

The Arab Minority in Israel

The Palestinian citizens of Israel can be viewed as a national (Palestinian), ethnic (Arab), religious (Muslim, Christian and Druze) and linguistic (Arabic) minority in a state where 82% of the population is Jewish. It is an indigenous population, although only 10% of the Palestinian minority, the Bedouin of the Negev region, are tribal.

Other Available Fact Sheets:

- Discrimination in the Israeli Law
- Land & Planning Policy in Israel
- The Bedouin in the Negev
- The Unrecognised Villages
- Palestinian Arab Women In Israel
- Arab Children's Rights

The Palestinian Arabs within Israel made up the majority of inhabitants of Palestine before to 1948. As a result of the war of 1948 and the establishment of the State of Israel,

84% of the Palestinian population were exiled and became refugees (2). Those Palestinians who remained found that they had become a minority virtually overnight in what had become a Jewish state. Of a pre-1948 Palestinian population of 950,000, two categories of Palestinian refugees were created:

800,000 Palestinians were expelled from the country and forced to become refugees in the Arab states. 150,000 Palestinians remained within the boundaries of the new State of Israel. Approximately 25% of those who remained within the state were displaced from their homes to other locations thus becoming internal refugees. (3)

In what Palestinians call "the Catastrophe," the Palestinian populations of more than 450



Street in the Old City of Acre. Photo: Peter Fryer

The common term used by Israelis to describe the Palestinian minority is "Israeli Arabs." This is one manner of denying the existence of a Palestinian national contingent

of the 550 towns and villages that had existed within the area which became Israel were driven out by the Israeli army, and in many cases their homes were destroyed. (4)

Palestinians disappeared from several major towns and became a minority in others. Only two exclusively Palestinian towns remained, Nazareth and Shefa 'Amr, which absorbed refugees from other Arab localities.

Today, Palestinians constitute 18% of the population of Israel: 1,057,800 out of a total population of 5,757,900. (5)

Successive Israeli governments have refused to treat the Palestinians as a national minority, however, and former Prime Minister Yitzhak Rabin once declared that: "Arabs are merely a cultural and not a national minority." (6) The common term used by Israelis to describe the Palestinian minority is "Israeli Arabs." This is one manner of denying the existence of a Palestinian national contingent. Israeli governments have also tended to distinguish between the group's different components along religious lines. One such example is the conscription of Druze men into the Israeli army while most Muslim and Christian men do not serve.

Israel has not sought to assimilate or integrate its Palestinian citizens. Rather, it has tended to exclude them from Israeli public life, and to leave them marginalised and neglected. Moreover, the Palestinian minority has not been permitted any significant degree of control over its own affairs while the government has maintained a system of tight control. (7) At the same time, it has obstructed the development of separate Palestinian institutions.

Meanwhile, successive governments have regarded the Arab community as a hostile element in the context of the ongoing Arab-Israeli conflict. Israel has been in an officially declared state of emergency from 1948 to date, with the State's Palestinian population subjected to military rule from 1948 until 1966. Various pieces of emergency legislation authorise the state to suspend the Arab citizens' civil rights. Despite the hopes engendered by the Oslo process, deep divisions still remain between the Jewish and Arab communities within Israel.

Distribution of the Palestinians in Israel (9)

The vast majority of the Palestinian population in Israel today resides in all-Arab towns and villages which are located in three main areas:

The Galilee in the north (where Palestinians make up approximately 50% of the population);

The "Little Triangle" in the center, running along the Israeli side of the Green Line, the border which separates Israel from the occupied West Bank. (8)

The Negev desert region in the south.

Overwhelmingly, the Arab communities are not geographically consolidated, and Jewish communities are established in and around them.

18.5% (195,700) live in seven Arab cities: Nazareth, Um El-Fahm, Shefa 'Amr, Taibe, Tira, Sakhnin and Rahat;

50% (around 530,000) reside in 114 Arab villages;

6% (around 60,000, of which 56,000 are situated in the Negev) live in communities that are not legally "recognised";

8% (83,600) live in six mixed Jewish-Arab cities: Jaffa/Tel Aviv, Haifa, Acre, Nazaret Illit, Lod and Ramle (Palestinians are a minority in each of these cities).

Language and Socio-Economic Rights

Arabic is the first language spoken by the various Palestinian groups. Hebrew is the language of Jewish Israelis and the second language of the Palestinians.

Palestinians have the lowest socio-economic status of all groups in the state. According to 1996 CBS statistics, 28.3% of Arab families and 32.6% of Arab children live below the poverty line. (10) Comparative statistics extracted from the Israeli Central Bureau of Statistics Abstract of 1996 indicate the wide gaps that exist between Arabs and Jews in all the major indicators including: infant mortality rate; education levels; income; employment; and housing density.

