

A photograph of a concrete wall with a person walking in the distance. The wall is made of large, light-colored concrete blocks and runs along a dirt path. A person in a blue shirt and dark pants is walking away from the camera towards the right. The background shows a hilly landscape with some vegetation.

ISRAEL'S APARTHEID-COLONIAL EDUCATION: SUBJUGATING PALESTINIAN MINDS AND RIGHTS

BADIL WORKING PAPER NO. 26

بديل
المركز الفلسطيني
لمصادر حقوق المواطنة واللاجئين

The logo for BADIL Resource Center, featuring a stylized 'A' shape in red and black.

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Israel's Apartheid-Colonial Education: Subjugating Palestinian Minds and Rights

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BADIL Resource Center for Palestinian Residency and Refugee Rights is an independent, non-profit human rights organization working to defend and promote the rights of Palestinian refugees and Internally Displaced Persons (IDPs). Our vision, mission, programs and relationships are defined by our Palestinian identity and the principles of international humanitarian and human rights law. We seek to advance the individual and collective rights of the Palestinian people on this basis.

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“White settlers used settler colonial ideology to justify the exclusive control over the dispossession and exploitation of Indigenous lands, which continued as societal structures aimed to institutionalize the replacement of Indigenous peoples and communities [...]. Education is one such structure that maintains, reinforces, and replicates colonial ideology through curriculum, policies, and practices, both historically and in the present day [...].”¹

I. INTRODUCTION

On 13 May 2020, the European Parliament adopted two resolutions in its discharge report for the implementation of the 2018 general budget that specifically addressed the Palestinian Authority’s curriculum, which read:

“**301.** [...] stresses [...] that no Union funds are used to finance textbooks and educational material which **incite religious radicalisation, intolerance, ethnic violence and martyrdom among children;**

302. Is concerned that problematic material in Palestinian school textbooks has still not been removed and is concerned about the continued failure to act effectively against **hate speech and violence in school textbooks**. Insists that salaries of teachers and education sector civil servants that are financed from Union funds [...] be used for drafting and teaching curricula which reflects **UNESCO standards of peace, tolerance, coexistence, and non-violence** [...] [emphasis added].”²

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- 1 Stephanie Masta, “Challenging the Relationship Between Settler Colonial Ideology and Higher Education Spaces,” *Berkeley Review of Education* 8, no. 2 (2019), 179, available at: <https://escholarship.org/content/qt55p0c597/qt55p0c597.pdf?t=puwvvn&v=lg>
 - 2 European Parliament, Report on Discharge in Respect of the Implementation of the General Budget of the European Union for the Financial Year 2018, Section III - Commission and Executive Agencies (2019/2055(DEC)), A9-0069/2020, 3 March 2020, paras. 301-302, available at: https://www.europarl.europa.eu/doceo/document/A-9-2020-0069_EN.pdf

By means of these resolutions, the European Parliament is attempting to denounce the Palestinian Authority's curriculum for allegedly inciting religious and racial hatred, discrimination, hostility and violence. Such assertions are akin to those raised approximately one year earlier which influenced the European Union's decision to fund a study on Palestinian textbooks.³ At the root was a report by the Institute for Monitoring Peace and Cultural Tolerance in School Education (IMPACT-se), a Zionist-Israeli watchdog, that had reviewed selected examples of the Palestinian Authority's 2018-2019 curriculum and claimed that the content was "more radical than those previously published."⁴ Similar attacks against the Palestinian Authority's curriculum for the 2017-2018 academic year were unsurprisingly raised by IMPACT-se as well, alleging that Palestinian textbooks promote radicalization and martyrdom.⁵ As a result of this report, and a private meeting with IMPACT-se's chief executive officer, Marcus Sheff, the European Parliament passed a bill in April 2018 that conditions any future funding on a Palestinian commitment to promote "European values" of freedom, peace, and tolerance.⁶ The European Union has presented each of the bill, study, and resolutions as part of an objective, bureaucratic mechanism which ensures that its funds are invested in curricula reflecting standards of peace, tolerance, coexistence and non-violence.

However, this type of justification is misleading as it is devoid of the

3 "EU Funds Study into Palestinian School Textbooks After Claims of 'Radical' Themes," *Euronews*, 22 May 2019, available at: <https://www.euronews.com/2019/05/22/eu-funds-study-into-palestinian-school-textbooks-after-claims-of-radical-themes> [accessed 28 December 2020]; The European Union commissioned the Georg Eckert Institute for International Textbook Research to carry out the study on Palestinian textbooks which was planned to be released in spring 2020. However, the study is not yet available, and its preliminary results, which were unsolicitedly disseminated by IMPACT-se, have been widely scrutinized. The European Union officially states that the study is still underwork and does not disclose the reasons for its delay. Georg Eckert Institute for International Textbook Research, "Analysis of Palestinian Textbooks (PALTEX)," available at: <http://www.gei.de/en/departments/knowledge-in-transition/analysis-of-palestinian-textbooks-paltex.html> [accessed 28 December 2020]

4 IMPACT-se, "The New Palestinian Curriculum 2018-19 Updates - Grades 1-12," September 2018, 2, available at: https://www.impact-se.org/wp-content/uploads/The-New-PA-2018-Curriculum_Grades-1-12.pdf

5 See IMPACT-se, "Reform of Radicalization: PA 2017- 18 Curriculum A Preliminary Review," October 2017, available at: https://www.impact-se.org/wp-content/uploads/PA-Curriculum_2017-Grades-5-11.pdf

6 Ramar Ben-Ozer, "EU Passes Bill to Promote Anti-Hate Education in Palestinian Schools," *Jerusalem Post*, 18 April 2018, available at: <https://www.jpost.com/middle-east/eu-passes-bill-to-promote-anti-hate-education-in-palestinian-schools-551175> [accessed 28 December 2020]

specific context of Israel's recurring ideological attacks on Palestinian textbooks and the international community's role in reinforcing them. IMPACT-se importantly possessed a critical role in this attack from the early 2000s. A 2001 report on Palestinian textbooks by the Center for Monitoring the Impact of Peace (CMIP), IMPACT-se's predecessor, accused the curriculum of delegitimizing Israel's existence, defaming Israel, and encouraging militarism and violence.⁷ In 2002, a report by the European Union stated that "quotations attributed by earlier CMIP reports to the Palestinian textbooks are not found in the new Palestinian Authority schoolbooks [...]; some were traced to the old Egyptian and Jordanian textbooks that they are replacing, some to other books outside the school curriculum, and others not traced at all. While many of the quotations attributed to the new textbooks [...] could be confirmed, these have been found to be often badly translated or quoted out of context, thus suggesting an anti-Jewish incitement that the books do not contain."⁸ The disconnect between IMPACT-se's report and the European Union's fact-checking efforts reveals the Israeli organization's inherent bias and manipulation of content to undermine Palestinian textbooks anytime the material does not completely align with the Zionist-Israeli narrative. Israeli Prime Minister Ariel Sharon subsequently accused the Palestinian Authority's curriculum of inciting hatred and violence shortly after the publication of the first Palestinian textbooks in 2000.⁹ On the international level, Hillary Clinton argued that future aid to the Palestinian Authority must be contingent on removing any anti-Israeli sentiments from the Palestinian curriculum during her first campaign to become a US Senate member.¹⁰

Rather than dwindling, this assault on Palestinian textbooks has recently been revived following the Palestinian Authority's updated

7 See IMPACT-se, "Jews, Israel, and Peace in Palestinian School Textbooks," November 2001, available at: <https://www.impact-se.org/wp-content/uploads/2016/04/PA2001.pdf>

8 The report collated information provided by EU missions on the ground, as well as other independent studies carried out by both Palestinian and Israeli academics and educators. General Secretariat of the Council of the European Union Press Office, "Palestinian Schoolbooks," Press Release, 15 May 2002, available at: https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/misc/70923.pdf

9 Mazal Mualem and Aluf Benn, "Sharon: PA's Real Test is Ending Incitement," *Haaretz*, 19 November 2004, available at: <https://www.haaretz.com/1.4760750> [accessed 28 December 2020]

10 "Hillary Clinton: Link PA Aid to End to Antisemitism," *Jerusalem Post*, 26 September 2000, cited in: The Palestinian Ministry of Education and Higher Education, "The Myth of Incitement in Palestinian Textbooks," 13 June 2005, available at: <http://miftah.org/PrinterF.cfm?DocId=7688> [accessed 28 December 2020]

curriculum for 2016-2017, as is evident by the European Union's gradual endorsement of IMPACT-se's, and by virtue Israel's, position criticizing Palestinian textbooks. In addition to the European Union, Israel has also influenced the United Nations Committee on the Elimination of Racial Discrimination's concluding observations on the Reports of the State of Palestine in August 2019. This report urged the Palestinian Authority to combat "hate speech and incitement to violence," and expressed its concerns "about the existence of hate speech [...] in school curricula and textbooks, which also fuels hatred and may incite violence [...]."¹¹ Upon reviewing external report submissions to the Committee, it is revealed that these allegations emanate from reports by two Zionist-Israeli watchdogs, NGO Monitor and United Nations Watch, which specifically referenced IMPACT-se's reports.¹² More recently, in December 2020, Norway cut approximately 3.4 million USD of its aid budget to the Palestinian Ministry of Education, after having withheld half of its funding earlier in June until the Palestinian Authority "provide[s] satisfactory improvements in school materials."¹³ This decision came after IMPACT-se submitted a report to the Norwegian Parliament accusing Palestinian textbooks of inciting violence.¹⁴ Both the United States and United Kingdom have also adopted Israel's distorted approach to Palestinian textbooks;

11 UN Committee on the Elimination of Racial Discrimination, Concluding Observations on the Combined Initial and Second Periodic Reports of the State of Palestine, CERD/C/PSE/CO-1-2, 20 September 2019, para.19(c), available at: <https://www.un.org/unispal/document/committee-on-the-elimination-of-racial-discrimination-concluding-observations-on-the-combined-initial-and-second-period-reports-of-the-state-of-palestine-cerd-c-pse-co-1-2/> [accessed 28 December 2020]

12 NGO Monitor, "Submission of the Institute for NGO Research for the List of Themes in Advance of the 99th Session Review of the "State of Palestine",," 3-4, available at: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/PSE/INT_CERD_NGO_PSE_35601_E.pdf; United Nations Watch, "Alternative Report of United Nations Watch to the 99th Session of the Committee on the Elimination of Racial Discrimination for its Review of State of Palestine," July 2019, 15-19, available at: https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/PSE/INT_CERD_NGO_PSE_35518_E.pdf

13 "Norwegian Parliament Tells Government to Cut Funding to PA Over Textbooks," *Jerusalem Post*, 6 December 2019, available at: <https://www.jpost.com/arab-israeli-conflict/norwegian-parliament-tells-government-to-cut-funding-to-pa-over-textbooks-610120> [accessed 28 December 2020]; Marcy Oster, "Norway to Withhold Funding to Palestinians over Hateful, Violent Textbooks," *Jerusalem Post*, 4 June 2020, available at: <https://www.jpost.com/israel-news/norway-ro-withhold-funding-to-palestinians-over-textbooks-630386> [accessed 28 December 2020]; Donna Edmunds, "Norway Again Cuts PA Funding Over Palestinian Hate Education," *Jerusalem Post*, 12 December 2020, available at: <https://www.jpost.com/diaspora/antisemitism/norway-again-cuts-pa-funding-over-palestinian-hate-education-651854> [accessed 28 December 2020]

14 Oster, *ibid*.

these two states issued condemnations of the Palestinian Authority's curriculum following lobbying efforts by IMPACT-se.¹⁵

The international community's endorsement and promotion of Israel's approach towards the Palestinian Authority's textbooks is propelled by Israel's manipulation of international law. By posing the lexicon of "radicalisation," "hate speech," "intolerance," and "ethnic violence" about Palestinian educational contents,¹⁶ Israel pressures the international community to view Palestinian education only within the lens of its handpicked educational standards, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO) standards of peace, tolerance, coexistence and non-violence. This ultimately frames the Palestinian people as fanatical law-violators while forging Israel as a liberal law-abider. By reverberating this Zionist-Israeli interpretation amongst the international community, Israel influences international donors - which the Palestinian Ministry of Education is heavily dependent on - to financially pressure the Palestinian Authority to alter its curriculum in a way that aligns with the Zionist-Israeli colonial narrative and undermines the Palestinian people's collective national identity. It is thus evident that the European Union's most recent allegations are not mere protocol, but are rather attributed to Israel's fallacious discourse surrounding the Palestinian Authority's curriculum, and more broadly, Palestinian education.

The purpose of this paper is neither to endorse nor defend the content of the

15 In December 2019, the United States passed the Peace and Tolerance in Palestinian Education Act that was highly influenced by a report that IMPACT-se had released during that time. The Act stated that "the new Palestinian curriculums fail[ed] to meet the international standards of peace and tolerance in educational materials established by the United Nations Educational, Scientific and Cultural Organization (UNESCO)," and that "textbooks used by the PA and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) in the West Bank and Gaza demonize Israel, encourage war, and teach children that Palestinian statehood can be achieved through violence." Omri Nahmias, "House Committee Passes Peace and Tolerance in Palestinian Education Act," *Jerusalem Post*, 19 December 2019, available at: <https://www.jpost.com/middle-east/house-committee-passes-peace-and-tolerance-in-palestinian-education-act-611394> [accessed 28 December 2020]; U.S. Peace and Tolerance in Palestinian Education Act, 2019, Sec.2. Findings (2)–(3), available at: <https://www.congress.gov/bill/116th-congress/house-bill/2343/text> [accessed 28 December 2020]; In March 2020, the United Kingdom initiated a debate dedicated to addressing the alleged radicalization in the Palestinian school curriculum after being presented with a report from IMPACT-se. Following the debate, the Parliament then had a meeting with IMPACT-se and issued swift condemnations against the alleged incitement to violence by the Palestinian Authority in their textbooks. House of Commons Library, "Radicalisation in the Palestinian School Curriculum," Debate Pack, CBP-0046(2020), available at: <http://researchbriefings.files.parliament.uk/documents/CDP-2020-0046/CDP-2020-0046.pdf>

16 Report on Discharge in Respect of the Implementation of the General Budget of the European Union for the Financial Year 2018, in *supra* 2, paras. 301-302

Palestinian Authority's curriculum as it currently stands, but to highlight how Israel's and the international community's interference with Palestinian education is part of a broader strategy to entrench colonial domination over the Palestinian people.

Accordingly, this paper provides an adequate, holistic understanding of the Zionist-Israeli colonial structure at play in Palestinian education, which necessitates reframing the current predominant approach to Palestinian education through: (1) recognizing that Israel applies a myriad of policies and practices in the education sector to advance its colonial enterprise, (2) realizing that Israel's control of the Palestinian people's education is in and of itself a vehicle of colonization, and (3) contextualizing the Palestinian people's right to education and human rights education within the pervasive Zionist-Israeli colonial setting in Mandatory Palestine. It thus analyzes institutionalized discrimination, forced assimilation, and alienation as primary tools that govern Israel's practices and policies of interference and control of the Palestinian education systems as they currently stand. **The paper further contends that such practices and policies are used as a means not only to advance and normalize the domination and subjugation of the Palestinian people, but also to destroy their cohesion and thwart their right to self-determination. Israel's strategy to impose a decontextualized approach to the right to education has inappropriately influenced the international community's perspective on Palestinian education. Building on relevant international legal instruments endorsed by UNESCO, it highlights how Israel manipulates the international legal framework, promotes an application relevant to a non-colonial setting and scrutinizes specific provisions in order to reinforce and justify its colonial interference.** Finally, it connects the Palestinian people's right to freely administer their education system and define their educational contents with their right to decolonization and national liberation.

