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The Spatial and Geographical Transition of Arab Palestinian Lands to Jewish-Israeli National Lands & the Gradual Construction of an Israeli Legal Geography: From de facto Land Expropriation to de jure Land Expropriation

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Background: Israeli territorial expansionism interlinked with territorial claims to historic Palestine shifted the aspirations for the establishment of a viable Palestinian state in historic Palestine towards a designated territory under the 1947 UN Partition Plan, which is constantly shrinking. The circumvention of the legal system to employ strategies for territorial gains and to counter the demographic majority of Palestinians conveys the settler-colonial ambitions of Israel to create an ethnic Jewish state in historic Palestine corresponding with the aspirations of the Zionist movement.

Objectives: This study's research question, 'How does the Israeli government's use of its land declaration policies and the local legislation prior to its occupation of the West Bank in 1967, generate legal structures to legitimize the dispossession of Palestinian Lands in Area C of the West Bank.

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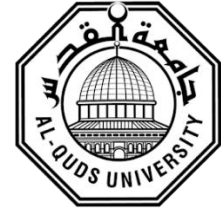


Methods: This study is based on the qualitative methods of research, which encompass a theoretical and a practical approach represented in secondary and primary sources towards uncovering the connection between the legacy of land status and the Israeli settler-colonial regime. The secondary sources cover two interrelated categories to provide a thorough understanding of this study's political, legal, geographical, spatial, and historical components. First, Palestinian, non-Palestinian and post-Zionist books, articles, and volumes to depict the Palestinian historical and geopolitical background and to focus on the Zionist enterprise that led to the establishment of Israel in 1948. Second, this study refers to provisions in the local land laws, the newly enacted laws by Israel, ordinances, and Military Orders utilizing the role of law in institutionalizing the illegal dispossession of Palestinian lands.

The primary sources of this study are based on my interviews with several members of the Nassar family as well as the Nassar family lawyer. The interviews were conducted between the period of January 2021 and March 2021 with a predominant focus on the Nassar family's legal battle to maintain ownership over the land, and the strategies that Israel employs to expropriate more Palestinian lands to expand its sovereignty and territoriality in Area C of the West Bank. Moreover, this study provides the Nassar Family land documents and title deeds from different colonial eras, the declaration of the Nassar family land as 'State Land' by the Israeli authority, appeals to Israeli courts, maps, and demolition orders.

This study also extracts information from surveys and questionnaires distributed to Palestinians living in this context to incorporate the Palestinian national oral narrative deriving from personal but common experiences. Eventually, by listing the primary and secondary sources relevant to the thematic area of research, this study will have provided a comprehensive analysis of the research question that is of contextual importance and relevance to the modern-day conflict.

Results: The chapters of this study provided an in-depth analysis of this study's research question by exploring the strategies of legitimization promulgated by Israel to expand sovereignty and territoriality in the occupied territories, and its blatant role in turning the occupation into a permanent reality closer to sovereignty. The expansionist settlement policies of Israel changed the political geography and demography of the West Bank undermining the possibility of applying the



‘two-state’ solution, which continues to dominate international debates. Considering the role of law in colonial expansionism, this study analyzed the Nassar family land case and examined the extraterritorial uses of the domestic law of the occupying power to legitimize territorial conquest and reconstruct the geographical space, which remains disguised by law. Moreover, this study focused on assisting Palestinian landowners to understand the problematic dimensions of Israeli land grabs, as well as the enhancement of the Israeli military-legal system subjugating Palestinian landowners and obstructing their access to justice eroding international legal principles to generate a pervasive authoritarian control and spatial domination in the occupied territories. Ultimately, the ambiguity of the legal landscape in the West Bank enabled Israel to entrench its settler-colonial project and assert control over Palestinian lands for (extra)territorial expansion.

Conclusion: Based on these findings, this study proposes alternative ways to examine these realities through a rights-based approach, which upholds respect for international law. This approach includes recognizing the right of Palestinians to self-determination, the rights of Palestinian refugees to reparation and property restitution, as well as the establishment of foundations essential for reconciliation achieved through implementing transitional justice by adopting legal mechanisms embodied in criminal prosecution and institutional reform, and ensuring rights for all parties without discrimination. However, this approach heavily relies on addressing the root causes of the conflict by recognizing that settler-colonialism lies at the heart of it, and adopting the process of decolonization to restore the sovereignty of the indigenous population. In a classic settler-colonial struggle, the process of decolonization is a direct and an effective proposition to end settler entitlement, in which, “the colonial power leaves together with whatever agents and population it imported, and the political power is transferred to a new government of a postcolonial state governed by the indigenous population” (Abdelfattah and Halper, 2019). The process of decolonization is extremely complex and demands gradual constructive phases to replace “ethno-religious nationalism” with a “constitutional democracy based on common citizenship” in a shared geopolitical space. The main prospect is to constitute



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a 'society of equals' with egalitarian cohabitation by ending settler hegemony over land and resources, freezing the settlement expansion project, dismantling all outposts, and offering constitutional guarantees and reparations to the expelled Palestinian population towards a post-colonial democratic and inclusive civil society. Notably, the process of decolonization is not explicit to ending the prolonged occupation of the West Bank as other mainstream paradigms like the 'two-state' solution suggest. In fact, it states that occupation is an alternate issue that needs to be proclaimed in a wider framework of decolonization including the right of Palestinian refugees to return. This framework addresses the origins of the colonial aspect of the conflict stemming from the 19th century, to restore the sovereignty of the indigenous Palestinian population to the entire area of historic Palestine, not just the occupied lands.

Research Keywords: Illegal Spatial Practices, Settler-Colonialism, Land Expropriation, Israeli Illegal Settlements, Nassar Family, Decolonization.

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