bank - let alone other areas in 1948 Palestine - during holy celebrations.⁴⁷

This discriminatory permit regime violates Article 12 of the International Covenant on Civil and Political Rights, which protects the freedom of movement of individuals.⁴⁸ Although the article stipulates that restrictions may be placed on freedom of movement for “security” reasons or to ensure “public order,” Israeli

⁴⁴ See The Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ), The Coalition for Jerusalem (CFJ), and The Society of St. Yves, ‘Occupied East Jerusalem: “De-Palestinization” and Forcible Transfer of Palestinians’ (2014), paras 70-76 <<https://www.saintyves.org/uploads/478c319dfbc0b6abd807b7377c485182.pdf>> accessed 21 May 2023.

⁴⁵ Maram Humaid, ‘Despite Israeli Restrictions, Christians Celebrate Holy Flame (*Al Jazeera*, 16 April 2023) <<https://www.aljazeera.com/features/2023/4/16/despite-israeli-bans-holy-flame-celebrated-in-jerusalem-gaza>> accessed 21 May 2023.

⁴⁶ *Ibid*; Mariam Barghouti, ‘Israeli Attacks on Easter Worshipers Reflect Efforts to Expand Control over Jerusalem’ (*Mondoweiss*, 18 April 2023) <<https://mondoweiss.net/2023/04/israeli-attacks-on-easter-worshipers-reflect-efforts-to-expand-control-over-jerusalem/>> accessed 21 May 2023.

⁴⁷ Adam Khalil, ‘Israel denies Gaza Christians permits to celebrate Christmas with families’ (*Middle East Eye*, 8 December 2022) <<https://rb.gy/l4wq9>> accessed 21 May 2023.

⁴⁸ ICCPR (n 9), art. 12.

oppressive “security concerns” are consistently prioritized over Palestinians’ quality of life.⁴⁹ The permit regime creates a coercive environment for Palestinians by rendering routine activities intrusive, which is humiliating and time-consuming in its least restrictive form and unbearable at its most. This control over granting and withholding of permits illustrates the Israeli regime’s ability and aim to strangle Palestinian political, economic, social, and cultural development and thereby the Palestinian right to self-determination. In contrast, Jewish-Israelis can move freely across all of Mandatory Palestine.

5. Fragmentation, Segregation, and Isolation⁵⁰

Fragmentation, segregation and isolation of both Palestinians and their land form the foundational logic of the Israeli colonial-apartheid regime. This logic shapes the policies above. Whether through the implementation of citizenship and residency legislation, allocation of permits, or the construction of infrastructure (road networks, checkpoints and walls), Israel’s policy aims are clear: to fragment the territory and destroy Palestinian unity and collective national consciousness, thereby eliminating the Palestinian right to self-determination and return.

The transportation system (and the connections that it enables and, conversely, constrains) is yet another tool that Israel deploys as part of its overarching strategy of segregation, fragmentation, and isolation. Transportation between and within Palestinian localities is extremely limited and often time-consuming with negative consequences for economic development and social cohesiveness at a local level and for Palestinian society more broadly. In stark contrast, the Israeli regime has constructed bypass roads in the West Bank, accessible only to Jewish-Israeli settlers, that connect the colonies, ensuring ease of social and commercial exchange between all Jewish-Israelis across all of Mandatory Palestine.

In its attempt to ensure the strategic fragmentation, segregation, and isolation of the Palestinian people, Israel enacts policies and practices that aim to sever Palestinian Christians from one another and from their wider Palestinian community.

⁴⁹ *Ibid.*

⁵⁰ BADIL, *Forced Population Transfer: The Case of Palestine – Segregation, Fragmentation, and Isolation*, (Working Paper No. 23, BADIL 2020) <https://www.badil.org/cached_uploads/view/2021/04/19/wp23-sfi-1618823935.pdf> accessed 21 May 2023.