The Relevance of a Colonial Framework of Analysis for Palestinian Education

Israel's above outlined manipulation of the Palestinian Authority's curriculum is **further aggravated by its imposition of a non-colonial framework of analysis regarding Palestine generally, and Palestinian education specifically.** It is therefore essential to give due regards to the local context of multileveled Zionist-Israeli colonialism imposed on the whole of Mandatory

Palestine when considering Palestinian education.¹⁷ The colonization of Palestine is reflected in the following political-legal regimes to which all Palestinian land is subjected to: **the Palestinian lands dominated and subjugated as of 1948**, so far recognized by the international community as Israel, fully colonized since the creation of Israel; **Jerusalem**, with its western side fully annexed and colonized, and its eastern side under formal annexation since 1967; **the West Bank**, its Areas A-B-C inherited from the Oslo Accords, effectively under an accelerated process of colonization although implemented under the guise of occupation; and **the Gaza Strip**, under a blockade-shaped military occupation.¹⁸

Israel's methodic application of disparate political-legal systems in Mandatory Palestine allows it to implement distinct educational colonial policies and practices on different Palestinian lands. Through this seemingly cryptic system, Israel is able to advance its colonial goals while concealing its colonial intents, thus allowing it to impose a non-colonial framework of analysis for Palestinian education. Irrespective of these attempts, Israeli policies and practices against Palestinian education all over Mandatory Palestine share striking similarities with other colonial regimes. Colonial powers have always perceived and used education as a main gateway to convey and impose their system of domination over colonized populations.¹⁹ This is particularly prevalent in the case of colonial France as its colonial project was driven by the desire to spread its so-called 'French civilisation' through education.²⁰ Common patterns aimed at imposing colonial domination included:

- The imposition of the French language in the education system as a pillar of the French 'civilizing mission';²¹

17 Mandatory Palestine refers to the historic borders of the British Mandate of Palestine - the whole land inhabited by the Palestinian people before the *Nakba*. It includes 1948 Palestine, Jerusalem, West Bank, and Gaza Strip. See BADIL, *Creeping Annexation: A Pillar of the Zionist-Israeli Colonization Process in Palestine*, working paper no. 25 (Bethlehem: BADIL, 2020), available at: <http://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/WP25-CreepingAnnexation.pdf>

18 *Ibid.*

19 France passed a decree in 1922 that conditioned the creation of a new school to "government permission, government-certified teachers, a government curriculum and the exclusive use of French as the language of instruction." Bob White, "Talk about School: Education and the Colonial Project in French and British Africa, (1860-1960)," *Comparative Education* 32, no. 1 (1996), 11

20 This is contrary to British colonization that has been analyzed as much more oriented towards the development of colonial domination over trade. "When the Portuguese colonialisied, they built churches; when the British colonialisied, they built trading systems; when the French colonialisie, they build schools." Mumford, cited in White, in *supra* 19, 21

21 *Id.*, 14-19

- The control over school enrollment based on job availability;²²
- The establishment of a two-tiered system within the indigenous people based on the ultimate interest of the colonial administration: basic education for the indigenous masses and more selective education grounded in the French structure and curriculum for a selected elite aimed at serving the lowest ranks of the colonial administration;²³
- The duplication of colonizing states' prevailing ideologies in their colonial education systems, that is to say the promotion of secular education in French colonial schools.²⁴

French colonial education additionally utilized forced assimilation to 'enlighten' colonized people to a 'much more elevated level of civilization' - that of the colonizers - and to nurture the illusion that the colonized equaled the colonizers.²⁵ Colonial education in itself was also carefully structured to enable the alienation of the colonized people from their own system of values while simultaneously maintaining the system of colonial domination over them.²⁶

Zionist-Israeli colonialism admittedly differs from other forms of colonialism, especially in that it rests on the self-indigenization of the colonizers in order to appropriate the right to self-determination and territorial rights of the Palestinian people.²⁷ However, it remains that the Zionist-Israeli colonial enterprise, similar to colonial France, has deemed education a compelling realm for the application of its colonial policies and practices, whereby it relies on similar colonial tools to control education, including institutionalized discrimination, forced assimilation and alienation. Israel's ultimate objective behind its policies and practices towards Palestinian education are importantly inseparable from the overarching Zionist-Israeli colonial objectives. Accordingly, they are aimed at (1) erasing the memory of pre-colonized

22 *Id.*, 19-20

23 *Ibid.*

24 *Id.*, 18

25 *Id.*, 17-18

26 *Id.*, 16-17

27 This is similar to a phenomenon called "colonialism of a special type" in the case of apartheid South Africa. See Virginia Tilley (ed.), *Occupation, Colonialism, Apartheid? A Re-assessment of Israel's Practices in the Occupied Palestinian Territories under International Law* (Cape Town: Human Sciences Research Council of South Africa, 2009), 45, available at: http://sro.sussex.ac.uk/id/eprint/43295/1/Occupation_Colonialism_Apartheid-FullStudy_copy.pdf

Palestine and the process of colonization that led to its fragmentation, (2) entrenching the domination, subjugation and appropriation of the Palestinians until their existence as a people is subsided, (3) and normalizing the presence and superiority of Zionist-Israeli colonizers.

As such, these Israeli policies and practices in the education sector are in direct contravention with provisions enshrined in the 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples (Decolonization Declaration):²⁸

- 1) They are, in and of themselves, designed to entrench the subjection of the Palestinian people to alien (Zionist-Israeli) subjugation, domination and exploitation (Article 1 of the Decolonization Declaration).²⁹
- 2) These various hindrances to the Palestinian people's education is intended to generate political, economic, social and educational de-development of the Palestinian people (Article 3 of the Decolonization Declaration) as a means to discredit independence claims.³⁰
- 3) They aim at specifically undermining the Palestinian national collective identity, pursuance of economic, social and cultural development and the ability to determine their political status within Mandatory Palestine, in short, the Palestinian people's right to self-determination and right to territorial integrity (Articles 2 and 4 of the Decolonization Declaration), where the Palestinian people's education constitutes a determining pillar.³¹

Considering that these education policies and practices are inevitably colonial in nature, it is pivotal to emphasize the necessity for a colonial framework

28 UNGA, Declaration on the Granting of Independence to Colonial Countries and Peoples, 14 December 1960, A/RES/1514(XV), available at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/Independence.aspx> [accessed 28 December 2020]

29 "The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation." *Id.*, Article 1

30 "Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence." *Id.*, Article 3

31 "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." *Id.*, Article 2; "All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected." *Id.*, Article 4

rather than Israel's imposed non-colonial framework. Most criticism against the Palestinian Authority's education system, and its curriculum in particular, have been based on a very selected interpretation of UNESCO standards - specifically focused on principles of peace and tolerance enshrined in international law. However, UNESCO grounds its mission in a much more comprehensive set of human rights instruments that are particularly relevant to the context of colonization in Mandatory Palestine. Such instruments comprise not only the 2015 Education 2030 Framework for Action and the 2015 Incheon Declaration, but also the 1974 Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms, and the 1989 Convention on the Rights of the Child - all of which affirm the Palestinian people's right to human rights education as a colonized people.³²

II. ISRAEL'S APARTHEID POLICIES AND PRACTICES AGAINST PALESTINIAN EDUCATION: TOWARDS THE NORMALIZATION OF ITS APARTHEID-COLONIAL REGIME

Israel's level of control of Palestinian education is correlated with its degree of colonial domination in each distinct region of Mandatory Palestine. Its extent of controlling and manipulating Palestinian education is therefore dependent upon the respective political-legal framework within which it is currently exerting its control over the Palestinian people. In the Palestinian lands dominated and subjugated as of 1948, Palestinian education is entirely overseen by the Israeli Ministry of Education as governed by the 1953 State Education Law.³³ As for Jerusalem, considering that its western side is fully annexed and colonized while its eastern side is under *de jure* annexation since 1967, the Palestinian education sector is dominated by the Israeli Ministry of Education while still using the Palestinian Authority curriculum in some schools.³⁴ Palestinian education in the West Bank and the Gaza Strip

32 For a comprehensive list of education binding and non-binding norms and standards advanced by UNESCO, see UNESCO, "Standards and Norms in the Field of Education," available at: <https://en.unesco.org/themes/education/education-standards-norms> [accessed 28 December 2020]

33 State Education Law, 5713-1953 (Isr.), available in Hebrew at: <https://www.adalah.org/uploads/oldfiles/Public/files/Discriminatory-Laws-Database/Hebrew/24-State-Education-Law-1953.pdf>

34 See Palestinian Academic Society for the Study of International Affairs, "Education in Jerusalem 2016," September 2016, available at: http://passia.org/media/filer_public/9a/f5/9af5f866-9b3e-4a0d-8e9a-0f1461e40ff3/edu_final_en2019.pdf

is administered by the Palestinian Ministry of Education, after the matter was handed over on 29 August 1994 under the Agreement on Preparatory Transfer of Powers and Responsibilities,³⁵ but is under constant Zionist-Israeli suppression considering Israel's military occupation of these lands.

Irrespective of the different degrees of control in the education sector, and hence the distinct policies and practices applied throughout Palestinian lands, Israel's goal to buttress its colonial control through limiting the Palestinian people's right to education is one of the same, amounting to a form of colonization as prohibited in the Decolonization Declaration.³⁶ Similar to how the foundations of these objectives are situated in colonization, they are also embedded in apartheid, as per the Convention on the Suppression and Punishment of the Crime of Apartheid (Apartheid Convention).³⁷ This is attributed to **the way that Israel's colonial domination is activated through apartheid tools. Such tools have in fact proven instrumental for maintaining a system of domination, subjugation and exploitation of the Palestinian people, as recognized in Article 2 of the Apartheid Convention.**³⁸

"II. [...] the term "the crime of apartheid," which shall include similar policies and practices of racial segregation and discrimination as practiced in southern Africa, shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them: [...]

- (b) Deliberate imposition on a racial group or groups of living conditions calculated to cause its or their physical destruction in whole or in part;
- (c) Any legislative measures or other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions

35 "Israel shall transfer and the Palestinian Authority shall assume powers and responsibilities from the Israeli military government and its Civil Administration in the West Bank in [...] education [...]." 1994 Agreement on Preparatory Transfer of Powers and Responsibilities, Article II(1), available at: https://peacemaker.un.org/sites/peacemaker.un.org/files/IsraelOPT_940829_AgreementPreparatoryTransferPowersResponsibilities.pdf

36 "Solemnly proclaims the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations," Declaration on the Granting of Independence to Colonial Countries and Peoples, in *supra* 28, Preamble

37 UN, International Convention on the Suppression and Punishment of the Crime of Apartheid, A/RES/3068(XXVIII), 30 November 1973, available at: https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.10_International%20Convention%20on%20the%20Suppression%20and%20Punishment%20of%20the%20Crime%20of%20Apartheid.pdf

38 *Id.*, Article 2; See BADIL, in *supra* 17

preventing the full development of such a group or groups, in particular by denying to members a racial group or groups basic human rights and freedoms, including [...] the right to education [...].

- (d) Any measures including legislative measures, designed to divide the population along racial lines [...].”³⁹

In the field of Palestinian education, Israel amalgamates three intertwined apartheid tools, institutionalized discrimination, alienation, and forced assimilation, which initiate, pursue, and reinforce its domination.

- ***Institutionalized discrimination*** as the unfair and prejudiced treatment of Palestinians by Israeli structures in an intentional, systematic and systemic manner, as enshrined in procedures, laws, policies and practices of these structures to maintain colonizer-imposed categorizations of inferiority and superiority.
- ***Alienation*** as a set of policies and practices aimed at isolating Palestinians from their intrinsic shared national identity, heritage and values, in order to prevent them from fully embracing their belonging to the Palestinian collective identity.
- ***Forced assimilation*** as a series of policies and practices that seek to dilute the Palestinian people’s identity through the imposition, both through addition and omission, of a narrative that denies their national existence and presence.

Importantly, the Israeli apartheid-colonial regime actively advances these three tools in a gradual and successive manner in Mandatory Palestine. Israel foremost implements institutionalized discrimination to maintain its initial subjugation of the Palestinian people through maintaining categories of an inferior group and a superior group. This is then complemented with alienation, which aims to negate the Palestinian people’s collective identity. Alienation is intimately related to forced assimilation whereby the colonial regime replaces Palestinian belonging with the colonizers’ narrative. It generates the internalization of the Zionist-Israeli ideology, which is critically only implemented by Israel to an extent that allows it to undermine the Palestinian people’s collective identity, but never with an

39 International Convention on the Suppression and Punishment of the Crime of Apartheid, in *supra* 37, Article 2

intent to wholly *absorb* the Palestinians where they are able to acquire the same privileges granted to the colonizer population. Because these three apartheid tools are necessarily applied to disrupt the Palestinian people's national unity and undermine their right to self-determination, they are essential for the furtherance of the Israeli colonial enterprise.

To adequately address the process of gradually implementing institutionalized discrimination, alienation, and forced assimilation - depending on the advancement of the colonial project - the following analysis examines the distinct colonial policies and practices in the domain of education carried out in each of Palestine 1948,⁴⁰ Jerusalem, and the West Bank and Gaza Strip.

II.1. Palestinian Education System in the Palestinian Lands Subjugated and Dominated as of 1948: Full Israeli Control and Domination of Palestinian Education

Considering that 1948 Palestine is fully colonized, Palestinian education is completely under Israeli control, and the apartheid tools of institutionalized discrimination, alienation, and forced assimilation are well-advanced and robust. Within this system, Palestinians with an Israeli citizenship are treated as an ethnic minority, as per their categorization in the Israeli legislative system. The enduring presence of the Palestinian population in 1948 Palestine is perceived as a threat to the ideological framework of Israel's religious ethno-nationalistic colonial project, hence their categorization as an 'ethnic minority' to limit the impact of their presence. As an entity that defines itself as a Jewish state where nationality is based on being Jewish⁴¹ - the religious ethnicity that Zionism has situated at the center of the Israeli colonial project – anyone that exists in that geographical space and is not Jewish is regarded as a danger to this constructed vision of ethnic homogeneity. This state of affairs, as a normalized consequence

40 Palestine 1948 refers to the territory of Mandatory Palestine that was subjugated and dominated by Zionist-Israeli forces in 1947-1949. Today, this territory is considered as Israel. Palestinians residing in this area generally hold Israeli citizenship.

41 See Basic Law: Israel – the Nation State of the Jewish People, 5778-2018, unofficial translation by Dr. Susan Hattis Rolef, available at: <https://knesset.gov.il/laws/special/eng/BasicLawNationState.pdf>; BADIL, *The Nation State Law: The Culmination of 70 Years of Israeli Apartheid and Colonization* (Bethlehem: BADIL, 2018), available at: [https://www.badil.org/phocadownloadpap/badil-new/publications/research/in-focus/NationStateLaw\(PositionPaper-BADIL-Oct2018\).pdf](https://www.badil.org/phocadownloadpap/badil-new/publications/research/in-focus/NationStateLaw(PositionPaper-BADIL-Oct2018).pdf)

of Israeli colonization, has significant implications on educational policy-making in 1948 Palestine.