There is clear evidence that racist attitudes exist and that racist acts against the Palestinians occur in Israel. In a survey of 400 youths aged 13-18, conducted by the Geocartography Institute for the

local Union of Local Authorities, published in February 1998, it was found that: 44% of Jewish youth believe that Arab citizens should be deprived of at least some of their rights; 19% favoured depriving Palestinians of rights because, "Arabs endanger the state's security, and therefore we need to get rid of them."; and 7% of the youth said "Arabs do not deserve rights in the Jewish state." (11)

Moreover, a 1997 study undertaken by Dr Ofra Mezels of Haifa University and Dr Reoven Kal of Carmel Institute for Social Studies found that in comparison with previous surveys, racism against Arabs is on the rise, particularly among the youth: In 1974, 34% of Jewish youth surveyed hated Arabs, while in 1988, that figure had increased to 39%. (12)



Acre. Photo: Peter Fryer

Notes:

1. The terms "Palestinian" and "Arab" are used interchangeably in this report.
2. S. Kanaana, *Still on Vacation*, The Jerusalem Centre for Palestinian Studies (Jerusalem, 1992) p. 67-71.
3. Estimate by lawyer Wakim Wakim of The National Committee for the Defence of the Rights of the Uprooted in Israel, presented at the first "Conference for Human Rights in Arab Society," held in Nazareth in October 1994.
4. Kanaana, p. 79. Kanaana directs a project based at Birzeit University, located in Ramallah in the West Bank, which documents the Palestinian villages destroyed between 1948 and 1952.
5. Statistical Abstract of Israel, Central Bureau of Statistics, No.49 (Jerusalem, 1998). Table 2.1
6. S. Smooha, *The Orientation and Politicisation of the Arab Minority in Israel*, Haifa University, (Haifa, 1984), p. 74.
7. I. Lustick, *Arabs in the Jewish State*, University of Texas Press, (Austin, TX, 1982).
8. This area and the Palestinian towns and villages falling within it were handed over to Israel by Jordan under the terms of the Rhodes Agreement of 1949.
9. Statistical Abstract of Israel, Central Bureau of Statistics, No.49 (Jerusalem, 1998). Table 2.14 These proportions include East Jerusalem and the Golan Heights.
10. A. Farris & The Advocacy Center for Palestinians Equality in Israel, *Arab Communities in Need and Service Cutbacks: Study of the Budgets and Services of the Ministry of Welfare and the Ministry of Labour*, 1st Report (September 1998) p. 6
11. Cited in *Adalah - Violations of Arab Minority Rights in Israel*, (Shefa 'Amr, 1998) p. 65
12. Cited in *Adalah - Violations of Arab Minority Rights in Israel*, (Shefa 'Amr, 1998) p. 66. The researchers also studied the state curriculum taught in Jewish schools and found that it portrays Arabs as dangerous, murderers, and thieves. See also Kul El-Arab, 30 May 1997.



Discrimination in the Israeli Law

Despite Israel's ratification of the ICCPR and its guarantee to protect all of its citizens against discrimination, Palestinian Arab citizens in Israel are discriminated against in a variety of forms and denied equal individual rights because of their national belonging. Though this discrimination is politically motivated, the Israeli legal system is part of this political context. As well as offering limited provisions for equality or political participation to members of the Palestinian Arab minority, the law in Israel subjects them to three types of discrimination: direct discrimination against non-Jews within the law itself, indirect discrimination through "neutral" laws and criteria which apply principally to Palestinians, and institutional discrimination through a legal framework that facilitates a systematic pattern of privileges(1)

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The "Jewish and Democratic State"

The Declaration of Independence in 1948 defined Israel as both a Jewish and democratic state, committed to the "ingathering of the exiles," and to guaranteeing equality to all its citizens. Yet insofar as Israel defines itself as Jewish, it overrides and compromises the extent to which it can be democratic.

Israel as a Jewish state has been legally defined as resting on three minimum conditions: where Jews form the majority, where Jews are entitled to special treatment and preferential laws, and where a reciprocal relationship exists between Israel and the Jewish people in the diaspora. Yet

"All Persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds such as race, colour, sex, language, political or other opinion, national or social origin, property, birth or other status." International Covenant on Civil and Political Rights (ICCPR)

in all these conditions, the Palestinian Arab minority is both excluded and hence discriminated against: by privileging Jews, the state treats others as second-class citizens.

Constitutional Equality

Israel does not have a formal constitution, but has drawn up a series of Basic Laws that form a constitution in evolution. Prior to 1992, none of these Basic Laws guaranteed any basic rights. However, in 1992 the Basic Law: Human Dignity and Freedom was passed (2) which subsequently authorised courts to overturn Knesset laws that were contrary to the right to dignity, life, freedom, privacy, property and the right to leave and enter the country.

Specifically, however, it did not include the right to equality. Further, section 1A of the law states that it aims to anchor "the values of the State of Israel as a Jewish and democratic state." Given the lack of an explicit law that constitutionally protects

"The Zionist dream is to construct a state which is as Jewish as England is English and France is French. At the same time, this state is to be a democracy on the Western model. Evidently, these goals are incompatible. Citizens of France are French, but citizens of the Jewish state may be non-Jews, either by ethnic or religious origin or simply by choice ... To the extent that Israel is a Jewish State it cannot be a democratic state."