The denial of the right of return also further fragments Palestinian Christian society, scattering them across the globe with no way of living together in their homeland. Between 1949 and 1967, for example, 50,262 Christians were forcibly displaced from the West Bank, with 81% fleeing to neighboring Arab countries, 13% to the United States, and approximately 5% to Europe.⁵¹ The number of Palestinian Christians who were forcibly displaced to Lebanon by 1948 is estimated at 40,000.⁵² Similarly, the large influx of Palestinian refugees to the United States were from the Jerusalem governorate, which made up 92% of the Christian population in the West Bank.⁵³

6. Suppression of Resistance⁵⁴

Israel attempts to eliminate opposition to its racist policies and thereby further entrench its colonial-apartheid regime through the silencing of Palestinian resistance under the illegitimate cover of “self-defense” and “counterterrorism.” The regime deploys multiple tactics in its efforts to crush the Palestinian struggle for liberation, including targeted and extrajudicial killings, imprisonment and torture, and censorship and criminalization of Palestinian civil society. The persecution of Palestinian civil society organizations is especially concerning given their vital role in empowering and cultivating resilience among Palestinians and in directly challenging Israel’s colonial-apartheid policies.⁵⁵

It is important to stress that repression affects not only the individual or group targeted by the Israeli regime. It also has severe repercussions for and chilling effects on entire Palestinian communities, an intended outcome of the Israeli policy to depoliticize, discourage, and cripple any Palestinian resistance to its colonial-apartheid rule. For example, Israel frequently enforces closures and curfews on entire localities and revokes permits of relatives and other community members as a response to acts of Palestinian

⁵¹ Raheb (n 3), 16.

⁵² Diab (n 5).

⁵³ Raheb (n 3), 16.

⁵⁴ BADIL, *Forced Population Transfer: The Case of Palestine – Suppression of Resistance* (Working Paper No. 19, BADIL 2016) <https://www.badil.org/cached_uploads/view/2021/04/19/wp19-suppression-of-resistance-1618823842.pdf> accessed 21 May 2023.

⁵⁵ BADIL, *Al-Majdal: Shrinking Spaces in Palestine – An Israeli Colonial Strategy to De-Politicize Palestinian Civil Society* (Issue No. 60, BADIL August 2022) 2 <https://www.badil.org/cached_uploads/view/2022/08/26/al-majdal60-1661506113.pdf> accessed 21 May 2023.

resistance. These policies amount to collective punishment, which is prohibited under international law.⁵⁶

Per the Additional Protocols to the Fourth Geneva Convention and Common Article 2, IHL applies in situations of armed struggle against colonial regimes,⁵⁷ and in situations of occupation,⁵⁸ thereby placing responsibilities and limitations on Israel's conduct vis-à-vis the Palestinians, a protected population. In addition, the international community has affirmed the Palestinian right specifically to resist the Israeli occupation in numerous UNGA resolutions.⁵⁹

The mechanisms employed to quash Palestinian resistance are not only in breach of IHL, but they also create a coercive environment that causes Palestinians to flee from their lands, amounting to forcible transfer. Simultaneously, the Israeli regime also practices policies of direct transfer through sending Palestinian political prisoners into exile. The suppression of the Palestinian liberation struggle ultimately breaches the Palestinian people's right to "freely determine their political status"⁶⁰ and stifles social development, both of which are essential components of the right to self-determination.

This policy extends to nonarmed resistance, what the Kairos Palestine movement has called "creative resistance." There were recently well-publicized attacks on Palestinian

⁵⁶ Fourth Geneva Convention (n 39), art 33.

⁵⁷ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art 1(4) <<https://ihl-databases.icrc.org/en/ihl-treaties/api-1977>> accessed 21 May 2023.

⁵⁸ Fourth Geneva Convention (n 39), art 2.

⁵⁹ See 'Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights' (29 November 1974) UNGA A/RES/3246 (XXIX) <<https://digitallibrary.un.org/record/190185?ln=en>>; UNGA A/RES/33/24 (29 November 1978) <<https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F33%2F24&Language=E&DeviceType=Desktop&LangRequested=False>>; UNGA Resolution A/RES/34/44 (23 November 1979) <<https://research.un.org/en/docs/ga/quick/regular/34>>; UNGA Resolution A/RES/35/35 (14 November 1980) <<https://undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F35%2F35&Language=E&DeviceType=Desktop&LangRequested=False>>; and UNGA Resolution A/RES/36/9 (28 October 1981) <<https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/406/35/IMG/NR040635.pdf?OpenElement>> accessed 21 May 2023.

⁶⁰ ICCPR and ICESCR (n 9), art 1.

civil society organizations.⁶¹ Many times, Palestinian Christian figures are targeted because of their affiliation with these organizations.