Generally, the Israeli public educational regime in 1948 Palestine consists of four education systems:⁴² (1) the secular public education system, catering to the Jewish secular population; (2) the religious public education system, serving the Jewish religious population; (3) the independent ultra-religious public school system; and (4) the Palestinian public education system, serving the Palestinian population.⁴³

II.1.a. Legalized Institutionalized Discrimination in Palestinian Schools: Maintaining Constructed Colonized Inferiority and Colonizer Superiority

In the context of Palestine 1948, **Israel utilizes institutionalized discrimination against the Palestinian people to perpetuate and reinforce its categorization of Palestinian inferiority and colonizer superiority.** By operating a separate system for Palestinian pupils, Israel stirs an illusion of accommodating for Palestinian demands and serving their needs, while in reality, using it as grounds for furthering its domination and subjugation of the Palestinian people through disproportionately discriminating against them.

In fact, creating a separate system for Palestinian students with Israeli citizenship is actually what enables Israel to operate an unequal public school system. This pattern of institutionalized discrimination is most evident when considering the deficient educational quality, unequal funding, and resource allocation for the Palestinian education system in 1948 Palestine. On average, the budget for a Palestinian student is 78 percent to 88 percent lower than that allocated to an Israeli-Jewish pupil.⁴⁴ Disproportionate funding is reflected in multiple areas, namely large class sizes, poor infrastructure and facilities, shortage of classrooms, and refusal to construct new schools in Palestinian

42 Ayman K. Agbaria, "The 'Right' Education in Israel: Segregation, Religious Ethnonationalism, and Depoliticized Professionalism," *Critical Studies in Education* 59, no. 1 (2016), 5

43 The Israeli Ministry of Education officially recognizes the Palestinian education system as an 'Arab' education system, as part of a broader Israeli strategy to assimilate and erase the identity of the Palestinian people in Palestine 1948 specifically, and Mandatory Palestinian generally.

44 Meirav Arlosoroff, "An Arab Child is Equal to a Ninth of a Jewish Child," *The Marker*, 9 January 2016, cited in Eid Diala Abu-Oksa, "The Arab Educational System in Israel: Challenges and Changes," *Student of Israel* (2020), 443

communities.⁴⁵ It is consequently reflected in dropout rates which are significantly higher amongst Palestinian students in comparison to Israeli-Jewish students.⁴⁶ Furthermore, the rate of matriculation certificates that are obtained by Israeli-Jewish students is nearly double that of Palestinians with Israeli citizenship.⁴⁷ Institutionalized discrimination thus impedes Palestinian children's access to the right to education, and naturally their intellectual capacities, which in return, inevitably limits both their political and social capacities.

II.1.b. Alienation: Diluting and Disparaging the Palestinian Collective Identity through Curriculum Manipulation, Control, and Censorship

Having employed institutionalized discrimination against Palestinians in Palestine 1948, Israel proceeds to employ alienation to aggravate its domination and subjugation. **As an apartheid-colonial tool, Israel uses alienation in the Palestinian education system to control and neutralize what it deems and treats as the threatening inferior population living amongst a superior colonizer population.** Alienation thus manifests in policies and practices that suppress and limit Palestinian presence in the development of the Palestinian public schools' curricula and their identity in educational contents - an identity considered detrimental to the colonial regime.

The 1953 State Education Law, which outlines the structural components and objectives of education in Palestine 1948, makes it a necessity to establish the above mentioned three separate Israeli-Jewish school systems to meet the distinct needs of the colonizer community. Article 12, for instance, establishes "The Education Committee" to address general secular educational matters, and Article 13 and 15 establish "The Council Religious State Education," which is authorized autonomous control in matters related to [Israeli-Jewish public religious schools].⁴⁸

45 See Noa Shpigel, "Arab Parents Fight Israeli City with no Arabic School to Fund Outer-City Rides," *Haaretz*, 11 March 2020, available at: <https://www.haaretz.com/israel-news/premium-israeli-city-with-no-arabic-school-refuses-to-fund-outer-city-rides-for-students-1.8663563> [accessed 28 December 2020]; See Palestine Chronicle, "Israel Refuses to Establish Schools for Thousands of Negev Arabs," 24 June 2016, available at: <https://www.palestinechronicle.com/israeli-refuses-establish-schools-thousands-negev-arabs/> [accessed 28 December 2020]

46 Israeli Ministry of Education, "Dropout of Pupils in Arab, Bedouin and Druze Education: Summary Report," 2013, cited in Abu-Oksa, in *supra* 44, 440

47 *Id.*, 440-441

48 State Education Law, in *supra* 33, Articles 12, 13 and 15

Meanwhile, the Palestinian education system, although treated as a separate education system by the Israeli Ministry of Education, is not officially recognized as such in the 1953 State Education Law. The only recognition of the Palestinian people in the State Education Law is a vague acknowledgement of the presence of “Arab populations.” Per Article 2(11), one of the objectives of public education is “[t]o acknowledge the language, culture, history, heritage and unique traditions of the Arab populations, and of other groups, in the State of Israel [...]”.⁴⁹ This acknowledgement does not amount to a recognition of the Palestinians’ particular educational needs as a group that belongs to the Palestinian collective identity - a population that is evidently subjugated and dominated by the same, identical power that is controlling the parameters of their education. Put simply, this vague recognition preserves the Israeli Ministry of Education’s full control to design and supervise the Palestinian education system as it does not grant the Palestinian population autonomy to determine the aims, goals, and contents of their education - as is granted to colonizer communities. This renders a system that obscures Palestinian identity, where the Palestinian people are not allowed to advance the development of their culture, values, and identity.

In fact, Palestinian students’ knowledge of the Palestinian identity, history, and national rights is completely suppressed in the curriculum to an extent where educational contents that discuss anything remotely relevant to Palestine uses the terminology of “Arab” rather than “Palestinian”. Palestinian schools in Palestine 1948 are prohibited from discussing the Palestinian narrative or even recounting the historical facts of the displacement of the Palestinian people, known as the *Nakba*.⁵⁰ This form of censorship entails close surveillance by the Israeli Security Agency to dispose of any content from the curriculum that can be perceived as promoting Palestinian nationalism, including literary pieces by Mahmoud Darwish or Edward Said.⁵¹ It further includes “co-opting Arab [*cis*] academics and turning them into technocratic and apolitical teachers.”⁵²

49 *Id.*, Article 2 (11)

50 Adalah, “The Prohibition on Teaching the Nakba in the Arab Education System in Israel,” September 2010, available at: <https://www.adalah.org/uploads/oldfiles/newsletter/eng/sep10/docs/Sawsan%20Nakba%20English%20final.pdf>

51 See Ayman K. Agbaria, Muhanad Mustafa, and Yousef T. Jabareen, “‘In your Face’ Democracy: Education for Belonging and its Challenges in Israel,” *British Educational Research Journal* 41, no. 1 (2015), 143-175

52 Agbaria, in *supra* 42, 10

The curriculum also takes measures to portray Palestinians and Arabs as inferior and uncivilized to instill feelings of shame and inadequacy amongst Palestinian children with Israeli citizenship. These practices therefore promote alienation as Palestinian children are prevented from learning about their history, rights, and culture, and when they are taught about their existence, it is in a distorted manner that ultimately coerces them into feeling less inclined to affiliate with the Palestinian identity.

II.1.c. Forced Assimilation: Directly Imposing and Enforcing Zionist-Israeli Ideology on Palestinian Students

Following Israel's alienation of the Palestinian people from their Palestinian identity in Palestine 1948, the colonial regime proceeds to amplify the Zionist-Israeli ideology, narrative, and history to reinforce its domination and control. This substitution of the colonized people's values with those of the colonizers' as a way to control the colonized population is long-established; both French and British colonial education taught the native populations how to be 'a good native' in order to neutralize their original affiliations.⁵³ Critically, **forced assimilation in the general context of colonization, and specifically in the context of Israeli colonization, is never aimed at absorbing the colonized population into the colonizer population, but is energized to contain and subdue them in a way that reinforces domination.**

Israel's education system embodies this strategy of forced assimilation by means of the 1953 State Education Law. Article 2 states that "the values of Jewish culture, [and] loyalty to the State and the Jewish people [...]" are the "object of State education."⁵⁴ Now, considering that no alternative aims are provided for the Palestinian educational system, and it is wholly under the Israeli Ministry of Education's control, these aims also apply for Palestinians with Israeli citizenship. While the curriculum in Palestinian and Jewish schools are different, those taught in Palestinian schools are still designed in a way that perpetuates the Zionist-Israeli narrative.

In Palestinian schools in 1948 lands, the language of instruction is Arabic, but Hebrew is taught as a mandatory second language from third to twelfth

53 See Franz Fanon, *Wretched of the Earth* (London: Penguin Books, 1995)

54 State Education Law, in *supra* 33, Article 2

grade.⁵⁵ Israeli higher education is primarily taught in Hebrew, which requires Palestinian pupils to prioritize fluency in Hebrew if they intend to enroll in higher education.⁵⁶ Considering that a language is informed by the morals and ideology of those who develop it as it forms the predominant discourse,⁵⁷ Palestinian pupils with Israeli citizenship are prompted to identify with Jewish values, as well as the Zionist-Israeli colonial ideology. Alongside learning the Hebrew language, Palestinian students are obliged to study Jewish culture and history as well as the Zionist movement's literature and poetry, amounting to more class hours than those spent learning Palestinian literature and history.⁵⁸ Importantly, it has been identified that the fundamental goal of Jewish studies in Palestinian education is "not the development of cultural competence as a bridge to Jewish Israeli society, but is rather to make Arabs [*sic*] understand and sympathize with Jewish and Zionist causes and blur their national identity."⁵⁹

Israel requires the Palestinian school system in Palestine 1948, and by extension the Palestinian students enrolled there, to praise the creation of a Zionist-Israeli state on Palestinian lands - the same process that has displaced and dispossessed their ancestors and continues to subjugate, dominate, and exploit the Palestinian people - generating a procedure of forced assimilation. These practices promote forced assimilation as Palestinian children are pressured to internalize the Zionist-Israeli colonial ideology.

Altogether, the apartheid tools of institutionalized discrimination, alienation, and forced assimilation have an identical goal of entrenching Israel's subjugation and domination of Palestinians with Israeli citizenship. By subduing their capacities, national awareness, sense of belonging to the Palestinian people, and imposing the Zionist-Israeli narrative, Israel's colonial regime contains Palestinians in a way that maintains domination of the colonizer population over the colonized population. In a broader sense of Israel's overarching colonial goal, it erodes the Palestinian people's collective identity, perpetuates

55 Yair Ziv, "Segregated but Equal? The Case of (Dis)integration in the Israeli Early Education System and its Effect on the Arab Minority Population in Israel," in Ednan Aslan (ed.), *Migration, Religion and Early Childhood Education* (Vienna: Springer Nature, 2020), 139

56 See Ismael Abu-Saad, "Separate and Unequal: The Role of the State Educational System in Maintaining the Subordination of Israel's Palestinian Arab Citizens," *Social Identities* 10, no. 1 (2004), 101-127

57 See Fanon, in *supra* 53

58 Ismael Abu-Saad, "State Educational Policy and Curriculum: The Case of Palestinian Arabs in Israel," *International Education Journal* 7, no. 5 (2006), 715-716

59 *Ibid.*; See Majid Al-Haj, *Education, Empowerment, and Control: The Case of the Arabs in Israel* (New York: SUNY Press, 2012)

their fragmentation and disrupts their national unity, while ultimately denying their right to self-determination.

II.2. Palestinian Education in Jerusalem: Established Institutionalized Discrimination and Expanding Process of Alienation and Forced Assimilation

With Jerusalem's western side fully annexed and colonized, and its eastern side under official annexation since 1967, the Palestinian education system in Jerusalem is intricately operated. The international community recognizes Jerusalem's eastern side as occupied by Israel and as a city intended to serve as the capital of the future Palestinian state.⁶⁰ The international community's condemnation of Israel's occupation of the city is necessary to emphasize as it partially explains why the process of colonization is not as advanced in Jerusalem as it is in Palestine 1948. Considering this, Israel categorizes and treats Palestinians living in Jerusalem as permanent residents of Israel who are constantly scrutinized to prove their residency within the municipal borders of the city and are under threat of revocation of their residency permits. These issues of residency are telling as many Palestinian families in Jerusalem have had their permits revoked, or have residency issues despite still living in Jerusalem.⁶¹ This results in the denial of their children's right to public education as providing proof of residency in the city is required for school registration.⁶² This, compounded with Israel's desire to remove Jerusalem's Palestinian character and the Palestinian Authority's inability to govern Palestinian schools, has generated a Palestinian education system in Jerusalem that is fragmented and underdeveloped.

The Palestinian education system in Jerusalem consists of three school types where each one is under a different level of Israeli control, namely: (1) formal public schools, known as municipality schools, fully managed and funded

60 See BADIL, *Jerusalem: The Epitome of Israeli Annexation, Colonization and Forcible Transfer*, bulletin no. 28 (Bethlehem: BADIL, 2019), available at: http://www.badil.org/phocadownloadpap/Badil_docs/bulletins-and-briefs/Bulletin-no28-JerusalemAnnexation.pdf

61 Committee on the Rights of the Child, Concluding Observations on the Second to Fourth Periodic Reports of Israel, CRC/C/ISR/CO/2-4, 4 July 2013, para.29(a), available at: <https://bit.ly/2KvvwHs> [accessed 28 December 2020]

62 Azra Khan, "Education in East Jerusalem: A Study in Disparity," *Palestine-Israel Journal of Politics, Economics, and Culture* 8, no. 1 (2001), available at: <https://pij.org/articles/173/education-in-east-jerusalem--a-study-in-disparity#:~:text=1.,Six%2DDay%20War%20in%201967> [accessed 28 December 2020]

by the Israeli Ministry of Education and the Municipality of Jerusalem; (2) informal schools, function on tuition-basis and are complemented by partial funding from the Israeli authorities; and (3) private schools, including both *waqf* and UNRWA schools, with the former funded by the Islamic Endowment Department and the latter available only to UNRWA Registered Refugees and funded by UNRWA.⁶³ Taken together, the disunity of the education system and the lack of a supervisory body for Palestinian education in Jerusalem actually benefits Israel in applying its apartheid tools of institutionalized discrimination, alienation, and forced assimilation.

II.2.a. Institutionalized Discrimination: Restricted Access to the Right to Education and Chronic Underfunding

Similar to Israel's application of institutionalized discrimination in Palestine 1948 to inferiorize the Palestinian people, it is applied in Jerusalem to ensure that Palestinians living in Jerusalem also experience this status of inferiority. As such, institutionalized discrimination in Jerusalem is primarily exhibited through restricting access to education in order to inhibit the Palestinian people's intellectual development.