Noam Chomsky (3)

equality for all citizens, this emphasis on the Jewishness of the State again compromised the equal rights protection for the Palestinian Arab minority.

Political Participation

Palestinian Arabs rights to run for elections to the Israeli parliament, the Knesset, are also limited by their acceptance of the notion of the Jewish state. These limits are expressed in the Law of Political Parties (1992) and, in particular, the amendment of section 7A(1) of the Basic Law: The Knesset which prevents candidates from participating in the elections if their platform suggests the "denial of the existence of the State of Israel as the state of the Jewish people." Under this section a party platform that challenges the Jewish character of the state, that for example calls for full and complete equality between Jews and Arabs in a state for all its citizens, can be disqualified, as lists have been in the past.(4) The law demands that Palestinian Arab

citizens may not challenge the state's Zionist identity.

Direct Discrimination

There are two main examples of laws that discriminate against Palestinian Arabs by directly distinguishing between Jews and non-Jews:

- **Citizenship Rights & the Law of Return:** National identity is the main factor in deciding the acquisition of citizenship in Israel. The Law of Return grants every Jew the right to immigrate to Israel. The Nationality Law automatically grants citizenship to all Jews who have done so, and also to their spouses, children, grandchildren, and all their spouses. This privilege is for Jews only. Palestinian Arabs can only get citizenship by birth, residence (after meeting a cumulative list of conditions) or naturalisation.
- **Special Status of Jewish Organisations:** As a result of the World Zionist Organisation- Jewish Agency Law, the Jewish National Fund, Jewish Agency, and World Zionist Organisation have special constitutional status in Israel and are known as quasi-governmental bodies. They are Jewish organisations which explicitly aim to benefit Jews only, but have authority for certain governmental functions, including developing the land and housing projects and settlements. Their activities are co-ordinated with the government and are given tax benefits, and they have a lot of influence on decision-making boards (particularly in agriculture and land use). The Palestinian Arab minority is excluded entirely from these functions as either beneficiaries or participants. Further no government organisations perform the same functions for non-Jews. Consequently, Palestinian Arab needs are systematically disregarded.

"It implies that on a decidedly fundamental level there is no real equality between Arab and Jew in Israel. The state is the state of the Jews, both those presently resident on the country as well as those resident abroad. Even if the Arabs have equal rights on all other levels the signal is there: Israel is not their state."
David Kretzmer, UN Human Rights Committee Member (5)

Indirect Discrimination

More widespread is the use of "non-discriminatory" criteria in statutes that lead to differences in the treatment of Jews and the

Demonstrating council workers unpaid for 4 months.

Palestinian Arab minority:

Photo: Al-Sinnara Newspaper.

- **Military Service:** Many government preferences and benefits in Israel are conditioned on performing military service. Whilst military service is technically compulsory for all citizens, by discretion the vast majority (90%) of Palestinian Arabs are not required to serve; whereas the majority of Jews do. As a consequence, they do not receive the wide range of benefits, including larger mortgages, partial exemptions from course fees, and preferences for public employment and housing. The discriminatory factor is that in many cases the link between the benefit offered and the requirement for military service is tenuous, often as in employment opportunities, and that government offices provide benefits beyond what is legislated. The most celebrated example of this was the level of state child benefits, which until 1997 were conditioned on military service, rather than more obvious socio-economic factors.
The impression that this is a mechanism for privileging Jews is borne out by the fact that Jewish Yeshiva students, who like Arab citizens do not serve, are granted the benefits anyway, a policy which has been upheld by the courts.(6)
- **Place of Living:** The government categorises the country into different zones and awards different statuses and benefits to different towns. For instance, it denotes certain areas national development areas, which then makes them eligible to receive benefits including special tax incentives for industry, educational programmes, and housing incentives. These areas are supposed to be determined according to socio-economic criteria. Yet the zones are drawn to include a disproportionate number of Jewish localities rather than Palestinian Arab ones. For example, in the 1998 classification, out of the 429 localities accorded Development Area A status, only 4 were Arab, despite the fact that Arab towns and villages are consistently at the bottom of the socio-economic scale. The zoning was used to exclude the vast majority of the Palestinian Arab minority from these benefits.

Institutional Discrimination

The Palestinian Arab minority in Israel is discriminated against by the aspects of the legal system which allow the government to adopt discriminatory policies, or the discretionary power that can be used by officials to maintain a systematic pattern of preferences.