However, despite all of the Israeli regime's attempts to suffocate and repress Palestinian Christians, they remain a strong group within Palestinian society, in continuous unity and struggle with their people. They are not a passive community that is disconnected from their non-Christian siblings as many would suggest. They struggle as one in the Palestinian liberation struggle, be it through legitimate armed resistance, or through practicing *sumoud* (or resilience) in all aspects of life, or through refusing to capitulate to conditional funding restrictions on their organizations, among many other means.

7. Denial of Reparations⁶²

To this day, the Israeli colonial-apartheid regime continues to deny the Palestinian people reparations in all forms—return, restitution, and compensation—primarily through the adoption of racist laws. This discriminatory legal landscape is compounded by a lack of political will from international actors, despite being bound by international law to hold Israel accountable for its wrongful acts.⁶³

One prong of this legal framework regulates citizenship and demographics, limiting Palestinian movement into and residency within Mandatory Palestine. The *Law for the Prevention of Infiltration* (1954), for example, sought to stop Palestinian refugees from returning to their homes in the wake of the *Nakba*. As for the *Law of Return* (1950), it restricts immigration to Jewish nationals and the *Citizenship Law* (1952) defines the bounds of Israeli citizenship. More recently adopted in 2018, the *Nation-State Law* dictates that the sole right of self-determination in the land belongs to the Jewish people. The continued denial of the Palestinian right of return in conjunction with the encouragement of Jewish immigration to and colonization of Mandatory Palestine serves to ensure an engineered demographic Jewish majority, a central pillar of Israel's colonial-apartheid regime.

⁶¹ See, for example, OHCHR, 'Israel/Palestine: UN experts call on governments to resume funding for six Palestinian CSOs designated by Israel as "terrorist organisations"' (OHCHR, 25 April 2022); Al-Haq, 'European Commission Lifts its Unlawful Suspension of Funding for Al-Haq' (*Al-Haq*, 30 June 2022) <<https://www.alhaq.org/advocacy/20237.html>> accessed 21 May 2023.

⁶² BADIL, *Forced Population Transfer: The Case of Palestine – Denial of Reparations* (Working Paper No. 22, BADIL 2018) <https://www.badil.org/cached_uploads/view/2021/04/19/wp22-reparations-of-reparations-1618823911.pdf>.

⁶³ ILC Draft Articles (n 18).

The other prong defines control over land and property in Mandatory Palestine, constraining Palestinian ownership while encouraging Judaization of the territory. By means of the *Absentee Property Law* (1950), the Israeli regime has seized mass amounts of property owned by Palestinian internally displaced persons (IDPs) and refugees under the false pretense of “guardianship”. Through subsequent complementary legislation, Israel has sold and transferred this property to state organs, non-governmental agencies, and Jewish-Israeli citizens. Another pillar of the oppressive legal framework that works to deny the right of return is the Prevention of Infiltration Law of 1954, which defined any Palestinian attempting to return to their rightful land as an infiltrator that can either be arrested for a minimum of 5 years, deported, or can be shot on sight.

Israeli denial of reparations to Palestinians directly breaches international law, which compels states to make remedies for wrongful acts committed and to guarantee non-recurrence of said acts. The laws mentioned above do precisely the opposite of what international law requires of Israel by perpetuating and exacerbating the protracted crisis of Palestinian displacement, by flouting responsibility, and by refusing to rectify the ongoing injustice. Moreover, Israel’s continued denial of reparations constitutes a violation of the Palestinian right to self-determination since without the right of return for Palestinian IDPs and refugees, any expression of self-determination would be incomplete.

One of the clearest examples is the case of the Palestinian Christian village Iqrit.⁶⁴ The village was captured by the Zionists in 1948, and all its Christian residents were forcibly displaced. Those residents who were displaced in what later became Israel tried to return to their village, even winning an appeal in the colonial Israeli Supreme Court, only to have their village demolished in 1951. The church in the village survived the destruction. To this day, Palestinians from Iqrit continue to visit the village and the church. They have maintained the tradition of burying their dead in its cemetery and holding prayers and weddings in their once lively church. However, they are not allowed to rebuild and re-populate their village.

Another example is the case of the al Mujaydil village, located to the southwest of Nazareth. In 1945, the village had a population of 1,640 Muslims and 260 Christians,

⁶⁴ Harriet Sherwood, ‘Return to Iqrit: How One Palestinian Village is Being Reborn’ (*The Guardian* 15 May 2013) <<https://www.theguardian.com/world/2013/may/15/return-iqrit-palestinian-village-israel>> accessed 21 May 2023.