As enshrined in the 1949 Compulsory Education Law, Palestinian children in Jerusalem are entitled to free public education, which obligates the Israeli Ministry of Education to provide education for them all.⁶⁴ However, the reality is not aligned with this obligation. The number of Palestinian students in Jerusalem schools is around 110,496, whereas the total number of Palestinian children in Jerusalem is 127,198. Accordingly, 16,702 Palestinian children in Jerusalem, or 13 percent, are not registered in any recognized educational institution.⁶⁵ This outcome is a consequence of the issues that Palestinians face in terms of proving their residency to access education in Jerusalem schools. The process of providing proof of residency is both time-consuming and costly, and sometimes impossible when parents are not both permanent residences in Jerusalem.⁶⁶ When children are not even able to register as

63 Palestinian Academic Society for the Study of International Affairs, in *supra* 34, 3

64 Compulsory Education Law, 5709-1949 (Isr.), Article 2, official English translation available at: https://knesset.gov.il/review/data/eng/law/kns1_education_eng.pdf [accessed 28 December 2020]

65 Ali Ghaith, "The Politics of Education in East Jerusalem," *Open Democracy*, 23 July 2018, available at: <https://www.opendemocracy.net/en/politics-of-education-in-east-jerusalem-0/> [accessed 28 December 2020]

66 Concluding Observations on the Second to Fourth Periodic Reports of Israel, in *supra* 61, para.29(a)

permanent residents, they are prevented from accessing public municipality schools. The alternatives available are registering in either informal schools or private schools, neither of which is a satisfactory option. Informal schools are expensive and thus not a privilege that all Palestinian families can access, while private schools have a limited number of classrooms.⁶⁷ This results in children's inability to be registered in school altogether as demonstrated by the numbers above. Importantly, the category of 'permanent residence' was specifically created to contain the Palestinian population by treating them as foreigners in their lands,⁶⁸ and the Israeli imposed necessity to prove permanent residence constitutes a form of institutionalized discrimination as it particularly targets Palestinians to inhibit their ability to access education.

In addition to the difficulty in accessing education due to residency matters, the Palestinian education system in Jerusalem suffers from a pronounced shortage of classrooms and chronic underfunding. In 2016, the Municipality of Jerusalem disclosed a shortage of 2000 classrooms.⁶⁹ It would cost Israel two billion NIS to construct, which it has proven unwilling to do as it justifies the classroom shortage by a lack of land --⁷⁰ a justification that is distorted because any shortage of land is a result of Israel's own confiscation policies.⁷¹ Instead, in response the Israel rents and refurbishes old residential buildings into schools which do not constitute appropriate educational spaces, nor do they conform to school building standards. These schools also often lack playgrounds or any facilities for extracurricular activities, limiting the students' ability to learn in a conducive environment.⁷²

Furthermore, the Palestinian education system is characterized by chronic understaffing. There are only 20 student psychologists employed at Palestinian schools in Jerusalem, whereas 130 work at schools in the western side of the

67 UN Children's Fund, "State of Palestine Country Report on Out-of-School Children," July 2018, 94-95, available at: https://www.unicef.org/oPt/OOSC_SoP_Full_Report_EN.pdf

68 Human Rights Watch, "Israel: Jerusalem Palestinians Stripped of Status," 8 August 2017, available at: <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status> [accessed 28 December 2020]

69 Palestinian Academic Society for the Study of International Affairs, in *supra* 34, 5

70 The Association for Civil Rights in Israel, "East Jerusalem: Facts and Figures 2017," May 2017, 3, available at: <https://law.acri.org.il/en/wp-content/uploads/2017/05/Facts-and-Figures-2017-1.pdf>; Palestinian Academic Society for the Study of International Affairs, in *supra* 34, 6

71 See BADIL, in *supra* 30

72 Palestinian Academic Society for the Study of International Affairs, in *supra* 34, 6

city.⁷³ There are also only four staff positions open for attendance officers which are responsible for lowering dropout rates, and only one is filled, while the western side of the city has 17.⁷⁴ The compilation of restricted access to education, shortage of classrooms, and underfunding is widely reflected in the high dropout rate of 33 percent amongst Palestinian pupils.⁷⁵ This institutionalized discrimination therefore works to prevent the Palestinian people from developing as education is a gateway to political, social, and economic development. For the Israeli colonial state, restricting development is equivalent to upholding the Palestinian people's inferiority and the colonizer's superiority.

II.2.b. Alienation: Censoring the Palestinian Authority's Educational Contents

Alienating Palestinians in Jerusalem from their collective identity as a Palestinian people in Jerusalem is an ongoing process that, similar to Palestine 1948, utilizes mechanisms of curricula control and censorship. However, considering that the curriculum administered in most Palestinian schools in Jerusalem is the Palestinian Authority's curriculum, which naturally does contain Palestinian history, narrative, heritage, and values, the Israeli apartheid-colonial enterprise focuses on removing any content that it deems offensive or contradictory to the colonial project. Between 2006 and 2007, the Israeli Knesset dedicated multiple sessions in the Committee of Education to discuss the contents of the Palestinian Authority's curriculum that is administered in Jerusalem. Consequently, it was decided to deepen the colonial control of educational material.⁷⁶ Israel's interference with the curriculum's content is executed in a way that introduces and re-centers the Zionist-Israeli colonial narrative by means of omitting and deleting the Palestinian narrative.

The goal is thus two-fold: to hinder Palestinian students from identifying with the Palestinian narrative and to impose Zionism on them as a civilizing project

73 The Association for Civil Rights in Israel, "East Jerusalem: Facts and Figures 2017," May 2017, 3, available at: <https://law.acri.org.il/en/wp-content/uploads/2017/05/Facts-and-Figures-2017-1.pdf>

74 The Association for Civil Rights in Israel, "East Jerusalem: Facts and Figures 2017," May 2017, 3, available at: <https://law.acri.org.il/en/wp-content/uploads/2017/05/Facts-and-Figures-2017-1.pdf>

75 The Association for Civil Rights in Israel, "East Jerusalem: Facts and Figures 2017," May 2017, 3, available at: <https://law.acri.org.il/en/wp-content/uploads/2017/05/Facts-and-Figures-2017-1.pdf>

76 The Ministry of Education in Jerusalem, "Curriculum and Classrooms," report by the Knesset in 2010, cited in: Palestinian Academic Society for the Study of International Affairs, in *supra* 34, 7

rather than a colonial project. This has been demonstrated in a noticeable effort to remove contents that discuss the Zionist-Israeli colonial enterprise and affiliating colonialism with the Zionist movement and Israel. Additionally, this censorship focuses on omitting the right of return particularly, as the colonial enterprise perceives it contrary to its ethnonational vision of statehood. This censorship goes as far as removing the Palestinian map, flag or any other symbol of Palestinian identity from lessons.⁷⁷ Through omitting elements of the Palestinian identity that are fundamental to their collective national presence and rights, Israel's policies and practices seek to alienate the Palestinian people and to de-Palestinianize them.

II.2.c. Forced Assimilation: Attempts of Imposing the Israeli Educational Curriculum

In Jerusalem, forced assimilation has not reached a stage of full completion, but there has been consistent efforts to impose the Israeli curriculum on Palestinian schools as a means to dilute the Palestinian narrative. For one, Palestinian students in Jerusalem are obliged to learn Hebrew as a second language.⁷⁸ The primary method of forced assimilation, nonetheless, manifests in exerting financial pressure on Palestinian schools to adopt the Israeli education curriculum, which should be understood within the context of an intentional Israel-led policy of defunding of Palestinian schools using the Palestinian curriculum, with its entailed consequences in terms of classroom shortages, derelict infrastructure and lack of staff. Amongst the three types of Palestinian schools operating in Jerusalem, schools supervised by the Israeli Ministry of Education and the Jerusalem Municipality, as well as 90 percent of private schools that are mostly funded by the Israeli Jerusalem municipality, already apply the Israeli curriculum.⁷⁹ UNWRA-run schools, as well as *waqf* schools administered by the Islamic Endowment Department and affiliated with the Palestinian Ministry of Education, have adopted the Palestinian curriculum since the school year 2000-2001.⁸⁰ Israel has engaged in an active process of coerced transition of Palestinian schools to the Israeli educational curriculum through budget

77 Samira Alayan, "White Pages: Israeli Censorship of Palestinian Textbooks in East Jerusalem," *Social Semiotics* 28, no. 4 (2018), 4

78 See Hillel Cohen, "The Rise and Fall of Arab Jerusalem, 1967 - 2007," *Jerusalem Institute for Israel Studies* (2007)

79 Ghaith, in *supra* 65

80 *Ibid.*

incentives. In 2018, officially part of a 560 million USD five-year plan to improve development of east Jerusalem, including in the field of education, Israel aimed at entrenching its control over Palestinian schools: no less than 68.7 million NIS were assigned to schools teaching the Israeli curriculum, 57.4 million NIS to schools preparing students for the Israeli matriculation exam, and 15 million NIS for Hebrew teaching.⁸¹ It appears clearly that conditional funding of schools based on their allegiance to the Israeli curriculum, underpinning the Zionist narrative, constitutes an ongoing and rampant form of forced assimilation to a colonial narrative and advanced to deny the Palestinian identity and integrate Zionist-Israeli concepts.

II.3. Education in West Bank and Gaza Strip: Indirect Colonial Control through International Pressure

Israel has achieved a less advanced stage of colonial domination in the occupied Palestinian territories of the West Bank and Gaza Strip. Contrary to the full control exerted by Israel over the Palestinian education sector in 1948 lands and, to a lesser extent Jerusalem, the Agreement on Preparatory Transfer of Powers and Responsibilities initiated the formal devolution of educational matters to the Palestinian National Authority, in particular the Palestinian Ministry of Education and Higher Education, as of 29 August 1994.⁸² However, Israel has been keen on strategically maintaining a level of indirect colonial manipulation of the Palestinian education system. It is reflected in the way Israeli apartheid tools of institutionalized discrimination, alienation and forced assimilation have been combined and operated.

II.3.a. Institutionalized Discrimination: Systemic and Systematic Abuses by the Israeli Military

Israel uses the guise of its military occupation of the West Bank and Gaza Strip to exert discriminatory treatment on Palestinians. Institutionalized discrimination takes the shape of a comprehensive repressive system and

81 Nir Hasson, "Cabinet Approves Billions to Ramp Up Israeli Sovereignty in East Jerusalem," *Haaretz*, 14 May 2018, available at: <https://www.haaretz.com/israel-news/premium-cabinet-oks-billions-to-ramp-up-israeli-sovereignty-in-e-j-lem-1.6078168> [accessed 28 December 2020]

82 "Israel shall transfer and the Palestinian Authority shall assume powers and responsibilities from the Israeli military government and its Civil Administration in the West Bank in [...] education [...]." 1994 Agreement on Preparatory Transfer of Powers and Responsibilities, in *supra* 35, Article II(1)

associated human rights abuses employed on Palestinian students and their schools through Israeli military orders, policies and practices, obviously resulting in adverse consequences for the development of children, and impairing their opportunities.

- **Access restrictions to schools** imposed on Palestinians with West Bank IDs, manifested in an intricate system of checkpoints, roadblocks, the apartheid wall and a permit regime. As a result, in 2011, it is estimated that 33 percent of pupils had to walk more than five kilometers, 31 percent had to cross at least one military checkpoint, and 16 percent reported exposure to Israeli military violence on their way to school.⁸³ The advancement of the apartheid wall has isolated more than 55,000 Palestinian residents of Jerusalem from the city, forcing their children to cross checkpoints on their way to school.⁸⁴ Due to increasing permit restrictions, the proportion of Palestinian children with a West Bank ID enrolled in educational institutions in Jerusalem dropped from 30-40 percent in 2010 to 20-30 percent in 2011.⁸⁵ Since 2000, and more markedly over the last fourteen years of the military blockade on Gaza, Palestinians from the Gaza Strip have been unable to pursue higher education in the West Bank.⁸⁶
- **Discriminatory planning and construction restrictions, including denial of permits for school structures** resulting in school and classroom shortages and lack of appropriate infrastructure.⁸⁷ During the academic year of 2011-2012, around 10,000 students in Area C were learning in tents, caravans and tin shacks, and more than 30 percent of Area C schools lacked proper water and sanitation structures.⁸⁸ Many schools operate in double or triple shifts as a consequence. In 2019, 737 schools operated out of 523 structures in the Gaza Strip, resulting in 75

83 Save the Children, "Factsheet: Children's Right to Education in Armed Conflict," October 2011, available at: [documents_save_the_children_fact_sheet_childrens_right_to_education_in_armed_conflict.pdf](#) [accessed 28 December 2020]

84 OCHA, "East Jerusalem: Key Humanitarian Concerns," Special Focus, March 2011, 68, available at: https://www.ochaopt.org/sites/default/files/ocha_opt_jerusalem_report_2011_03_23_web_english.pdf

85 *Id.*, 90

86 Fobzu, "Palestinian Education: Barriers to Access," available at: <https://fobzu.org/education-in-palestine/> [accessed 28 December 2020]

87 Human Rights Watch, "Israel: Army Demolishing West Bank Schools. Could Amount to War Crimes," 25 April 2018, available at: <https://www.hrw.org/news/2018/04/25/israel-army-demolishing-west-bank-schools> [accessed 28 December 2020]

88 Save the Children, in *supra* 83

percent of elementary schools operating in two shifts.⁸⁹

- **Demolition and confiscation of school equipment and facilities.**⁹⁰ During the war on the Gaza Strip in 2014, five schools were fully demolished by Israeli strikes, and another 282 schools were partially dismantled.⁹¹ More than 50 schools are currently under the threat of demolition, mostly in Area C of the West Bank and east Jerusalem, after having been issued partial or full demolition, or stop-work orders due to a lack of building permits, affecting 5,200 students overall.⁹²
- **Military and colonizer violence around schools,** with 187 UN-reported military-led incidents, and 44 reported cases of colonizer violence in the West Bank between January 2018 and June 2020,⁹³ including clashes, tear gas throwing, firing live ammunition and sound grenades from the Israeli military, and stones thrown by colonizers.⁹⁴
- **Threats and intimidation of students and teachers,** with eight UN-reported incidents in the West Bank in 2019,⁹⁵ for example soldiers blocking exit access from schools,⁹⁶ threatening students with weapons, and verbal and physical assaults.⁹⁷
- **Military closures and military incursions during schooling time,** with 26 occurrences between January 2018 and June 2020 in the West

89 Gisha, “Gaza Gateway: Facts and Analysis about the Crossings: Learning in Shifts,” 4 September 2019, available at: <https://gisha.org/en-blog/2019/09/04/learning-in-shifts/> [accessed 28 December 2020]

90 Norwegian Refugee Council, “Israel Demolishes Palestinian Schools Days Before Reopening,” Press Release, 23 August 2017, available at: <http://nrc.no/news/2017/august/israel-demolishes-palestinian-schools-days-before-reopening/> [accessed 28 December 2020]

91 WeWorld-GVC, “Education under Attack in the Occupied Palestinian Territory,” July 2020, available at: https://reliefweb.int/sites/reliefweb.int/files/resources/WeWorld-GVC_Education%20Under%20Attack_July%202020.pdf [accessed 28 December 2020]

92 *Ibid.*

93 Norwegian Refugee Council, “Raided and Razed: Attacks on West Bank Education,” November 2020, 11, available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Raided%20and%20Razed%20201111-02.pdf> [accessed 28 December 2020]

94 Defense of Children International, “Return to School Rekindles Fear of Israeli Soldier and Settler Violence,” 14 October 2020, available at: https://www.dci-palestine.org/return_to_school_rekindles_fear_of_israeli_soldier_and_settler_violence [accessed 28 December 2020]

95 UNICEF, “CAAC Bulletin 2019 - Situation of Concern: Israel and the State of Palestine,” available at: <https://www.unicef.org/sop/media/1491/file/nnual%20CAAC%20Bulletin%202019.pdf> [accessed 28 December 2020]

96 WeWorld-GVC, in *supra* 91

97 UNICEF, in *supra* 95

Bank.⁹⁸ In the school year 2003-2004, 1,152 school days were lost due to curfews and closures.⁹⁹

- **Detention of children on their way to school and within school premises,**¹⁰⁰ impacting 69 students in 2019,¹⁰¹ and 24 students between January 2018 and June 2020.¹⁰²

Overall, the whole of these policies and practices form part of a broader system of institutionalized discrimination aimed at hindering and impeding the realization of the right and access to education for Palestinians in the West Bank and Gaza Strip. They contrast with a general system of privileges and advantages provided to colonizers in all Palestinian lands, but in particular to the 620,000 colonizers residing in more than 200 colonies in the West Bank, who enjoy full and unhindered access to education all over Mandatory Palestine,¹⁰³ with freedom of movement ensured in 60 percent of the West Bank (Area C)¹⁰⁴ and open and direct access to 1948 lands,¹⁰⁵ therefore ensuring privileged colonizer access to quality education.

