



## **Israel's Nationality Law, UN Resolution 181, and the Arab List**

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**EXECUTIVE SUMMARY:** For many years, General Assembly Resolution 181 was the document the Palestinians cited most frequently to buttress two of their major claims. They no longer do so because the document stipulates for the creation of a Jewish state, as emphasized by the nationality law they now decry.

Ever since 1988, when, after 40 years of rejection, the PLO feigned acceptance of General Assembly Resolution 181 on the partition of mandatory Palestine into Jewish and Arab states, the resolution has been the document used most frequently by Palestinians to underscore two of their major claims – the right to statehood within borders that were larger by far than those envisaged by the Oslo “peace” process, and the supposed “right of return.”

For these reasons, it holds center stage in one of the PLO's most famous documents – the Palestinian declaration of independence, which was approved by the Palestine National Council (PNC), the PLO's legislative body, in Algiers in 1988.

It can be self-defeating to cite documents without having read them. The Palestinians learned this in their attempts to mobilize Resolution 181 behind the Palestinian cause.

One major contradiction concerns Jerusalem. According to the partition resolution, Jerusalem was to be governed by an international regime that was separate from both the Jewish and Arab states. This of course directly contradicts the vision of Jerusalem as the Palestinian state's future capital. (For this and other reasons, the document is never quoted by Israeli officials either.)

Even more blatant is this contradiction: the traditional PLO stance is to reject the existence of Israel as a Jewish state (or the state of the Jewish People), but the partition of Mandatory Palestine was to have been between a Jewish state and an Arab one. It was unproblematic at the time to define the future state with a Jewish majority as the "Jewish state." The drafters of the document took it for granted that the Jewish state was to be the state of the Jewish People, which may be one of the reasons why the Arab states uniformly rejected the document and its contents.

This also may be one of the reasons why Palestinian organizations, even those that continue to express their acceptance of the Oslo Accords, have increasingly shied away from mentioning the resolution, preferring instead to take refuge in more modern accusations of apartheid.

This is exactly what came into play in the recent campaign of the United (Arab) List, which is composed of eleven members of the Knesset. Their object was to send a delegation to the EU to protest Israel's recently promulgated nationality law. This effort culminated in a meeting between the party's leader, MK Ayman Odeh, and seven others (one of whom was not an MK but head of an Arab NGO) with the EU's foreign policy chief, Federica Mogherini, and other senior EU officials. They made no mention of Resolution 181, of course, but underscored Israel's supposed march towards apartheid as exemplified by the nationality law.

Yet the nationality law is simply the affirmation of Resolution 181's frequent references to "the Jewish State" (30 times). The document uses "Jewish" and "Arab" as nationalities.

Both the drafters of Resolution 181 and the representatives of the General Assembly who voted in its favor knew that both states would contain minority religious groups among the respective Jewish and Muslim majorities.

The envisioned Arab state, which included Ramallah, obviously included Christians among the majority Muslims. Even more tellingly, the proposed Jewish state was to have a sizeable number of both Muslims and Christians. Nevertheless, the resolution called the proposed entity a Jewish state despite the existence of minorities in its midst.

This is exactly the essence of the new nationality law, which asserts Israel's identity as a Jewish state, with other laws to address issues of citizen equality on an individual basis for the religious minorities living within the state.

Obviously, the content of Resolution 181 is going to have little influence on the parliamentary members of the United List and even less on the PLO, the PA,

and Hamas. They will continue to imperiously define what Jews are rather than allow Jews to define themselves.

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