An Israeli bypass road severing Bethlehem from Jerusalem with a looming Israeli colony built on illegally confiscated Palestinian land, as is seen from the window of a Palestinian home. 2023 (Photo by Loretta Monique)

with one Russian Orthodox church and one Roman Catholic church.⁶⁵ During the Nakba, however, al Mujaydil was bombed and completely ethnically cleansed of all Palestinians. Around half of the villagers were forcibly displaced to Nazareth with the other half forcibly displaced to neighboring Arab countries, with the Israeli military actively preventing any of the villagers from attempting to return. Although the Pope intervened in 1950 so that the Christian villagers of al Mujaydil were offered the opportunity to return, Palestinian Christians from the village refused to return without their Muslim neighbors, reflecting the solidarity and unified resistance of Palestinians regardless of faith.⁶⁶

In 1952 Jewish Migdal Ha'Emeq was established on the ruins of the village, and original houses

and public buildings, including the two churches, were completely destroyed, severing all opportunities for Palestinians to claim their right to reparations and return.⁶⁷ In addition, the JNF began its planting of Balfour forest in 1928 in honor of Christian Zionist Arthur Balfour, and the Balfour forest is currently planted over the al Mujaydil village, further reflecting the role of the JNF of erasing Palestinian presence from the land and depriving Palestinians of the right to return.⁶⁸

⁶⁵ Stop the JNF, 'Balfour Forest-Al Mujaydil: A Case Study to Show the Way to Action Today' (*Stop the JNF*, 24 February 2022) <<https://www.stopthejnf.org/balfour-forest-al-mujaydil-a-case-study-to-show-the-way-to-action-today/>> accessed 21 May 2023.

⁶⁶ *Ibid.*

⁶⁷ BADIL, 'Palestinian Internally Displaced Persons' (2006) 30-31 Al Majdal, 36-39 <https://www.badil.org/cached_uploads/view/2021/05/06/al-majdal-30-31-1620308708.pdf>.

⁶⁸ Stop the JNF (n 65).

Incitement against Palestinian Christians

In addition to the aforementioned Israeli policies that target all Palestinians, Palestinian Christians, in particular but not exclusively, have witnessed an alarmingly increased level of hostility and attacks by Jewish-Israeli colonizers, under the watch and encouragement of Israeli officials and forces. There has been an increase in Zionist raids and takeovers of locations of religious significance. For example, a colonizer organization under the protection of Jerusalem's municipal police violently took over a property in Wadi Hilweh-Silwan that is rented by the Greek Orthodox Patriarchate to a Jerusalem tenant.⁶⁹ Similarly, in a series of attacks after Israel's illegal criminalization of six Palestinian human rights and civil society organizations, a raid was made on the premises of the Episcopal Church in Ramallah that the targeted human rights organization, Al-Haq, was renting in the church compound.⁷⁰ Likewise, the Zionist city authorities of Jerusalem are attempting to take over land on Mount of Olives to extend a National Park, and Jewish-Israeli colonizers took over and are occupying Little Petra Hotel just inside Jaffa Gate in the Old City of Jerusalem.

The denial of and disruptions on Palestinian Christian's attendance of holy events also cause the oppression of and incitement against Christian Palestinians. For example, Jerusalem police blocked Christians' access to the Church of the Holy Sepulcher during the Holy Fire ceremony and attacks were made on those who tried to attend the ceremony. Similarly, there are consistent disruptions of, and attacks and restrictions on, the Palm Sunday procession taking place every year.⁷¹

There has also been a rise in attacks on Palestinian Christian individuals and religious icons and locations by Jewish-Israeli colonizers. For example, Jewish-Israelis spit

⁶⁹ Jerusalem Patriarchate News Gate, 'A Statement by the Greek Orthodox Patriarchate of Jerusalem Regarding the Illegal Take Over of Church Land in Silwan by an Israeli Radical Group' (*Jerusalem Patriarchate News Gate* 28 December 2022) <<https://en.jerusalem-patriarchate.info/blog/2022/12/28/a-statement-by-the-greek-orthodox-patriarchate-of-jerusalem-regarding-the-illegal-take-over-of-church-land-in-silwan-by-an-israeli-radical-group/>> accessed 21 May 2023.