II.3.b. Alienation and Forced Assimilation: Suppressing the Palestinian Narrative and Normalizing Colonial Oppression through International Interference

Since Israel does not exert direct control over Palestinian education in the West Bank and Gaza Strip, its strategy focuses on influencing the international donors' perception of Palestinian education in order to impose indirect external pressure on the Palestinian Authority to change its educational policies and educational contents. Such influence is notably illustrated by a shift of the position taken by the European Parliament considering the Palestinian curriculum contents:

98 Norwegian Refugee Council, in *supra* 93, 12

99 Nadia Naser-Najjab, "Palestinian Education and the 'Logic of Elimination,'" *Settler Colonial Studies* (2020), 3.

100 UNICEF, in *supra* 95

101 WeWorld-GVC, in *supra* 91

102 Norwegian Refugee Council, in *supra* 93, 12

103 B'Tselem, "Settlements," available at: <https://www.btselem.org/settlements> [accessed 28 December 2020]

104 OCHA, "Area C," available at: <https://www.ochaopt.org/location/area-c#:~:text=Over%2060%20per%20cent%20of,the%20expense%20of%20Palestinian%20communities> [accessed 28 December 2020]

105 See Ariel Handel, "Gated/Gating Community: The Settlement Complex in the West Bank," *Transactions of the Institute of British Geographers* 39, no. 4 (2013)

in 2002, a report from the General Secretariat of the Council of the European Union notably noted that “[Palestinian Authority] new textbooks, though not perfect, are free of inciteful content and improve the previous textbooks, constituting a valuable contribution to the education of young Palestinians [...]”¹⁰⁶ This contrasts sharply with the European Union’s most recent report cited above, which is “concerned” about so-called “problematic material in Palestinian school textbooks” inciting “hate speech and violence.”¹⁰⁷

The Palestinian Ministry of Education and Higher Education remains heavily contingent on its financial dependency to external donors.¹⁰⁸ Palestinian education is therefore dependent on external donors’ funding, and Israel has strived to influence international donors’ external agenda and priorities to guide the Palestinian Authority’s education policies. Israel surreptitiously imposes an interpretation of international law appropriate in a non-colonial setting, brushing off relevant legal provisions adapted to a colonial context. By ensuring the support of the international community, Israel can maintain control over funds allocated to the development of Palestinian education in the West Bank and Gaza Strip, in such a way as to limit Palestinian human and material capacity of the Palestinian National Authority to create a viable national education project.

As such, alienation and forced assimilation in the West Bank and Gaza Strip go hand in hand, with the former having reached a more advanced stage of implementation, as Israel has not reached a degree of colonial domination that would allow for forced assimilation to the Zionist-Israeli narrative as such. Alienation takes the form of problematic pressure exerted on the Palestinian Authority to relinquish teaching the Palestinian people’s collective national identity, heritage and values through framing its current curriculum as overly nationalistic and inciting racial hatred and violence. This dilution of the Palestinian identity is complemented by the indirect forced internalization

106 The report collated information provided by EU missions on the ground, as well as other independent studies carried out by both Palestinian and Israeli academics and educators. General Secretariat of the Council of the European Union Press Office, in *supra* 8

107 Report on Discharge in Respect of the Implementation of the General Budget of the European Union for the Financial Year 2018, in *supra* 2, paras. 301-302

108 It should be noted that the European Union is the biggest provider of external assistance to the Palestinians in the West Bank, Gaza Strip and east Jerusalem, notably through the payment of civil servants’ pensions and salaries. See European Commission: European Neighbourhood Policy and Enlargement Negotiations, “Palestine,” available at: https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/palestine_en [accessed 28 December 2020]

of the colonial framework and foreign domination, through the suppression of the Palestinian narrative. This way, not only does Israel impose its non-colonial framework over Palestinians, but it gets Palestinians to internalize and normalize this distorted framework themselves.¹⁰⁹

Israel's strategy of external alienation of the Palestinian people through international interference is notably exemplified in: censoring Palestinian terminology to describe their reality as an oppressed people, in particular terms such as *Nakba*, martyr, resistance or struggle, ongoing displacement, right of return; constructing Palestine as the Jewish land of Israel, and denying the existence of the Palestinian people as such;¹¹⁰ imposing the Israeli apartheid-colonial regime as a peace partner;¹¹¹ framing education as guided by a "culture of peace;"¹¹² advancing the two-state solution as the only viable solution, although such a solution omits the most inalienable rights of the Palestinian people, including the right to self-determination and the right of return; indigenizing the colonizers on the Palestinian lands.¹¹³ This alien framework is fostered, nurtured and promoted by a series of biased studies on Palestinian textbooks, aimed at providing a varnish of legitimacy to the Zionist-Israeli colonial enterprise.¹¹⁴ Reframing educational contents in substance is complemented by the increasing de-politicization of Palestinian youth, through a limited and short-sighted curriculum that disconnects them from their political reality, and the lack of a "critical pedagogy" designed to identify, analyze and counter mechanisms at play to further colonial oppression.¹¹⁵

109 See Naser-Najjab, in *supra* 99, 4-5.

110 In reaction to a Palestinian Authority's announcement to release a new Palestinian curriculum in September 2020, IMPACT-se CEO Marcus Sheff stated that "[IMPACT-se] will be checking every line of every book come September [2020]. We will check if Israel is characterized as a peace partner, whether Jews are represented decently and whether Jewish history in the Land of Israel is denied." Marcus Sheff, "More Than a Shift in Tactics Needed – Opinion," *Jerusalem Post*, 25 May 2020, available at: <https://www.jpost.com/opinion/more-than-a-shift-in-tactics-needed-opinion-629268> [accessed 28 December 2020]

111 *Ibid.*

112 White House, *Peace to Prosperity: A Vision to Improve the Lives of the Palestinian and Israeli People* (2020), 35, available at:

113 In reaction to a Palestinian Authority's announcement to release a new Palestinian curriculum in September 2020, IMPACT-se CEO Marcus Sheff stated that "[IMPACT-se] will be checking every line of every book come September [2020]. We will check if Israel is characterized as a peace partner, whether Jews are represented decently and whether Jewish history in the Land of Israel is denied." Sheff, in *supra* 110

114 Naser-Najjab, in *supra* 99, 10-11.

115 *Id.*, 5.

As a side note, it should be pointed out that, ironically, these same donors who contribute to reinforcing Israel's colonial control over Palestinian education also see their efforts to strengthen Palestinian educational physical capacities thwarted by Israel's intensive policies of school demolitions for lack of permits. In March 2018, two classrooms funded by the European Union were demolished by Israel.¹¹⁶ It is urgent to comprehend that apartheid-colonial practices do not only find expression in the physical destruction of educational structures, but also in the more lingering and surreptitious control of the minds through the domination and manipulation of educational contents.

Taken altogether, the combination of these multiple colonial policies and practices, designed and applied differently in Palestinian lands depending on the extent of Israel's colonial sovereignty and the advancement of its colonial project, aims at enhancing the Palestinian people's vulnerability to Zionist-Israeli **subjugation, domination and exploitation** (Article 1 of the Decolonization Declaration).¹¹⁷ They serve the same objective of entrenching and normalizing Zionist-Israeli colonization on the whole of Mandatory Palestine. These policies and practices, in particular restrictive planning and denial of building permits, demolition and confiscation of school facilities, and discriminatory resource allocation, aim at de-developing and maintaining not only the Palestinian educational system, but also, the political and socio-economic structure into a stage of **unpreparedness to independence and liberation** (Article 3 of the Decolonization Declaration).¹¹⁸ **Repressive measures and actions** rooted in institutionalized discrimination, including access restrictions due to checkpoints, roadblocks, and the permit regime, military and colonizer violence around schools, military intimidation of students, military closures and incursions during school time, detention of children on their way to school, are normalized, and their consideration within educational programs is censored (Article 4 of the Decolonization Declaration).¹¹⁹ Pressure on the part of the community of international donors, under the influence

116 OCHA, "West Bank Demolitions and Displacement: An Overview," February 2018, available at: https://www.ochaopt.org/sites/default/files/demolition_report_20_03_2018_final_2.pdf [accessed 28 December 2020]

117 "The subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations and is an impediment to the promotion of world peace and co-operation." Declaration on the Granting of Independence to Colonial Countries and Peoples, in *supra* 28, Article 1

118 "Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence." *Id.*, Article 3

119 "All armed action or repressive measures of all kinds directed against dependent peoples shall cease in order to enable them to exercise peacefully and freely their right to complete independence, and the integrity of their national territory shall be respected." *Id.*, Article 4

of Israel, intends to suppress the Palestinian narrative and to replace it with a normalized colonial narrative, and even forced assimilation to so-called Israeli values, history and Zionist-Israeli literature, therefore constituting an intentional disruption of the **Palestinian national unity and integrity of the Palestinian territory** (Article 6 of the Decolonization Declaration).¹²⁰ Eventually, by altering Palestinian cohesion as a people and their capacity to pursue their political, social, economic and cultural development, Israel's colonial domination over Palestinian education undermines their legitimate and inalienable **right to self-determination** (Article 2 of the Decolonization Declaration).¹²¹

III. THE PALESTINIAN PEOPLE'S RIGHT TO EDUCATION AND HUMAN RIGHTS EDUCATION IN A COLONIAL CONTEXT: EDUCATION AS A VEHICLE FOR DECOLONIZATION

The preceding developments exemplify how violations of the Palestinian children's fundamental right to education are directly attributable to Israel's colonial enterprise, including such policies and practices in Palestinian lands where formal control is exerted by the Palestinian Authority. Concerns about these violations were recently recalled by the Committee on the Rights of the Child's concluding observations on the initial report of the State of Palestine - focused on the occupied Palestinian territory only - by expressing its "concern[s] about challenges faced in the realization of the right to education, including the detrimental effect of the Israeli occupation, its building of settlements and the blockade of the Gaza Strip."¹²²

120 "Any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations." *Id.*, Article 6

121 "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." *Id.*, Article 2

122 "In particular, the Committee is concerned about: (a) The limited access of children to quality education, the shortage of qualified teachers, the requirement for some students to pay school fees, the lack of water and sanitation facilities in schools, the low enrolment rate in early childhood education and the insufficient access to vocational education; (b)[...] the prevalence of segregated education and the absence of adapted curricula, specialized teachers and accessible school buildings; (c) the prevalent attacks on school facilities and personnel by Israeli forces and non-State armed groups operating from the Gaza Strip, the use of schools for military or other purposes by Israeli forces and the disruption of education through law enforcement operations by the Palestinian security forces, resulting in children and teachers being killed or injured and school facilities being damaged, which leads to the overcrowding of the remaining schools and the absence of children from school;[...]" UN Committee on the Rights of the Child, Concluding Observations on the Initial Report of the State of Palestine, CRC/C/PSE/CO/1, 6 March 2020, para.54, available at: <https://bit.ly/3p2yORD> [accessed 28 December 2020]

In the same vein, Israel utilizes its control over Palestinian education to erase Palestine and its people through the normalization and legitimization of its colonial control amongst international actors. It primarily executes this strategy through distorting the legal interpretation of UNESCO-promoted standards and norms relevant to education. UNESCO educational standards and norms broadly refer to relevant provisions on education as enshrined in a non-exhaustive list of human rights instruments.¹²³ In addition to these standards and norms, UNESCO is mandated to promote the human right to education, in particular the United Nations Sustainable Development Goal 4 to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.”¹²⁴ Zionist-Israeli lobbies and campaigns intentionally neglect acknowledging this element of the UNESCO mandate, or any other element that could potentially support a legitimate interpretation of the Palestinian people’s right to education. Instead, **the Zionist-Israeli regime and groups instrumentalize selective norms and standards and extol a partial interpretation that is only applicable in a non-conflict, non-colonized setting, with a view to discredit Palestinian education and justify Israel’s colonial interference.**

The right to education does not only include Palestinian children’s ability to access formal schooling. As stressed by the Committee on the Rights of the Child, the right to education “includes not only the content of the curriculum but also the educational processes, the pedagogical methods and the environment within which education takes place [...]”¹²⁵ Education then extends beyond formal schooling and any attempt to only focus on the mere access to education detracts from the way that Israel impacts and controls educational content and quality to furthering its colonial project.¹²⁶ Israel’s colonial policies and practices in the field of education have been, in fact, strategically tailored to pursue adverse goals to what is internationally recognized as the core value of the Convention on the Rights of the Child, namely to “promote, support and protect [...] the

123 See Standards and Norms in the Field of Education, in *supra* 32

124 UN Department of Economic and Social Affairs, “The 17 Goals,” available at: <https://sdgs.un.org/goals> [accessed 28 December 2020]

125 UN Committee on the Rights of the Child, General Comment No. 1 (2001), Article 29(1), The Aims of Education, 17 April 2001, CRC/GC/20011, para.8, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2001%2f1&Lang=en [accessed 28 December 2020]

126 “[...] “Education” in this context goes far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, individually and collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society.” *Id.*, para.2

human dignity innate in every child and his or her equal and inalienable rights.”¹²⁷ Contrary to this value, Israel operates in a methodological way to weaken and degrade the Palestinian people’s dignity and inalienable rights.

Importantly, any critical analysis on the application of human rights provisions in the field of education would be meaningless if devoid of the context and the general value framework in which they operate - a de-contextualization attempted by Israel. As pointed out by the Incheon Declaration and Framework for Action endorsed by UNESCO, in armed conflict situations, “it is [...] critical to develop education systems that are more resilient and responsive in the face of conflict.”¹²⁸ Furthermore, Principle 6 of the Recommendation concerning Education for International Understanding, Co-operation and Peace relating to Human Rights and Fundamental Freedoms recalls that “[education] should contribute to [...] the activities in the struggle against colonialism [...] and against all forms and varieties of racialism, [...] and apartheid [...].”¹²⁹ Resilience and resistance to colonial oppression should guide the interpretation of the aims of education enshrined in Article 29(1) of the mentioned Convention on the Rights of the Child,¹³⁰ supported by Article 13 of the International Covenant on Economic, Social and Cultural Rights.¹³¹ Particularly relevant aims of education are: the holistic development of the full potential of the child (Article 29(1)(a)); the development of respect for human rights and fundamental freedoms (Article 29(1)(b)); the enhancement of the child’s sense of identity and affiliation (Article 29(1)(c)); and, the socialization and interaction with others (Article 29(1)(d)).