Categories	Arabs	Jews	Budgets & Resource Allocation: The Budget Law, which governs state funds, does not specify what proportion should be earmarked for minorities; the decision lies with officials' discretion. Due to their lack of representation in government offices, Palestinian Arabs receive substantially less funding for e.g. local government budgets (usually 50% less), and have less resources allocated for welfare budgets, school facilities or other education programmes. Often this discrepancy is justified by the government running projects in cooperation with the Jewish Agency, thus necessitating only Jewish beneficiaries. (7)
1 Per capita local government budget Shefa Amr (A) & Migdal Ha'Emeq (J), NIS, 1997	1,495	2,587	
2 Proportion population living in overcrowded conditions, 1997	31.6%	5.7%	
3 Proportion of total welfare budget received, 1998	12.5%	87.5%	
4 Proportion families under poverty line, 1996	28.3%	16.0%	
5 No. patients per doctor (Kupat Hoalim), 1998	1,900	1,400	
6 Infant mortality rate per 1,000 live births, 1995	9.1	5.5	
7 Average no. pupils per classroom, 1996	31.0	27.0	
8 Proportion of schools with psychological services, 1996	33%	95%	Uneven Implementation of the Law: There are three ways in which the implementation of the law adversely affects the Palestinian

Arab minority:

1) Positive statutes that the State is expected to enforce or services that the State is required to provide can simply not be implemented in Palestinian Arab communities, such as the Compulsory Education Law, and the provision of truant officers or counsellors, despite the fact that Arab students form 75% of those who drop out of school throughout the whole country.

2) Laws that apply to both Jews and Arabs can be selectively or predominantly implemented on Palestinian Arabs, such as land confiscation laws or house demolitions.
 3) Laws can be implemented with different criteria for Jews and Arabs, such as criteria for family assistance in education programmes or production quotas for agricultural production. Often differences in quotas are maintained due to a lack of Arab representation in decision-making authorities.

The judicial review of this institutional discrimination is limited. To date, there is not one court case where the Supreme Court has accepted a case of discrimination against the Palestinian Arab minority and ruled to protect its rights. It usually accepts the claim of the State that its policies serve national priorities and thus are not discriminatory, or that

different treatment between Jews and Arabs is legitimate, as they are different groups.
 (8) Even when historical discrimination is admitted, the court will not rule to close the gaps, arguing that responsibility lies with the decision-making of the executive.(9)

Recommendations for Action:

Israel should undertake a review of all its legislation, beginning with the laws detailed in this factsheet, to ensure that they are consistent with its obligations under Article 26 of the ICCPR, and offer effective protection from discrimination to all citizens.

In particular, Israel should draft a basic law that explicitly entrenches the right to equality.

Beyond legislation, Israel ought to conduct a thorough reappraisal of the policies of its ministries so as to eradicate a pattern of institutional discrimination against the Palestinian Arab minority, and provide equality in terms of budgetary allocations.

Most importantly, Israel must find the political will to achieve change and work towards full equality for all its citizens.

Further Information:

- D. Kretzmer, *The Legal Status of the Arabs in Israel* (Westview Press, 1990)
- Adalah, *Legal Violations of Arab Minority Rights in Israel* (Adalah, 1998)
- HRA & F. McKay, *The Social, Economic & Cultural Rights of Minorities: The Palestinian Arab Citizens of Israel* (HRA, 1998)

Notes:

1. For a similar schematic analysis see Kretzmer, *The Legal Status of the Arabs in Israel* (Westview Press, 1990) p. 48
2. In 1992 the Basic Law: Freedom of Occupation was similarly passed.
3. Forward to *The Arabs in Israel*, cited in Adalah, *Legal Violations of Arab Minority Rights in Israel* (Adalah, 1998) p. 9
4. For example, *El-Ard v. District Commissioner*, 18 PD II 340 & *Sabri Jiryis v. District Commissioner*, 18 PD IV 673, *Yerdor v. Central Elections Committee*, 19 PD III 365, *Neiman v. Chairman of the Central Elections Committee*, 39 PD II 233. It is true that since this amendment came into effect no lists have been disqualified under section 7A(1), however the legal power still remains there to do so.
5. Kretzmer pp. 42-43
6. For example, *Wattad v. Minister of Finance*, 38 PD III 113
7. For example, the Shajar education programmes offered to weak and disadvantaged students, in which a third of Jewish students have participated, were not until 1998 offered in any Arab communities.
8. For example, *Wattad*, or *Bourkan v. Minister of Finance* 32 PD II 800, *Agbariah v. Minister of Education* 45 PD 222
9. For example, *The Local Council of Daliyat El-Carmel et al v. Prime Minister* (unpublished), cited in Adalah p. 25



Land and Planning Policy in Israel



In 1948, the Palestinian Arab community owned and used most of the land within the State of Israel. Today it owns less than 3% of these lands. Palestinian Arab citizens ability to own or use the rest is severely restricted by a series of discriminatory laws and practices which are detailed below.

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Land Expropriation

93% of the land within the State of Israel is today controlled by the State and is formally known as "Israel lands." This extensive territory has been accumulated by a continual process of land expropriation from private (Arab) owners, that has systematically reduced Arab land ownership to cement Jewish control over all parts of the country.