⁷⁰ Francis Martin, 'Diocese Condemns Israeli Raid of Church Compound in Ramallah' (*Church Times* 19 August 2022) <<https://www.churchtimes.co.uk/articles/2022/26-august/news/world/diocese-condemns-israeli-raid-of-church-compound-in-ramallah>> accessed 21 May 2023.

⁷¹ The World Council of Churches, 'Statement on Jerusalem – 12 April 2023' (*OIKOUMENE*, 12 April 2023) <<https://www.oikoumene.org/resources/documents/statement-on-jerusalem-12-april-2023>> accessed 21 May 2023.

on priests in processions daily.⁷² Armenian-Palestinian Christians also experience violence, physical and verbal harassment, and vandalism daily.⁷³ Jewish-Israeli colonizers have also vandalized Jerusalem's Dormition Abbey, and hate slogans in Hebrew were written on the walls of the Armenian Orthodox Patriarchate in Jerusalem, including disturbing, racist incitements calling for "Revenge", "Death to Christians", "Death to Armenians", and "Death to Arabs and Gentiles". Likewise, a Jewish-Israeli colonizer attempted to burn the Flagellation Chapel, a church along the Via Dolorosa.

The Israeli regime routinely employs practices of necro-violence against the Palestinian population, through which Israel asserts its colonial logic of supremacy by desecrating Palestinian bodies and graves, as well as holding Palestinian corpses hostage and raiding funerals in order to prevent families and communities from mourning the loss of their loved ones with dignity and from honoring their martyrs and those they have lost within the collective memory. Palestinian bodies thus "experience the logic of erasure, as the dead, too, must disappear from the landscape and visibility of the coloniser",⁷⁴ and Palestinian Christians are regularly affected by these policies. For example, Israeli forces stormed St. Joseph's hospital in Jerusalem during the funeral of assassinated Christian journalist Shireen Abu Akleh.⁷⁵ Colonizers have also vandalized the Protestant cemetery on Mt. Zion, breaking crosses, toppling headstones, destroying iconography, and throwing debris over the cemetery walls.

These incidents are the subject of an unprecedented number of statements by the Heads of Churches in Jerusalem, calling for the protection of Christians in Jerusalem. In a December 2021 statement, it was stated:

Since 2012 there have been countless incidents of physical and verbal assaults against priests and other clergy, attacks on Christian churches, with holy sites regularly vandalized and desecrated, and ongoing intimidation of local Christians who simply seek to worship freely and go about their

⁷² Yolande Knell, 'Jerusalem Christians Say Attacks on the Rise' (BBC 15 April 2023) <<https://www.bbc.com/news/world-65204037>> accessed 21 May 2023.

⁷³ *Ibid.*

⁷⁴ Nadera Shalhoub-Kevorkian, 'Criminality in Spaces of Death' (2013) 54(1) BJOC 38, 51.

⁷⁵ 'Statement Concerning the Violence at St. Joseph Hospital During Shireen Abu Aqleh's Funeral (Latin Patriarchate of Jerusalem 16 May 2022) <<https://www.lpj.org/posts/statement-concerning-the-violence-at-st-joseph-hospital-during-shireen-abu-aqleh-s-funeral.html>> accessed 21 May 2023.

daily lives... These tactics are being used by such radical groups in a systematic attempt to drive the Christian community out of Jerusalem and other parts of the Holy Land.⁷⁶

These, and many other incidents, are happening under the watch of successive Israeli colonial-apartheid governments. Along with outright incitement against Palestinians and Palestinian Christians, Israeli politicians also have introduced laws and policies that specifically target Palestinian Christians. For example, two Israeli Knesset (or parliament) members recently introduced a bill that would ban any attempt to discuss or spread Christianity in Palestine.⁷⁷ Though this bill was not passed, political debates like these create the space for increasing violence, hatred, and discrimination against Palestinian Christians in an attempt to drive them out.

Ultimately, the use and encouragement of incitement is a Zionist strategy that is consistently employed to deflect responsibility from the state, in order to blame violence against Palestinians on “radical” or “extremist” groups and to depict to the international community that this violence is a deviation from the norm that the state cannot be held responsible for. In reality, these attacks and incitements are both directly and indirectly encouraged and called-for by the Israeli colonial-apartheid regime, and are not limited to specific groups or government officials. Nor are they just a by-product of the rampant colonial racism that makes up the foundations of the Israeli colonial-apartheid regime, but they are also strategic tools that facilitate the forcible displacement of Palestinian Christians.