The following will confront the Israeli narrative with the internationally

127 *Id.*, para.1

128 Incheon Declaration and Framework for Action for the Implementation of Sustainable Development Goal 4, Article 9, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000245656> [accessed 28 December 2020]

129 Recommendation Concerning Education for International Understanding, Co-Operation and Peace and Education relating to Human Rights and Fundamental Freedoms, 1974, Article III(6), available at: <https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/3.RecommendationconcerningEducationforInternationalUnderstanding.Co-operationandPeaceandEducationrelatingtoHumanRightsandFu.aspx> [accessed 28 December 2020]

130 “Children’s rights are not detached or isolated values devoid of context, but exist within a broader ethical framework which is partly described in article 29(1) and in the preamble to the Convention.” General Comment No. 1, Article 29(1), The Aims of Education, in *supra* 125, para.7

131 UNGA, International Covenant on Economic, Social and Cultural Rights, 993 UNTS 3, 16 December 1966, Article 13, available at: <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx> [accessed 28 December 2020]

recognized aims of education, provide keys of analysis within the background of colonialism, and support that an appropriate interpretation should be guided by the prospect of the decolonization of Palestine.

III.1. Holistic Development of the Full Potential of the Child (Article 29(1)(a))

Article 29(1)(a)

1. [...] the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential [...]

As a pillar of the Convention on the Rights of the Child,¹³² a child's development is understood as a holistic concept aimed at the comprehensive achievement of all civil, political, economic, social and cultural rights of the human person, in line with Article 1 of the Declaration on the Right to Development.¹³³ Given its holistic nature, infringements on the right to education violate, in and of themselves, the right to development.¹³⁴

The Committee on the Rights of the Child specifies that "[t]he overall objective of education is to maximize the child's ability and opportunity to participate fully and responsibly in a free society."¹³⁵ Israel's colonization of education, on the contrary, operates in such a way that cripples Palestinian children's ability to cultivate their Palestinian identity in accordance with their cultural and historical heritage, in order to actively take part in the development of the Palestinian society. It is only in line with the framework of Israeli colonialism aimed at suppressing Palestinian communities. As such, Israel's overall violation of the right to education is, per se, impairing Palestinian children's capacity to fully develop.

¹³² See Committee on the Rights of the Child, General Comment No. 5: General Measures of Implementation of the Convention on the Rights of the Child (Arts. 4, 42 and 44, para.6), CRC/GC/2003/527, November 2003, available at: <https://bit.ly/3p4GLWq> [accessed 28 December 2020]

¹³³ "The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized." UNGA, Declaration on the Right to Development, 4 December 1986, A/RES/41/128, Article 1(1), available at: <https://www.ohchr.org/en/professionalinterest/pages/righttodevelopment.aspx> [accessed 28 December 2020]

¹³⁴ Noam Peleg, "Reconceptualising the Child's Right to Development: Children and the Capability Approach," *International Journal of Children's Rights* 21 (2013), 526

¹³⁵ General Comment No. 1, Article 29(1), The Aims of Education, in *supra* 125, para.12

The full development of the child is deeply affected by the overall environment in which children evolve.¹³⁶ The Committee on the Rights of the Child recognizes that Israel's occupation, apartheid and colonial policies and practices have serious consequences on the right of development of children. This encompasses civil and political impacts as a result of conflict-related activities, including the building of colonies in the West Bank, the blockade on the Gaza Strip, attempts to recruit Palestinian children as Israel's informants, and violence directed at Palestinian children against the backdrop of demonstrations, confrontations, arrests, expulsions or detention. It also includes socio-economic impacts in terms of poverty and unemployment rates, and lack of food and water in a sufficient amount.¹³⁷

The child's development is also highly contingent upon the maintenance of a safe and secure family environment. Palestinian children are deeply affected by the various human rights violations that their relatives and communities are victims to.¹³⁸ They are also raised in a context of constant fear of being separated from their loved ones based on restrictions on family reunification between Palestinian relatives with Israeli, Jerusalem, West Bank or Gaza IDs,¹³⁹ the ban on granting citizenship to Palestinian children born to a Palestinian parent with an Israeli ID and to a Palestinian parent with West Bank or Gaza ID, and the arbitrary revocation of residency permits for Palestinian children residing in Jerusalem,¹⁴⁰ which all amount to violations of the prohibition of Arbitrary Interference with his Privacy, Family and Home (Article 17 International Covenant on Civil And Political Rights, ICCPR).¹⁴¹

136 "[...] A respectful, supportive child-rearing environment free from violence supports the realization of children's individual personalities and fosters the development of social, responsible and actively contributing citizens in the local community and larger society [...]." Committee on the Rights of the Child, General Comment No. 13: The Right of the Child to Freedom from all Forms of Violence, CRC/C/GC/13, 18 April 2011, para.III, available at: <https://bit.ly/3sNrEDc> [accessed 28 December 2020]

137 Concluding Observations on the Initial Report of the State of Palestine, in *supra* 122, para.24; *see also* Concluding Observations on the Second to Fourth Periodic Reports of Israel, in *supra* 61, para.25

138 For instance, "[...] the psychological violence inflicted on Palestinian children who witness their parents being beaten or humiliated and the demolition of their homes, and about the long-term consequences of this violence on these children." Concluding Observations on the Second to Fourth Periodic Reports of Israel, *id.*, para. 43

139 *Id.*, para.49

140 *Id.*, para.29(a)

141 "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation." UNGA, International Covenant on Civil and Political Rights, 999 UNTS 171, 16 December 1966, Article 17, available at: <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> [accessed 28 December 2020]

In parallel, Article 13(1) of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) establishes a direct connection between the “full development of the human personality” and “the sense of its dignity,” as an end goal of education.¹⁴² It should be understood that respect for the human dignity of the Palestinian people cannot be complied with within the context of colonial oppression, especially in the realm of education. The denial of the Palestinian people’s existence and attempts to precipitate their erasure through the colonization of education is as such an infringement on their dignity and their entitlement to their inalienable rights.

In view of the above, a contextualized education curriculum must address the implications of life under the rule of Israel’s apartheid-colonial regime, as the latter is the main determinant of Palestinian children’s holistic development, in order for them to create a positive impact on Palestinian society as a whole.

III.2. Development of Respect for Human Rights and Fundamental Freedoms (Article 29(1)(b))

Article 29(1)(b)

1. [...] the education of the child shall be directed to:

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations [...]

Conceived broadly, the right to education functions as a pillar of human rights law, whose implementation is essential to the holistic performance of other human rights through developing an awareness of human rights and strengthening the child’s capacity to affirm their legitimate human rights, consistent with General Comment No.1 of the UN Committee on the Rights of the Child.¹⁴³

Human rights education requires a two-fold approach. First, by its very

¹⁴² “The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity [...]” International Covenant on Economic, Social and Cultural Rights, in *supra* 131, Article 13(1)

¹⁴³ “The education to which every child has a right is one designed [...] to strengthen the child’s capacity to enjoy the full range of human rights and to promote a culture which is infused by appropriate human rights values.” General Comment No. 1, Article 29(1), The Aims of Education, in *supra* 125, para.2

nature, it entails teaching basic contents of international human rights and humanitarian law, especially as they are relevant to the environment in which Palestinian children evolve.¹⁴⁴ Second, it implies learning about the practical implementation of human rights standards within Palestinian society.¹⁴⁵ The entire Israeli colonial strategy applied to education is to exceptionalize their apartheid-colonial practices under the guise of security arguments, making Palestinian human rights fall outside the scope of international law, and therefore discrediting them as such. **Zionist-Israeli colonization of Palestinian minds is deemed necessary to maintain a system of subjugation and to inhibit Palestinians from exercising their human rights as a tool of resistance. Dispossessing the Palestinian people from human rights law as a tool to confront the environment of oppression and subjugation in which they live is a powerful means to maintain such a colonial environment.**

On a pragmatic level, Palestinian children are entitled to awareness of the realities of Israel's human rights violations which directly impact school life, notably occurrences of live ammunition, tear gas and sound grenades around and in schools, use of educational facilities as military outposts or detention centers, or chronic defunding of school facilities and staff, causing school shortages, over-crowdedness, and the use of temporary infrastructures.¹⁴⁶ On the more systemic level, education should provide Palestinian children with keys of understanding the coercive environment which they live in, and the recurring and interrelated human rights violations that occur within this framework.¹⁴⁷ It entails recognizing that Israel's abusive policies and practices, which they are the primary victims of, form part of a broader strategy of

144 *Id.*, para.15-16

145 *Id.*, para.11

146 "Children's access to education is severely restricted in the occupied West Bank and Gaza. According to the annual report of the Secretary-General on children and armed conflict, 118 incidents of interference with education in the Occupied Palestinian Territory were verified in 2018, affecting 23,188 children, with more than half of the incidents involving Israeli forces firing live ammunition, tear gas and sound grenades in and around schools [...]" UNGA, Situation of Human Rights in the Palestinian Territories Occupied Since 1967, 21 October 2019, A/74/507, para.26, available at: <https://reliefweb.int/report/occupied-palestinian-territory/report-special-rapporteur-situation-human-rights-16>; see also Concluding Observations on the Second to Fourth Periodic Reports of Israel, in *supra* 61, para.63(a)

147 Coercive environment is the creation of an environment that cause the illegal displacement of the Palestinian population from their original places of residence through illegal policies and practices. Such policies and practices notably include: home demolitions, restrictive system of permits, colonizer violence, suppression of legitimate resistance, discriminatory planning regime, denial of access to natural resources and services, and land confiscation. See BADIL, *Coercive Environment: Israel's Forcible Transfer of Palestinians in the Occupied Territory* (Bethlehem: BADIL, 2017), available at: <https://badil.org/phocadownloadpap/badil-new/publications/research/working-papers/FT-Coercive-Environments.pdf>

coercion aimed at imposing the subjugation, domination and exploitation of the Palestinian people. The following human rights should be given due importance:

- the **Right to Life and the Prohibition of Arbitrary Deprivation of Life** (Article 6 ICCPR),¹⁴⁸ addressing killings and maiming of children due to live ammunition of air-strikes,¹⁴⁹ and colonizer attacks;¹⁵⁰
- the **Prohibition of Torture or of Cruel, Inhuman or Degrading Treatment or Punishment** (Article 7 ICCPR),¹⁵¹ during arrest, interrogation and detention of children, night arrest,¹⁵² “the use of blindfolds, hand ties or leg ties, denial of food and water, or access to toilets,”¹⁵³ the use of Palestinian children as human shields and informants,¹⁵⁴ interrogations and forced confessions in Hebrew,¹⁵⁵ detention in overcrowded cells with adults, poor ventilation and a lack of natural light,¹⁵⁶ and solitary confinement;¹⁵⁷
- the **Right to Liberty and Security of Person, including Arbitrary Arrest or Detention** (Article 9 ICCPR),¹⁵⁸ addressing charges of throwing stones, so-called security-based detention,¹⁵⁹
- the **Right to Liberty of Movement and to Enter His/Her Own Country**

148 “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” International Covenant on Civil and Political Rights, in *supra* 141, Article 6(1)

149 UN Human Rights Council, Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, 22 October 2020, A/75/532, para.22, available at: https://www.ohchr.org/Documents/Countries/PS/A_75_532_AUV.pdf

150 Concluding Observations on the Second to Fourth Periodic Reports of Israel, in *supra* 61, para.25(b)

151 “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. [...]” International Covenant on Civil and Political Rights, in *supra* 141, Article 7

152 “Routinely arrested in the middle of the night by soldiers shouting instructions at the family and taken hand-tied and blindfolded to unknown destination without having the possibility to say goodbye to their parents who rarely know where their children are taken.” Concluding Observations on the Second to Fourth Periodic Reports of Israel, in *supra* 61, para.35(a)

153 Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, 22 October 2020, in *supra* 149, para.24

154 Concluding Observations on the Second to Fourth Periodic Reports of Israel, in *supra* 61, para.71(b)

155 *Id.*, para.73(d)

156 *Id.*, para.73(g)

157 *Id.*, para.35(c)

158 “1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. [...]” International Covenant on Civil and Political Rights, in *supra* 141, Article 9

159 Concluding Observations on the Second to Fourth Periodic Reports of Israel, in *supra* 61, para.73(a)

- (Article 12 ICCPR),¹⁶⁰ addressing infringements on the freedom of movement including the apartheid wall, closures, checkpoints and the permit regime preventing Palestinian children from attending school;¹⁶¹
- the **Right to Due Process** (Article 14 ICCPR),¹⁶² during arrest, interrogation or detention, including the denial of access to lawyers or relatives, and the lack of information regarding their rights;¹⁶³
 - the **Right to Adequate Standards of Living** (Article 11 ICESCR),¹⁶⁴ addressing growing poverty as a result of Israel's apartheid-colonial regime, the rapid extension of Israeli-Jewish colonies in the West Bank, land grabs, administration home demolitions, forced evictions, lack of access to natural resources - causing water shortages, destruction and confiscation of essential means of livelihood such as olive trees;¹⁶⁵
 - the **Right to the Highest Attainable Standard of Physical and Mental Health** (Article 12 ICESCR),¹⁶⁶ in particular obstructed access to healthcare facilities and specialized treatment due to movement restrictions in the West Bank and the blockade on Gaza,¹⁶⁷ unequal access to health services for Palestinians with Israeli ID, delays in permit deliverance to transfer Palestinian children from Gaza to medical facilities outside the occupied Palestinian territories, leading to severe health-related complications.¹⁶⁸

Combining both the two theoretical and practical elements of human rights education, importance should primarily be attached to **the human rights that enable the Palestinian people to achieve their inalienable rights to**

160 "1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2. Everyone shall be free to leave any country, including his own. [...] 4. No one shall be arbitrarily deprived of the right to enter his own country." International Covenant on Civil and Political Rights, in *supra* 141, Article 12

161 Concluding Observations on the Second to Fourth Periodic Reports of Israel, in *supra* 61, para.63(c)

162 International Covenant on Civil and Political Rights, in *supra* 141, Article 14

163 Concluding Observations on the Second to Fourth Periodic Reports of Israel, in *supra* 61, para.73(c)

164 "[...] the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. [...]" International Covenant on Economic, Social and Cultural Rights, in *supra* 131, Article 11

165 Concluding Observations on the Second to Fourth Periodic Reports of Israel, in *supra* 61, para.59(c)

166 "[...] the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. [...]" International Covenant on Economic, Social and Cultural Rights, in *supra* 131, Article 11

167 Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, 22 October 2020, in *supra* 149, para.23

168 Concluding Observations on the Second to Fourth Periodic Reports of Israel, in *supra* 61, para.53

self-determination, national independence and sovereignty, and right to return, as recognized by the United Nations General Assembly Resolution 3376 of 10 November 1975.¹⁶⁹

A people educated about their human rights, and the protection mechanisms they are entitled to, is a people better armed to resist unlawful colonial domination, according to the legitimate international legal framework that provides them with such rights. Consequently, education should be a primary forum for awareness-raising on Israel's institutional discrimination as it has contributed to establish and embed Israel's apartheid-colonial regime in Palestine from the inception of the Zionist ideology, and its current manifestations as a means to entrench and deepen colonial domination over the Palestinian people.¹⁷⁰

III.3. Enhanced Sense of Identity and Affiliation (Article 29(1)(c))

Article 29(1)(c)

1. [...] the education of the child shall be directed to:

(c) The development of respect for [...] his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate [...]