"After 50 years, 'redeeming' state lands from the state itself to transfer them from the citizens of the state to world Jewry, only so as to prevent Israeli citizens from living on them, not only looks absurd, but has little redemption about it and a lot of racism."
 Orit Shohat, Ha'arezt (4)

This process has been achieved by and an extensive framework of laws and military regulations (see inset overleaf) that have allowed state authorities to confiscate lands for defined purposes (such as requiring areas for military firing ranges or for potential infrastructural projects), or through simply refusing to recognise indigenous land rights (such as the Bedouin in the Negev).(1)

There is little possibility of legal appeal at these confiscation orders since wide powers are given to the executive authorities. Equally, the terms of the expropriation are unreasonable since the compensation levels offered are low and the government determines the value of the land. These terms are often refused, and the land is expropriated without settlement. At all times, a punitive system of land taxation (2) is maintained to encourage private owners to sell their lands incrementally.

State lands in Palestinian Arab areas are often forcibly protected to prevent their former owners continuing to use them by fencing, afforestation and in particular a military

"environmental" unit known as the Green Patrol, which was established to keep trespassers off public lands.(3)

Settling Public Lands

To further the goal of dispersing the Jewish population, the state has maintained a policy of continually establishing new settlements for Jews only. These settlements have had the added function of acting as wedges among concentrations of Palestinian Arab communities.

"Expand and deepen Jewish settlement in areas where the continuity of the Arab population is prominent, and where they number considerably more than the Jewish population; examine the possibility of diluting existing Arab population concentrations... Concurrently, the state law has to be enforced so as to limit "breaking of new ground" by Arab settlements in various areas of the country." The Koenig Report, on Handling the Arabs of Israel (6)

The establishment of these settlements is coordinated principally by the Jewish Agency, rather than the government, which provides houses, infrastructure and also the facilities for basic services. The settlements are established for Jews only (even when they are on public land) and Palestinian Arab citizens are not allowed to move there. There are no parallel settlements established for Palestinian Arab citizens. Despite this policy's obvious contradiction of the equality principle, it has never been successfully challenged in the Supreme Court.

In a case still pending before the courts (5), a Palestinian Arab family tried to buy a house in a new settlement, Katzir, established by the state and the Jewish Agency on state owned land. The Katzir housing committee refused to allow the family to move in on the grounds that they were not Jewish. The family has petitioned the Supreme Court, claiming that this constituted racial discrimination, and challenging the fact that citizens could be excluded from public land through the Jewish Agency. The court has not yet ruled on the matter, hoping instead that the petitioners will reach an out of court settlement. Yet in doing so, the practice that public land can be limited to use by Jews only through the Jewish Agency continues to be upheld.

Public Land Administration

Public land in Israel is administered by the Israel Land Authority (ILA) which as a public body has a legal obligation not to discriminate against citizens. Yet the ILA is heavily influenced by the Jewish National Fund,(7) which acts in the interests of Jews only, and uses a number of methods to limit the land available for development for the benefit of

the Palestinian Arab community, including the following:

Jurisdiction: Putting large areas of Palestinian Arab land under Jewish control, through the creation of regional councils in Arab areas such as the one at Misgav. Limiting the jurisdiction of Palestinian Arab localities has made them increasingly built up compared to Jewish localities. For example, Nazareth has a jurisdiction of 14,200 dunams for 60,000 people; whereas the nearby Jewish town of Nazerat Illit has 34,000 dunams among a population of 45,000, a significant proportion of which was originally Nazareth land. There is increasingly less space in these jurisdictions to cope with natural growth.

“The planning authority within the Ministry of Interior should set a policy on the detailed directions of the development plans in the Arab sector and the special aspects of this sector, to encourage vertical construction, to allow construction on smaller lots and to earmark state lands for public and private construction by the Israel Land Authority.”
Markovitz Commission Report (9)

Zoning: Using land zoning categories (construction, agricultural, industrial) to prevent Palestinian Arab communities from expanding and limit the land that can be built on, or even to deny some communities’ right to exist, as in the case of the unrecognised villages.(8) There are almost no cases of the category of land use being changed for Arab development.

Jewish National Fund: Transferring public land next to Palestinian Arab communities to Jewish National Fund (JNF) ownership which, by the Fund’s constitution, can then only be used by Jews. The recently defeated 1998 Burg-Sharon plan attempted to transfer thousand of dunams in the Galilee, central triangle and Negev to the JNF and so circumvent the legal pressures against discrimination on state lands.

Military Service: Connecting the price at which state lands may be leased to military service, so that the price can vary by as much as 20 times depending on whether the leasee has performed military service or not. This discriminates against Palestinian Arab tenants since over 90% of them do not and are not required to serve in the army

National Planning

To further its demographic goals, a number of other methods are used to differentiate between Jewish and Palestinian Arab communities, including:

National Priorities: Declaring certain towns areas of national priority and granting them significantly higher development budgets and other social and economic benefits to provide incentives to expand the Jewish development towns. In 1998, out of the 429

localities classified as national priority status 'A' areas, only 4 were Arab.

Local Plans: Delaying approval of local development plans for Arab communities. To date, only 29 out of 81 Arab local authorities have had their development plans approved (10). Until central approval of their plans, local authorities are prevented from bidding for development budgets to implement them.