Ultimately, and as the Greek Patriarchate said in a statement following the March 2023 attack on the Church of Gethsemane in the Old City, “This dismal situation hasn’t drawn any appropriate reaction, locally or internationally, despite appeals, requests, and protests made by the Churches of the Holy Land. It is painfully clear now that the authentic Christian presence in the Holy Land is in great danger.”⁷⁸

⁷⁶ Jerusalem Patriarchate News Gate (n 69).

⁷⁷ Azad Essa, ‘Palestinian Christians say anti-missionary bill is Israel’s latest attempt to squeeze them out’ (*Middle East Eye*, 24 March 2023) <<https://www.middleeasteye.net/news/israel-palestine-christianity-proposed-bill-conversion-latest-target>> accessed 21 May 2023.

⁷⁸ Wafa News Agency, ‘WCC condemns attack by Jewish extremists on a church in Jerusalem, calls for protection of holy sites’ (*Wafa*, 21 March 2023) <<https://english.wafa.ps/Pages/Details/133981>> accessed 21 May 2023.

Conclusion

In his book about the events of 1948, Mitri Raheb writes:

Palestinian Christians, the native people of the land, were not visible in Western Christian theology. Just as Israel erased Christian demography and geography from Palestine, so Western theologians erased Palestinian Christians from their theology as if they had never existed, as if they did not belong to Palestine, and as if they were aliens in the Holy Land. The year of 1948 was a catastrophe for the Palestinian Christian community. They lost in numbers (demography), they lost a significant portion of their property (geography), and they lost the support of Western theologians. Palestinian Christians were not persecuted because of their faith, but they were disinherited physically and theologically for the simple reason that they were [Palestinians]. They were forced to make space for the European colonialism of the Israeli state and Western theology.⁷⁹

Seventy-five years after the *Nakba*, Palestinian Christians continue to suffer and resist an ongoing Nakba due to Israel's colonial-apartheid policies. The Palestinian people have continuously been denied the enjoyment of their legitimate right to self-determination, despite this right having been consistently recognized by multiple United Nations decisions and resolutions. It is imperative to recognize and address the root causes of the ongoing forcible displacement and continued denial of reparations of the Palestinian people by Israel. 75 years after the commencement of the *Nakba*, the international community continues to bear the duty of promoting effective responses to decolonize Israel's colonial-apartheid system and end its impunity. This means that the international community must take practical measures for the dismantlement of this regime and its structures that are the origin of the fragmentation of Palestine, the denial of the Palestinian right to self-determination, and the deprivation of Palestinian refugees and internally displaced persons of their right of return.

Importantly, the fate of Palestinian Christians is inseparable from that of Palestinians. There is no resolution or solution to the "Christian" problem in Palestine, but there must be a resolution to the Palestinian question, namely dismantling the Israeli colonial-apartheid regime and its structures and policies.

⁷⁹ *Ibid*; Raheb (n 3).

For years, Palestinian Christian leaders have been urging the world to help execute justice in the land.

- In 2009, Palestinian Christians released the profoundly theological document, *Kairos Palestine: A Moment of Truth*, a bold, prophetic call naming Palestinian realities and describing life as God has intended it.⁸⁰
- In 2017, on the hundredth anniversary of the Balfour Declaration, the National Coalition of Christian Organizations in Palestine (NCCOP) released an Open Letter to the World Council of Churches and Christian communities and organizations around the world, describing the suffering of Palestinians and calling on the Global Church to recognize Israel as an apartheid state.⁸¹
- In 2020, Kairos Palestine and Global Kairos for Justice jointly published ‘Cry for Hope: A Call to Decisive Action’, stating, “We have arrived at a critical point in the struggle to end the oppression of the Palestinian people” and calling the Global Church to engage in seven actions to address the crisis Palestinians face.⁸²
- In 2022, Kairos Palestine and Global Kairos for Justice released ‘A Dossier on Israeli Apartheid: A Pressing Call to Churches Around the World’. The document offers a clear definition of apartheid and how Israel’s laws, policies and practices meet the international definition, along with a Biblical/theological reflection describing the sin of apartheid.⁸³


After all these years, and after countless statements, conferences, position papers, and meetings with church and international leaders, Palestinian Christians and the entire Palestinian civil society are left to wonder: Does the world truly care about the plight of Palestinian Christians?