Israel's colonized education seeks to deconstruct each strand of Article 29(1)(c) in order to deny the existence of the Palestinian people in and of itself. The Zionist-Israeli colonial enterprise is based on the erasure of Palestine as a nation-state, its replacement by a colonial state structure, Israel, and the indigenization of the colonial identity, language and values. As outlined above, the entire Israeli colonial strategy in the realm of education revolves

¹⁶⁹ "Expresses its grave concern that no progress has been achieved towards: (a) The exercise by the Palestinian people of its inalienable rights in Palestine, including the right to self-determination without external interference and the right to national independence and sovereignty; (b) The exercise by Palestinians of their inalienable right to return to their homes and property from which they have been displaced and uprooted [...]" UNGA, Question of Palestine, 10 November 1975, A/RES/3376, para.2, available at: <https://unispal.un.org/DPA/DPR/UNISPAL.NSF/0/B5B4720B8192FDE3852560DE004F3C47>

¹⁷⁰ "Emphasis must also be placed upon the importance of teaching about racism as it has been practised historically, and particularly as it manifests or has manifested itself within particular communities [...]" General Comment No. 1, Article 29(1), The Aims of Education, in *supra* 125, para.11

around the expunction of the Palestinian cultural identity from curricula and teaching program,¹⁷¹ primarily through suppressing “significant information on Palestinian history, heritage, flag and cities from school textbooks [...]”,¹⁷² downgrading the Arabic language to a language with special status, underfunding the Academy of the Arabic Language,¹⁷³ and imposing “values of Jewish culture” as the object of State education.¹⁷⁴ In the Palestine case, there is no difference between the “country in which the child is living” and “the country from which he or she [...] originate.” Still, Israel’s colonial project undertakes to alter the territorial integrity of the Palestinian lands and to dictate a colonial framework that divides the Palestinian people and their lands between so-called “Israel” and the West Bank and Gaza Strip. It translates into Palestinian children in 1948 lands as well as those in an increasing number of Jerusalem schools being compelled to learn about Zionist history and Israel’s founding fathers, presented with the *Nakba* as Israel’s War of Independence, Jerusalem as a Jewish city, and Palestinians as Arab citizens.¹⁷⁵ Palestinian refugees taught in UNWRA schools are also subjected to untold censorship under the pressure of Israel-influenced international donors, including evoking the Palestinian refugees’ legally protected right of return.¹⁷⁶ Within this colonial framework, Palestinian children are exposed to the national values of the country in which they are living, colonial Israel. Their country of origin, Palestine, is intentionally faded from the memory.

For all of the above reasons, educational contents should be culturally sensitive and promote the advancement of the Palestinian cultural identity, which is a fundamental tenet of national belonging to the Palestinian people and to Mandatory Palestine. As a people under colonization, supporting the dignity

171 “[...] The attempt by Israel to influence schools to change the curriculum, in conjunction with the municipality’s intention to close down UNWRA, paints a concerning picture of efforts to further diminish Palestinian autonomy and identity in East Jerusalem.” Situation of Human Rights in the Palestinian Territories Occupied Since 1967, 21 October 2019, in *supra* 146, para.23

172 Concluding Observations on the Second to Fourth Periodic Reports of Israel, in *supra* 61, para.65

173 Committee on Economic, Social and Cultural Rights, Concluding Observations on the Fourth Periodic Report of Israel, E/C.12/ISR/CO/4, 12 November 2019, para.68, available at: <https://bit.ly/3sKd7YH> [accessed 28 December 2020]

174 State Education Law, in *supra* 33, Article 2

175 Laura Wharton, “The Israeli Curriculum and the Palestinian National Identity in Jerusalem,” *Palestine-Israel Journal* 22, no. 4 (2017), available at: <https://www.pij.org/articles/1812/the-israeli-curriculum-and-the-palestinian-national-identity-in-jerusalem> [accessed 28 December 2020]

176 Gabriella Pinto, “ ”A Cultural Occupation?” UNWRA’s Human Rights, Conflict Resolution and Tolerance Programme: Perspectives from Balata Camp,” *Educate* 14, No. 2 (2014), 67

of the Palestinian people entails duly reflecting their “right to the dignity and diversity of their cultures, traditions, histories and aspirations” through education, as mentioned under Article 15 of the United Nations Declaration on the Rights of Indigenous People.¹⁷⁷ As pinpointed by the Committee on the Rights of the Child in its General Comment No. 11, given the specific vulnerability of children affected by armed conflict, states must “ensure that the curricula, educational materials and history textbooks provide a fair, accurate and informative portrayal of the societies and cultures of indigenous peoples [...]”.¹⁷⁸ The affirmation of the Palestinian collective identity is therefore essential to maintain the very existence of the Palestinian people, to whom international law recognizes inalienable rights to self-determination, national independence and sovereignty, as well as return of Palestinian refugees.¹⁷⁹ The preservation of the Palestinian cultural environment through education is necessary to ensure that Palestinian children participate in the development of their cultural identity.

It is thus essential to read Article 29(1)(c) through the lens of Israel’s colonial apparatus and recognize that the disruption of Palestinian cohesion and Palestinian territorial integrity is the product of Israel’s colonial policies and practices that, in return, alter legal interpretations that could be given to the right to education in Palestine. As such, educating Palestinian children on their Palestinian identity and values within the scope of Mandatory Palestine could not be labelled as an infringement on the prohibition of national hatred, enshrined in Article 20 of the ICCPR,¹⁸⁰ given the illegal colonial nature of Israel in the first place.

177 UNGA, Declaration on the Rights of Indigenous Peoples, A/61/L.67, 13 September 2007, Article 15(1), available at: [https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/UnitedNationsDeclarationontheRightsofIndigenousPeoples\(2007\).aspx](https://www.ohchr.org/EN/Issues/Education/Training/Compilation/Pages/UnitedNationsDeclarationontheRightsofIndigenousPeoples(2007).aspx) [accessed 28 December 2020]

178 UN Committee on the Rights of the Child, General Comment No. 11 (2009): Indigenous Children and their Rights under the Convention, 12 February 2009, CRC/C/GC/11, paras. 58 & 64, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCC%2fC%2fGC%2f11&Lang=en

179 “Expresses its grave concern that no progress has been achieved towards: (a) The exercise by the Palestinian people of its inalienable rights in Palestine, including the right to self-determination without external interference and the right to national independence and sovereignty; (b) The exercise by Palestinians of their inalienable right to return to their homes and property from which they have been displaced and uprooted [...]” UNGA, Question of Palestine, in *supra* 169, para.2

180 “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.” International Covenant on Civil and Political Rights, in *supra* 141, Article 20(2)

III.4. Socialization and Interaction with Others (Article 29(1)(d))

Article 29(1)(d)

1. [...] the education of the child shall be directed to:

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin.

III.4.a. Principles of Peace and Tolerance Go Hand in Hand with the Principle of Justice

Zionist-Israeli smear and slander campaigns against Palestinian education, and more precisely the Palestinian curriculum, have focused on UNESCO-endorsed principles of peace and tolerance in education, while ignoring the need not only for a context-specific application of those, but also for their insertion in a broader legal framework on education.¹⁸¹

Principles of “understanding, peace, tolerance [...] and friendship among all peoples” are mainstays of coexistence and respect for human rights. Such principles cannot, however, be considered in a vacuum, but can only produce meaning in a “free society,” which is a decolonized society where the peoples have been able to realize their “inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory.”¹⁸² When a people have been deprived of their legitimate rights, the realization of the principles of tolerance and peace are not viable without justice. In a context of colonial domination - that of Israel’s over the Palestinian people - promoting such principles without critical underpinnings actually reinforces the unjust imbalance of colonial power by normalizing

¹⁸¹ Instruments relevant to standards and norms to the promotion of peace and tolerance, emphasized in the 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, and the 1995 Declaration of Principles on Tolerance, are only two instruments of more than 60 legal instruments covering a large array of education-related topics, inter alia social, cultural and economic impacts, civil and political impacts, discrimination in education, child labour, human rights teaching, cultural diversity, adult education, higher education, technical and vocational education, inclusive education for persons with disabilities, indigenous peoples, migrants, refugees and internally displaced persons. See Standards and Norms in the Field of Education, in *supra* 32

¹⁸² Declaration on the Granting of Independence to Colonial Countries and Peoples, in *supra* 28, Preamble

the colonial setting, portraying the colonial power as an equal party to which principles of international law should apply, and discrediting the oppressed people's struggle for liberation. **It is not about discarding such principles, but rather acknowledging that their implementation should take into account the structure of power in which they are inserted. The protection and promotion of these principles necessarily involve prior decolonization.** Interestingly, even the above-noted Recommendation concerning Education for 'International Understanding, Co-operation and Peace relating to Human Rights and Fundamental Freedoms' prescribes that "[education] should contribute to [...] the activities in the struggle against colonialism [...] and against all forms and varieties of racialism, [...] and apartheid [...]." ¹⁸³ That is to say that there exists a legal basis for calling for decolonization as a prerequisite for the no less crucial realization of the principles of peace and coexistence.

III.4.b. Principle of Non-Discrimination is Central to Inter-group Interaction

The prohibition of discrimination on the basis of religion, or national and ethnic origins, as a paramount principle of international human rights law and as enshrined in Article 2(1) of the Convention on the Rights of the Child, ¹⁸⁴ inherently intersects with the enjoyment of human rights and fundamental freedoms. ¹⁸⁵ As addressed above, Israel has been enforcing different strategies of systematic and institutional discrimination on Palestinian children in the whole of Mandatory Palestine, dividing the Palestinian people among

¹⁸³ Recommendation Concerning Education for International Understanding, Co-Operation and Peace and Education relating to Human Rights and Fundamental Freedoms, in *supra* 129, Article III(6)

¹⁸⁴ "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status." UNGA, Convention on the Rights of the Child, 20 November 1989, 1577 UNTS 3, Article 2(1), available at: <https://www.ohchr.org/en/professionalinterest/pages/crc.aspx> [accessed 28 December 2020]

¹⁸⁵ "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as [...] national [...] origin [...]." International Covenant on Civil and Political Rights, in *supra* 141, Article 2(1); International Covenant on Economic, Social and Cultural Rights, in *supra* 131, Article 2(2); UNGA, International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, 660 UNTS 195, Article 5(e)(v), available at: <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx> [accessed 28 December 2020]

themselves.¹⁸⁶ Under the pretext of embracing the ‘Arab minority’ in Israel’s cultural and linguistic singularities, the segregation of the education system has no other purpose than entrenching the subjugation of the former and the domination of the latter, as made clear by intentional lower investment in the Palestinian education system.¹⁸⁷ In the case of Palestinian children with Israeli citizenship and residents of Jerusalem, ensuring a culturally-sensitive learning environment is much-needed in order to maintain and preserve their Palestinian identity, particularly to the extent that the very intent of the colonizing power is aimed at erasing it. Maintaining the separation of the Palestinian educational sector from the colonizer-dominated one is, in itself, essential. However, admitting the necessity of such separation should not serve to detract from the very reason why it is rendered essential in the first place, that is because of the colonial nature of the entire structure where the current education systems are grounded. Nor should it serve to legitimize the colonial regime in itself, as if fighting against discrimination could be addressed through changes in education policies. The colonial framework that generates the need for school separation is, before all, at the root of institutionalized discrimination. Sanctioning school separation is a double-edged sword as it simultaneously recognizes the colonial education system and its legitimacy within an oppressive colonial framework, which can never achieve structural change.

Therefore, achieving the socialization and interaction of Palestinian children with Israeli-Jewish children entails first of all the dismantlement of the apartheid system of segregation, including in the

186 “[...] the Israeli society continues to be segregated as it maintains Jewish and non-Jewish sectors, including two systems of education with unequal conditions, as well as separate municipalities, namely Jewish municipalities and the so-called “municipalities of the minorities [...]” Committee on the Elimination of Racial Discrimination, Concluding Observations on the Combined Seventeenth to Nineteenth Reports of Israel, CERD/C/ISR/CO/17-19, 27 January 2020, para.21, available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fISR%2fCO%2f17-19&Lang=en [accessed 28 December 2020]; “[...] The Committee also expresses concern about the adoption of numerous discriminatory laws [...] which primarily affect Palestinian children, in all aspects of their life, but also Arab Israeli [...] children [...]. The Committee is deeply concerned that the establishment of separate means of transport and road services as well as the implementation of two separate legal systems and institutions amount to de facto segregation and lead to inequality between Israeli and Palestinian children in the enjoyment of their rights.” Concluding Observations on the Second to Fourth Periodic Reports of Israel, in *supra* 61, para.21

187 “Jewish and Arab children continue to be educated in segregated school systems as observed by the Committee on the Elimination of Racial Discrimination [...] with lower investment in the education system for Arab children which results in a severe shortage of classrooms, in substandard conditions and quality of teaching, low academic results and high school dropout.” Concluding Observations on the Second to Fourth Periodic Reports of Israel, *id.*, para.61(c)

domain of education, that governs relationships between Palestinians and Israeli-Jews, and perpetuates the domination of the latter over the former, as notably highlighted by the Committee on the Elimination of Racial Discrimination.¹⁸⁸

III.4.c. Principles of Peace, Tolerance and Friendship Are Indivisible from Respect for Cultural Identity

At first glance, legitimate values of peace, tolerance, and friendship among all peoples as enshrined in Article 29(1)(d) may conflict with the importance of “[...] respect for the child’s own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate [...]”.¹⁸⁹ This conflict is particularly relevant in the context of Israeli colonialism where Israel’s very strategy relies on the erasure of the Palestinian national identity and values, the Arabic language, and their subsequent substitution with a constructed and imposed Zionist-Israeli narrative. This strategy is about legitimizing and monopolizing its colonial enterprise, while forcing an interpretation of the above mentioned provisions through the lens of national references inherently produced by Israeli colonialism, but obviously not defined as such. Having imposed its colonial paradigm on Palestine, Israel is attempting to claim and appropriate values of peace, tolerance and friendship among all peoples against the Palestinian people, making them a tool to discredit Palestinian claims of legitimate respect for their national identity, language and narrative. **The pursuance of peace, tolerance and friendship between the Palestinian people and Israeli-Jews only makes practical sense in a decolonized setting. In the meantime, primary attention should be given to allowing the Palestinian people to claim their identity, history and connection to their lands.**

III.4.d. Hatred and Incitement to Unlawful Violence is Never Legitimate, but Resistance to Colonialism is

It cannot be emphasized enough that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or

¹⁸⁸ “[...] the Israeli society continues to be segregated as it maintains Jewish and non-Jewish sectors, including two systems of education with unequal conditions, as well as separate municipalities, namely Jewish municipalities and the so-called “municipalities of the minorities [...]”. See Concluding Observations on the Combined Seventeenth to Nineteenth Reports of Israel, in *supra* 186, para.21