National Plans: Regional and national plans either ignore Arab needs, or contradict and override the plans of Arab local authorities. In the new master plan of the Northern (Galilee) district (11), the issues identified as key problems included: (i) The overwhelming demographic minority of Jewish citizens in many parts of the Galilee. (ii) The geographic continuity of Arab communities. Though the state recently granted Nazareth municipality land on which to build an industrial zone as part of its local development plan, part of that land was subsequently zoned as an environmental area in the Israel 2020 national plan, thus preventing work from beginning.

Arab Participation: Today there is one Palestinian Arab representative on national planning committees. Until recently, there was none. Palestinian Arabs are also severely under-represented on district and local planning authorities.

Forced Evictions

Houses built outside the planning framework or without the appropriate permit are subject to demolition. Yet planning laws are enforced unequally: while illegal building is tolerated in Jewish communities, it is harshly punished among Arab communities. Demolition orders are used to change settlement patterns: a 1996 Ministry of Interior report recorded that though Arab construction accounted for 57% of unlicensed building, it accounted for 90% of all demolitions (13). There are 12,000 demolitions orders outstanding in the Galilee alone.

This policy is particularly hard on residents of a number of villages unrecognised by the state, who are unable to get permits under any circumstances. The entire villages face prosecution in the courts and demolition orders, as well as suffering very hard living conditions: Houses without a permit cannot by law be connected to water, electricity or any other basic service network. The government maintains a policy of denying the villagers basic rights in order to pressure them to move elsewhere. The measures employed to implement this policy, including preventing development, withholding services, and demolishing homes, constitute a policy of forced eviction.

Notes:

1. The issue of land expropriation in the Negev is discussed in Factsheet No. 3: The Arab Bedouin in the Negev.
2. Property tax is raised on land privately owned at a rate of 2.5% pa of the market value of the land.
3. The Green Patrol's brutality has resulted in numerous hospitalisations and even deaths. In 1997 it was expanded to speed up the resettlement of the Negev Bedouin.
4. "Only Jews Need Apply," Orit Shohat, Ha'aretz English Edition, 27/3/98.
5. Supreme Court Petition 9998/95, Kadan v. The Israel Land Authority and others (case still pending) The Kadan family are represented by the Association for Civil Rights in Israel (ACRI).
6. The Koenig Report (1976) on Handling the Arabs of Israel, Israel Koenig, Ministry of Interior; Section 1: The Demographic Problem; published in Swasia vol III No. 41 (15 October 1976) pp. 1-8
7. The governing council of the ILA is comprised of 50% government representatives and 50% representatives of the Jewish National Fund.
8. See also Factsheet No. 4: The Unrecognised Villages.
9. Markovitz Commission Report (1986), chaired by Yaakov Markovitz, Ministry of Interior, Recommendation 13; Translated by M. Ben Joseph.
10. State of Israel, First Periodic Report on its Implementation of the International Covenant on Civil and Political Rights (July 1998), para. 713.
11. Change No. 9 of Regional Master Plan No. 2; planners assigned 5 February 1991; first draft 1992.
12. Expressions of resistance are met with military force, as happened in October 1998 at Wadi Al-Ruha in the central triangle. 500 residents were injured during protests following the forcible closure of an area outside the town of Um El-Fahm.
13. "Build Up, Don't Tear Down," Editorial, Ha'aretz English Edition, 7/4/98.
14. UN Committee for Economic, Social and Cultural Rights, General Comment 7, paragraph 1, HRI/GEN/1/Rev. 3, p. 94 Israel is a state party to the International Covenant on Economic, Social and Cultural Rights.



HRA Home

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The Unrecognised Villages



There are over 100 Palestinian Arab villages¹ in Israel that the government does not recognise officially. Over 70,000 Palestinian Arab citizens live in villages that are threatened with destruction, prevented from development and are not shown on any map. Despite the fact that most of the “unrecognised villages” existed before the establishment of Israel, state policy considers their inhabitants as lawbreakers. It prevents them from repairing existing homes or building new ones; withholds basic rights, such as drinking water and health clinics; and in certain cases even fences off whole villages. These measures coincide with a wider policy of concentrating Palestinian Arabs and “redeeming” their lands for new Jewish mitzpim² settlements. Many of these settlements are built next to their unrecognised neighbours, often illegally, yet with a complete provision of services.

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Planning and Construction Law

The villages were delegalised by the enactment of the (1965) Planning and Construction Law. This law set down a framework of regulations and a national outline plan for the country's future development. It zoned land for residential, agricultural and industrial use, and forbade any form of unlicensed construction or construction on agricultural lands. The unrecognised villages were not incorporated into the planning schemes, and their lands were reclassified as agricultural. Villagers were not consulted on either the law or its plans.