⁸⁰ Kairos Palestine, ‘Kairos Document: A Moment of Truth - A Word of Faith, Hope, and Love from the Heart of Palestinian Suffering’ (Kairos Palestine 2009) <<https://www.kairospalestine.ps/index.php/about-kairos/kairos-palestine-document>> accessed 21 May 2023.

⁸¹ ‘Open Letter from the National Coalition of Christian Organizations in Palestine’ (*World Council of Churches* 12 June 2017) <<https://www.oikoumene.org/resources/documents/open-letter-from-the-national-coalition-of-christian-organizations-in-palestine>> accessed 21 May 2023.

⁸² Kairos Palestine and Global Kairos for Justice, ‘Cry for Hope: A Call to Decisive Action’ (Kairos Palestine and Global Kairos for Justice 2020) <<https://www.cryforhope.org/media/attachments/2020/06/30/cry-for-hope-english.pdf>> accessed 21 May 2023.

⁸³ Kairos Palestine and Global Kairos for Justice (n 11).



It is our hope that the lack of urgency and action on the part of churches—let alone the outrageous political and financial support Christian Zionists offer to Israel—will not define the last chance to salvage the Christian presence in the land. Christians must act as the future of Christianity in the land where it all started is at stake.

The only viable legal solution must come from the realization of the decolonization of the Palestinian territory within its Mandatory borders, as a *sine qua non* condition for the achievement of the Palestinian people's right to self-determination. Through the decolonization and dismantling of the Israeli colonial-apartheid regime within the borders of Mandatory Palestine, all Palestinians, including Palestinian Christians, are enabled to be included in the Palestinian people's right to self-determination.

Recommendations

BADIL and Kairos Palestine call upon the international Christian community to:

- Acknowledge the colonial-apartheid nature of the Israeli regime and take related steps to dismantle the colonial-apartheid regime and its structures of domination and subjugation of the Palestinian people.
- Recognize the right of Palestinian refugees and IDPs to reparations in the form of return, restitution, compensation, and the guarantee of non-repetition as an inseparable part of the internationally-recognized right of the Palestinian people to self-determination.
- Affirm the Palestinians' right to resist the occupation, dispossession, and abrogation of their fundamental rights.
- Join Palestinians in their creative and non-armed resistance.
- Urge communities (faith-related, business-related, academic, entertainment and others) to support the BDS campaign by divesting from companies that directly or indirectly support the illegal Israeli occupation.
- Take action to pressure legislative bodies to remove the Jewish National Fund's charitable status in their respective countries.
- Expand community-led advocacy work that intensifies public pressure to hold Israel accountability under international law.
- Continue efforts to investigate and prosecute Israeli perpetrators of international crimes and other complicit individuals/institutions.
- Reject theologies and understandings of the Bible that have been used to justify the oppression of the Palestinian people.
- Support the work of Palestinian churches and church ministries.

- Oppose anti-Semitism by working for justice against anti-Judaism, racism and Xenophobia, and crucially oppose the equating of anti-Zionism and criticism of Israel's unjust actions with anti-Semitism.
- Come and see the reality in the Holy Land with compassionate eyes for the suffering of Palestinians, and stand in solidarity with grassroots initiatives on the part of all faiths and secular groups who challenge the occupation and who work for a just peace.

Kairos Palestine – A moment of truth

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Kairos Palestine is a group of Palestinian Christians who authored "A moment of Truth" – Christian Palestinian's word to the world about the occupation of Palestine, an expression "of faith, hope and love from the heart of Palestinian suffering", and a call for solidarity in ending over six decades of oppression. The document was published in December 2009.



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BADIL is an independent, community-based non-profit human rights organization mandated to defend and promote the rights of Palestinian refugees and Internally Displaced Persons. Our vision, missions, programs and relationships are defined by our Palestinian identity and the principles of international law, in particular international human rights law. We seek to advance the individual and collective rights of the Palestinian people on this basis.

“ In the 1948, 35 percent of all Christians living in Palestine lost their possessions, their work, their land, and their homes. The decline of the Christian population was quick and striking in the thriving Palestinian cities. The percentage of Christians in Palestine dropped from around 8 percent to 2.8 percent within just a few months. If the 1948 displacement had not occurred, the 170,000 Christians living in historical Palestine today would, by now, number nearly 600,000. The Nakba and the establishment of the State of Israel was a huge blow to the demography of the Palestinian Christian community and triggered a trend toward a declining demography. ”

[In 1948], 35 percent

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