¹⁸⁹ General Comment No. 1, Article 29(1), The Aims of Education, in *supra* 125, para.4

violence,” is both illegitimate and legally prohibited under Article 20(2) of the ICCPR.¹⁹⁰ Furthermore, and equally important, is that resistance to colonial oppression is a legitimate and lawful prerogative for any people living under colonial control as per United Nations General Assembly Resolution 33/24 of 29 November 1978.¹⁹¹ Legitimate resistance should never be identified as hatred, incitement to discrimination, hostility and violence, for the purpose of being delegitimized. Struggle against national, racial or religious hatred goes hand in hand with the struggle against colonialism. Discrediting Palestinian education as inciting hatred and violence is actually a parade aimed at discrediting the interconnected struggle against colonialism. As emphasized in the Recommendation Concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms:

“Education should stress the **inadmissibility of recourse to war for purposes of expansion, aggression and domination, or to the use of force and violence for purposes of repression**, and should bring every person to understand and assume his or her responsibilities for the maintenance of peace. It should contribute to international understanding and strengthening of world peace and to the activities in the **struggle against colonialism and neo-colonialism in all their forms and manifestations**, and against **all forms and varieties of racialism, fascism, and apartheid** as well as other ideologies which breed national and racial hatred [...] [emphasis added].”¹⁹²

190 International Covenant on Civil and Political Rights, in *supra* 141, Article 20(2)

191 “2. Reaffirms the legitimacy of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, particularly armed struggle,” UNGA, 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, A/RES/33/24, 29 November 1978, available at: <https://unispal.un.org/UNISpaL.NSF/0/D7340F04B82A2CB085256A9D006BA47A> [accessed 28 December 2020]; see also UNGA, 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, A/RES/3246(XXIX), 29 November 1974, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/C867EE1DBF29A6E5852568C6006B2F0C> [accessed 29 December 2020]; see also UNGA Resolution A/RES/34/44 (23 November 1979); UNGA Resolution A/RES/35/35 (14 November 1980); UNGA Resolution A/RES/36/9 (28 October 1981)

192 Recommendation Concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, in *supra* 129, Article III(6)

Teaching children about their legitimate human rights and providing them with capacities and tools to advocate for them is, in itself, a legitimate tool of resistance. The appropriate content of such human rights education, as well as strategies and mechanisms legally specified to seek and realize legitimate and recognized human rights will differ according to the specific context in which children evolve. The international legal context that should set the stage of any analysis is that of multilayered colonization of Mandatory Palestine, powered by an apartheid structure benefitting the colonizers at the expense of the Palestinian people, advanced through *de jure* and *de facto* annexation of Palestinian lands.¹⁹³ The Palestinian people's struggle "for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means [...]" has been recognized as of General Assembly Resolution 37/43.¹⁹⁴ Within this context, Israel's attempts at reversing the framework of legitimate resistance against the oppressed themselves, framing it as "propaganda for war" or "national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence," unlawful under the ICCPR, can only be categorically debunked.¹⁹⁵

If the overall objective of education is to ensure the maximization of children's ability to participate and contribute to a free society, it goes without saying that colonialism is both an impediment to the realization of the right to education per se, and a target of any education in compliance with recognized principles of international law. Taken altogether, respect and pursuance of educational aims enshrined in Article 29 of the Convention on the Rights of the Child prove paramount in order to provide the Palestinian people with capacities and tools to seek the realization of their legitimate right to self-determination, recognized as an *erga omnes* principle and peremptory norm of international law, particularly as a right owed to all peoples experiencing

193 See BADIL, in *supra* 17, Section II.2

194 UNGA, Resolution 37/43, 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, 3 December 1982, A/RES/37/43, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/BAC85A78081380FB852560D90050DC5F> [accessed 28 December 2020]

195 International Covenant on Civil and Political Rights, in *supra* 141, Article 20

colonial subjugation,¹⁹⁶ and particularly recognized as a right entitled to the Palestinian people.¹⁹⁷

UNESCO-condoned education principles and instruments constitute significant tools to legitimize an education system and delegitimize another. This would explain Israel's desire to manipulate education standards in a manner that suits its policies and practices, over-emphasizing very specific standards, without providing neither the colonial context that should guide their interpretations, nor situating them within a more comprehensive set of human rights-related education standards. Yet UNESCO itself disavowed "the Israeli authorities['s] actions that violate UNESCO principles and the provisions of the world declaration for education for all [...]."¹⁹⁸

IV. CONCLUSION

IV.1. Palestinian Education: Target of Israeli Colonization, Avenue of the Decolonization of Palestine

In essence, IMPACT-se's scrutiny of Palestinian educational contents are far from having to do with the promotion of legitimate values of tolerance

196 Charter of the UN, 1 UNTS XVI, 24 October 1945, Articles 1(2) and 55, available at: <https://www.un.org/en/sections/un-charter/introductory-note/index.html> [accessed 28 December 2020]; on self-determination as an *erga omnes* principle, see Case Concerning East Timor (Portugal v. Australia), Judgment, 1995 ICJ 84, 30 June 1995, para.29, available at: <https://www.icj-cij.org/public/files/case-related/84/084-19950630-JUD-01-00-EN.pdf>; Declaration on the Granting of Independence to Colonial Countries and Peoples, in *supra* 28, para.2; UNGA, Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the UNGA, A/RES/2625(XXV), 24 October 1970, available at: <https://www.un.org/ruleoflaw/files/3dda1f104.pdf>; see also International Covenant on Civil and Political Rights, in *supra* 141, Article 1(1)

197 See in particular, UNGA, United Nations Relief and Works Agency for Palestine Refugees in the Near East, A/RES/2672(XXV), 8 December 1970; UNGA, Question of Palestine, A/RES/3236(XXIX), 22 November 1974; UNGA, Right of the Palestinian People to Self-Determination, A/RES/67/158, 26 February 2013; see also International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, 2004 ICJ 131, 9 July 2004, para.122, available at: <https://www.icj-cij.org/public/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>

198 UNESCO Executive Board, Implementation of 40 C/Resolution 67 and 207 Ex/Decision 39 Concerning Educational and Cultural Institutions in the Occupied Arab Territories (Item 25), 209 Ex/25, 26 June 2020, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000373759> [accessed 28 December 2020]; See also Council on International Relations – Palestine, "CIR Welcomes UNESCO Decisions on Palestine, Thanks Countries Voted in Favor," press release, 7 July 2020, available at: <http://coir.ps/en/cir-welcomes-unesco-decisions-on-palestine-thanks-countries-voted-in-favor/> [accessed 28 December 2020]

and peace. Instead, it has much more to do with functioning as part of a colonial strategy to prohibit the Palestinian people from utilizing education as a legitimate tool of resistance to Israel's colonial oppression. Israel's rhetoric of limiting Palestinian education to values consistent with the colonizer's narrative primarily aims at imposing an education framework that subverts Palestinians' recognized rights as it denounces Palestinian education whenever it does not fulfill this Israeli-imposed illegal framework, which is in itself a colonial strategy of action. By manipulating the legal framework on the right to education and human rights education, Israel dispossesses the Palestinian people from their right to utilize education as a tool of decolonization, while maintaining and legitimizing its colonial environment.

Israel's policies and practices targeting Palestinian education in Mandatory Palestine constitute apartheid tools of institutionalized discrimination, alienation and forced assimilation aimed at entrenching and normalizing its colonial system of domination, subjugation and exploitation of the Palestinian people, as per the 1960 Decolonization Declaration. This domination nurtures and perpetuates the political, economic, social and cultural de-development of the Palestinian society, therefore undermining their capacity to claim independence. It also seeks to destroy the cohesive identity of the Palestinian people and the integrity of their lands, in an attempt to impair their right to self-determination.

The decolonization process to which the Palestinian people are entitled to as a people subjected to colonial domination¹⁹⁹ entails confronting, challenging and deconstructing both the colonial practices and narrative imposed in the domain of education, including the direct and indirect power structures that enable Israel to subjugate the Palestinian people. **Decolonizing education equally implies making education a tool of decolonization in and of itself, reconnecting the Palestinian people to their lands and rights, and providing tools of critical analysis that enable them to contextualize their knowledge of the coercive environment enforced on them and encourage their involvement in the struggle for a human rights-based and just solution.**

The promotion of the right to education, and of the aims of education enclosed in Article 29 of the Convention on the Rights of the Child specifically, is paramount to counter the Israeli strategy to normalize colonization and

199 Declaration on the Granting of Independence to Colonial Countries and Peoples, in *supra* 28

prevent legitimate resistance. It is thus important that education contents ensure Palestinian children's awareness of the reality of these Israeli policies and practices that not only impact their connection to their lands and their rights, but also their fundamental identity as Palestinians, and their illegal implications. In particular, mobilizing the right to education and to human rights education as a vehicle for decolonization entails:

- Developing educational curricula and programs adapted to the overall coercive environment that impacts the development of the child to their full potential at the level of Palestinian society as a whole, the child's local community, family or individuality, including the socio-economic, cultural and political impacts of Israel's apartheid and colonization.
- Integrating human rights' teachings in the Palestinian curriculum, in a manner that resonates with Palestinian children's coerced context and reinforces the child's practical capacity to seek the realization of their inalienable human rights, primarily their right to self-determination, national independence, sovereignty, and the right of return.
- Promoting culturally-sensitive education contents that advance the cultural identity, language and values of Palestine as understood within its mandatory borders, acknowledging that their alteration is the product of colonial suppression of the Palestinian people and their lands, and that the preservation of their dignity as a people is indivisible from reclaiming their identity, history and connection to their lands.
- Contextualizing the UNESCO principles of understanding, peace, tolerance and coexistence to the colonial structure imposed by Israel, and promoting such principles in the context of prior decolonization of the Palestinian people and their lands, and the dismantlement of the apartheid-colonial system of institutionalized discrimination that governs relations between Palestinians and the colonizer population.

IV.2. International Responsibility in the Furtherance of Palestinian People's Right to Education

The international community's endorsement of Israel's manipulation of relevant international provisions in the field of education buttresses the normalization of Israel's colonization of Mandatory Palestine and makes them complicit with the Israeli colonial enterprise.

Colonialism and apartheid, under which Israel's policies and practices fall, are strictly prohibited under international law. The prohibition of colonialism is a well-grounded principle of customary law,²⁰⁰ derived from the preeminent Declaration on the Granting of Independence to Colonial Countries and Peoples as it results from the United Nations General Assembly Resolution 1514 (XV) of 14 December 1960.²⁰¹ As such, the prohibition of colonization is binding on all states. Israel further resorts to apartheid tools to advance its colonial project.²⁰² The crime of apartheid constitutes a crime against humanity under Article 7(1)(j) of the Rome Statute of the International Criminal Court,²⁰³ and a peremptory norm of international law.²⁰⁴ As internationally wrongful acts, their commission triggers individual and collective responsibility of states under the Draft Articles on Responsibility of States.²⁰⁵

Third states' responsibility arises when a state aids or assists another state in the commission of an internationally wrongful act, if the complicit state does so with knowledge of the circumstances of the internationally wrongful act and if the act would be wrongful if committed by it.²⁰⁶ The actions of the international community, whether composed of states or regional entities such as the European Union, provide both diplomatic and financial assistance to Israel in the pursuance of its colonial enterprise targeting Palestinian education. These actions include: endorsing the Israeli-manipulated legal framework on the right to education and human rights education, conditioning its financial support to the Palestinian Authority on its compliance and submission to this Israeli-manipulated legal framework, and therefore indirectly suppressing the

200 Customary international law is a source of international law derived from a general practice accepted as law, as found in official accounts of military operations, military manuals, national legislation or jurisprudence - *state practice*, and accepted as law - *opinio juris*. Customary rules of international law are binding on states. See Legal Information Institute, "Customary International Law," available at: https://www.law.cornell.edu/wex/customary_international_law [accessed 28 December 2020]

201 Declaration on the Granting of Independence to Colonial Countries and Peoples, in *supra* 28

202 See BADIL, in *supra* 17, Section II.2

203 Rome Statute of the International Criminal Court, 17 July 1998, Article 7(1)(j), available at: <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

204 Report of the International Law Commission, A/74/10, "Chapter V: Peremptory Norms of General International Law (*jus cogens*)," Conclusion 23, available at: <https://undocs.org/en/A/74/10> [accessed 28 December 2020]

205 "There is an internationally wrongful act of a State when conduct consisting of an action or omission: (a) is attributable to the State under international law; and (b) constitutes a breach of an international obligation of the State." International Law Commission, Draft Articles on Responsibility of States for Internationally Wrongful Acts, A/56/10, November 2001, Article 2, available at: https://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf

206 *Id.*, Article 16

right of the Palestinian people to resist colonization and its related right to decolonization.

Further, serious breaches of peremptory norms prompt the liability of third states in two ways: (1) a positive duty to “cooperate to bring to an end through lawful means any breach” and (2) a negative duty not to “recognize as lawful a situation created by a serious breach [...] nor render aid or assistance in maintaining that situation.”²⁰⁷ This entails recognizing the apartheid-colonial structure underpinning the overall Palestinian education system as unlawful and investing support funding to foster the Palestinian education system in the prospect of decolonization and the advancement of their right to self-determination.

IV.3. Recommendations

In view of the above, BADIL calls on:

- Third state parties to recognize the impact of Israeli apartheid-colonial policies and practices in the realm of education as multiple violations of international human rights law, in particular the Convention on the Rights of the Child, to which Israel is a state party,²⁰⁸ in conjunction with the Decolonization Declaration and the Apartheid Convention;
- Third state parties, in consequence, to condemn the Zionist-Israeli narrative on Palestinian education, and therefore to refrain from conditioning their financial support to the Palestinian Authority based on Israeli-guided interpretation of international legal provisions in the field of education;
- The Special Rapporteur on Right to Education, to undertake a country visit and report to the Human Rights Council on Israel’s policies and practices amounting to colonization of education, in the whole of Mandatory Palestine;
- The Palestinian Authority, and in particular the Ministry of Education and Higher Education, to include the teaching of human rights and

207 *Id.*, Article 41

208 Israel ratified the Convention on the Rights of the Child in 1991. See UN Human Rights Office of the High Commissioner, “Status of Ratification Interactive Dashboard,” available at: <https://indicators.ohchr.org/> [accessed 28 December 2020]

- human education in both curriculum and pedagogies, in line with the above-mentioned human rights provisions, in the furtherance of the Palestinian people's right to decolonization and self-determination;
- International solidarity movements to lobby and pressure their state governments to reject the imposition of Israel's non-colonial framework on Palestine and the Palestinian people as a preliminary step geared towards the dismantlement of the Zionist-Israeli colonial enterprise in Palestine, and support the promotion of legitimate resistance within Palestinian education.



The decolonization process to which the Palestinian people are entitled to as a people subjected to colonial domination entails confronting, challenging and deconstructing both the colonial practices and narrative imposed in the domain of education, including the direct and indirect power structures that enable Israel to subjugate the Palestinian people.

Decolonizing education equally implies making education a tool of decolonization in and of itself, reconnecting the Palestinian people to their lands and rights, and providing tools of critical analysis that enable them to contextualize their knowledge of the coercive environment enforced on them and encourage their involvement in the struggle for a human rights-based and just solution.