As a consequence, existing buildings in these villages were unable to get permits, and those which already had them, such as schools, had them removed. The ownership of the

"The Committee notes with deep concern that a significant proportion of Palestinian Arab citizens continue to live in unrecognised villages where they have no access to water, electricity, sanitation and roads. Such existence has caused extreme difficulties for the villagers in regard to their access to health care, education and employment opportunities. In addition, these villagers are continually threatened with

lands was not disputed, but the law created a situation in which the whole community as well as each individual house became instantaneously illegal. The fact that the house may have been built before the law was not important compared to the new fact that it was now on agricultural land. Since the villages were unrecognised, they had no local authority to apply for a change in the status of their lands, and no representation on regional or national planning committees.

demolition of their homes and confiscation of their land."
UN Committee on Economic, Social & Cultural Rights (3)

Demolitions

The Planning and Construction Law allows the planning authorities to prosecute homeowners for building without a permit and to demolish their houses when it is deemed to be in the public interest. Moreover the law allows the courts to issue demolition orders retroactively. 4 this is significant because 95% of the houses in the unrecognised villages were built before this legislation was enacted.5

The Markovitz Committee

The political use of these legal powers was amplified following the report of the Markovitz Committee on unlicensed construction in the Arab community, which made 3 main recommendations:6

Demolition of 1,000 existing unlicensed houses immediately, and the administrative demolition of all new unlicensed construction.

Classification of 4,419 houses (ie those of the unrecognised villages) as "grey" houses, that are slated for demolition at a later date and in the meantime are not entitled to any services, and cannot be repaired.

Granting powers to administrators of regional



Mohamed Suweid, in front of his demolished house, Im Al-Sahali

Photo: Association of Forty archives
 Case Study | Im Al-Sahali

On 2 April 1998, 3 houses in Im Al-Sahali were demolished and 44 hospitalised in a police operation described as a "brutal assault" in reports. (10) The 3 houses had been home to 27 people and had been built between 30-40 years prior to the demolition.

The unrecognised village of Im Al-Sahali lies 200m to the south of the Palestinian Arab town of Shefa Amr, on 81 dunams of land owned by

planning committees to issue demolition orders without going to court; and the establishment of a "grey" unit empowered to implement these administrative demolition orders.

In the wake of the Markovitz report, article 238A was amended to allow officials to issue administrative demolition orders on houses within a month of their completion. Consequently, planning officials maintain monthly check ups of the villages through aerial photographs and visits. Villagers have been prosecuted for extensions, repairs and even fitting a toilet.

Demolition Policy

Home demolition is a planning policy choice rather than a legal requirement. Article 97A allows for retroactive approval for buildings established on agricultural land, and was used to retroactively legalise the illegally built mitzvim settlements.⁷ Equally, the demolition policy is implemented unevenly: A 1997 Interior Ministry report on house demolitions admitted that it focused on "open" (unrecognised) areas. Between 1993-1996, 1440 Palestinian Arab houses were demolished, 624 of them outside of any court process.⁸ During this period, Arab homes accounted for 94% of all demolitions, despite forming only 57% of all recorded unlicensed building.

In court appeals, villagers have found that all building in the unrecognised villages has been defined as against the public interest.⁹ They are usually required to demolish their own homes, which then go unregistered in the statistics. Should they fail to do so, they are fined for contempt of court and can be imprisoned for up to a year. Equally the authorities can implement the demolition order at the cost of the homeowner. Once issued, demolition orders cannot be cancelled. However, since the "grey houses" cannot be repaired, and houses that are found to be hazardous can be demolished immediately, the authorities implement orders randomly, and wait until the other houses become unlivable.

the villagers. Residents' ID cards, voting slips and post are all addressed to Shefa Amr, which is where they receive health and education services. However, the village is placed under the jurisdiction of Emeq Yisrael Regional Council, which has zoned the land as agricultural.

In the early 80s, villagers' land to the north and east of Im Al-Sahali was rezoned to establish the new settlement of Adi. In 1991, the Regional Planning Committee applied for retroactive demolition orders for the houses in Im Al-Sahali. At the second court hearing in 1994, the Haifa District Court issued demolition orders on 15 houses, unless they could obtain permits within 3 years. (11) Subsequently, the High Court refused the villagers the right to appeal against this decision.

During the 3 year period, the Regional Council refused to extend Shefa Amr's jurisdiction to include Im Al-Sahali, and also refused to rezone the lands to be part of Adi, arguing that Arab residents could not be incorporated into the settlement. They insisted on the villagers' relocation. Once the 3 year period expired, the authorities were able to implement the order. When the villagers rebuilt their homes, new administrative demolition orders were issued on the houses. These orders are still outstanding.

Deprivation of Services

Beyond the consequences of a very high population density within the unrecognised villages, with an average of 10 people per house, there is also a clear policy to make the villages unlivable through depriving their residents of basic rights and services. For example, a 1993 internal report for Misgav Regional Council¹² on how to concentrate the residents of 22 unrecognised villages includes the following methods of pressure: obstructing villagers' farming, neglecting to provide school transport from the villages, failing to meet the residents' needs for health services and withholding drinking water.

This policy is entrenched in law under article 157A of the Planning and Construction Law which prohibits national utility companies from connecting a building to national electricity, water or telephone networks if they have no building permit. It was designed specifically to dislodge residents from the unrecognised villages.

