



Yesh Din

Volunteers for Human Rights

Cancellation of significant clauses of Disengagement Law (2005) rapidly advancing through Knesset and backed by Government

The proposed changes to the law reveal the GOI's intention to reverse decades of Israeli policy to establish new settlements in the West Bank, in violation of international law and its own commitments, and in accordance with its rapid application of de-jure annexation over occupied territory.

Background: The Disengagement Law of 2005 stipulated the withdrawal of Israeli settlements from the Gaza Strip as well as the evacuation of four Israeli settlements in the northern West Bank: Homesh, Sa-Nur, Ganim and Kadim. State-led efforts to 'regularize' the illegal Homesh outpost were solidified in the coalition agreements, which include commitments to re-establish the evacuated settlement. Aside from the fact that the outpost sits on private Palestinian land which the GOI has no justification for expropriating, it is also a major source of settler violence, particularly against the rightful Palestinian landowners from Burqa.

After passing a preliminary reading in the Knesset, the proposed changes were approved on March 9 in a vote of 9-4 in the Foreign Affairs and Defense Committee, and shortly afterwards **passed the first reading in the Knesset in the early hours of March 14.**

Proposed changes to the law:

In the preliminary hearing, the proposed changes included the cancellation of clauses 23-30 of the Disengagement Law, which entail:

1. **The prohibition of Israelis from entering or maintaining presence on said land;**
2. **The revocation of the housing and property rights of the Israeli settlers to said land.**

The implications of these changes are that Israelis will have legal authority to enter the lands subject to evacuations in the four former settlements, that this will no longer constitute a criminal offense, and that the rights of Israeli settlers to housing and property in the four former settlements will be restored.

The proposed changes presented before the Foreign Affairs and Defense Committee included cancellation of the prohibition of Israelis from entering the land only, and not the restoration of housing and property rights to settlers. However, Chair of the Committee, MK Edelstein (Likud), emphasized that this change is likely to be temporary and that following the first reading in the Knesset, the issue would be reevaluated and the bill subjected to modifications, likely to include the provision to restore housing and property rights of Israelis to the evacuated settlements. MK Edelstein stated that such changes

would not constitute a 'new issue' to be debated and could then be passed quickly through the second and third readings into law.



Above: Yesh Din legal counsel on lands issues, Adv. Shlomy Zachary, speaks in the Knesset Committee hearing on March 9.

Yesh Din participated in the Committee hearing and submitted a position paper to the committee in advance on behalf of residents of Burqa, whom we represent in their [legal struggle to regain access to their lands in former Homesh](#). In the position paper, we raised the problematic nature of the Knesset legislating over lands rights in the oPt, emphasized Israel's commitments not to establish new settlements and to uphold HCJ rulings on the subject, as well as the fact that these proposed amendments are intended to reward lawbreakers in Homesh, who have violated the law for years and rather than being held accountable, will now be rewarded for their efforts with a new settlement. Following our submission, the bill submitted before the committee was more moderate than the original bill, and as mentioned, did not include the provisions to renew settlers' property and housing rights in the four settlements.

During the Foreign Affairs and Defense Committee hearing, MKs and other relevant authorities repeatedly and clearly stated that the intention behind the changes to the Disengagement Law is to re-establish settlements in all four evacuated locations, including Homesh. It is abundantly clear that the GOI is revitalizing its settlement project in full force and that it will not stop with the establishment of these four settlements, nor with the [‘regularization’ of the 10 illegal outposts](#). Only the international community has the ability to stop this blatant and devastating shift in Israeli policy which openly aims to entrench the apartheid regime in the West Bank.

[Click to follow Yesh Din's new English Twitter](#)

For more information contact:

Chanah Dulin; chanah@yesh-din.org; +972 (0)58.416.4797

Yesh Din is required by law to make the following statement:

Yesh Din is mostly funded by foreign governmental entities - through grants devoted to the provision of humanitarian assistance and the promotion of human rights. A list of our donors is available on the Israeli Associations Register's website and on Yesh Din's website.

Yesh Din is proud to be funded by States that are committed to the rule of law, that believe the occupation is not an internal Israeli matter, and that support the defense of international humanitarian law and human rights.



Copyright © 2023 Yesh Din, All rights reserved.

You are receiving this email because you signed up through our website

Our mailing address is:

Yesh Din

PO Box 50304

Tel Aviv 6150201

Israel

[Add us to your address book](#)

Want to change how you receive these emails?

You can [update your preferences](#) or [unsubscribe from this list](#)