Consequences

According to Association of Forty surveys, the consequences of these policies on 150 unrecognised localities are as follows:

Water: 130 localities are not connected to the water network. The residents transport water from neighbouring villages. The quality and quantity of water available for each resident is far below normal health standards. Following a 1992 International Water Tribunal ruling that government policy was illegal, one tap has been fitted for each village.

"The jury is unable to countenance any governmental action which uses the denial of water as a means of enforcing zoning or planning. These policies have a negative effect on the health of the populations in the "unrecognised villages." The jury deplors the denial of water of sufficient quality and quantity."
Jury of International Water Tribunal (14)

Health & Sewage: Health services are only available in 4 Galilee villages and in 1 village in the Negev. None are connected to a sewage network. Many homes do not have bathrooms and cannot build them. Outbreaks of jaundice and diarrhea among children have occurred due to polluted water.¹³

Electricity: Only one village is connected to the electricity network. Most villages run private generators that provide sufficient electricity for lighting only.

Access: None of the villages are connected to the main road network, whereas nearby Jewish settlements are connected. Some villages have fences placed around them, to prevent the villagers from gaining access to their traditional lands.

Education: Schools were closed in 3 unrecognised villages in the North, and only 1 remains. In other villages students travel 10-15km to school. Due to distance and the lack of a suitable study environment at home, achievement levels are low and there is a high student dropout rate. eg In Arab El-Naim (pop. 400) only one student has ever completed high school.

Recognition

In the early 90s the government agreed to recognise 9 of the unrecognised villages in the north and centre, and to partially adopt some of the solutions of the Association of Forty plan. Despite this decision, none of the meaningful effects of recognition have yet been carried out. The budgets put aside in 1996 to implement recognition have still not been released by the parliamentary finance committee. In some villages the area to be recognised has been reduced to 20% of the area originally agreed and in others up to 40% of the existing houses have been left off the approved plan. (15) In all the villages demolition orders are still outstanding, and in some new ones have continued to be issued.

Recommendations for Action:

Israel should undertake a fundamental review of its policies towards the unrecognised villages. In particular, it should immediately stop its policy of home demolitions and withdrawing basic services as a means of pressure.

Israel should adopt a policy for the unrecognised villages based on the right to development and on the solutions of the alternative plan of the Association of Forty, including: recognition of 45 villages as independent; development of agricultural villages; incorporation of other villages into the jurisdiction of their neighbours; providing a proper solution for individual houses; and immediate provision of all basic rights such as clean water, electricity, sewerage and roads.

In light of its international commitments, Israel is obliged to develop a policy of affirmative action to address the disparities in living conditions between the citizens of the unrecognised villages and the rest of Israeli society.

Further Information:

- [Regional Council for the Unrecognised Villages in the Negev](#),
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- [The Association of Forty](#)
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Notes:

1. There is no exact figure for the number of unrecognised villages, since there is no clear definition of what constitutes a village. Government officials claim that villages are unrecognised because they are too small. Yet the Jewish settlement of Lavon is recognised despite just 2 families living there, whereas the Arab village of Im-Tnan `has over 2,000 residents and is not.
2. The mitzpim "lookout" settlements were established as part of the Judaisation of the Galilee programme to change the demographic balance of Arab areas.
3. UN Committee on Economic, Social and Cultural Rights, Concluding Observations - Israel, 19th session, (Dec 1998); E/C.12/1/Add.27; para. 27
4. Article 215(5) allows the court to issue demolition orders on houses where the builder cannot be tried. This has been interpreted to include retroactive cases where the statute of limitations would normally apply. See: Exceptional case 78/874 High Court, Suweid et al v. Central Galilee Planning Committee.
5. All statistics on the unrecognised villages in this factsheet are taken from Association of Forty, an Arab NGO established in 1988 to coordinate the struggle for the rights of the unrecognised villages. The villages are excluded from government statistics.
6. Markovitz Committee (1986), chaired by Yaakov Markovitz
7. All mitzpim were built illegally on land zoned as agricultural on the district plan. Article 97A allows a district committee to approve amendments to its plan that are in keeping with British Mandate regulations. It was used to approve the mitzpim plans retroactively, months after work had started.
8. Report cited in A. Ashkar, What's Happening Today in the Galilee, Triangle and Negev, Fasl Al-Maqal, 31/1/97
9. Haifa District Court, 592/93, Suweid v. Emeq Yisrael Planning Committee
12. Report prepared by Yuram Avidor, Coordinator for Bedouin Affairs, Misgav Regional Council; cited in Saut Al-Qura, Issue 32, March 1995.
13. See: Housing For All? Implementation of the Right to Adequate Housing for the Arab Palestinian Minority in Israel, ACCHRI (Nazareth, 1996), p.35
14. International Water Tribunal, Amsterdam, The Galilee Society v. the State of Israel, 19/2/92, The Jury's Pronouncement, paras. 6-8
15. In Kamaneh, the central neighbourhood of Al-Jalasi and those parts of East and West Kamaneh nearest to the neighbouring Jewish settlements have been left off the approved plan and are still threatened with demolition.



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