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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by the Adalah – Legal Center for Arab Minority Rights in Israel, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2013]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Discrimination, dispossession, and displacement: Israel's on-going violations of the land, planning and housing rights of its Palestinian Arab citizens<sup>1</sup>**

Through discriminatory laws, practices, and policies, Israel systematically violates the land, planning and housing rights of its Palestinian Arab citizens, a national minority comprising approximately 20% of the population. These policies, which include home demolitions, land dispossession and forced displacement, are particularly prevalent in the Naqab (Negev) in the south of Israel, affecting thousands of indigenous Arab Bedouin citizens. Since September 2011, the Israeli government has sought to legalize its displacement policy through the "Praver Plan" and its draft implementing legislation, which has received strong criticism from the international community<sup>2</sup> including the UN Special Rapporteur (SR) on Adequate Housing.<sup>3</sup> This written submission provides an overview of displacement in the Naqab and updates on the Praver Plan; additionally, it addresses Israel's discriminatory land and planning regime inside Israel, a development model of systematic exclusion that is replicated in the OPT.

### **Indigenous Arab Bedouin citizens of Israel: Ongoing displacement in the Naqab<sup>4</sup>**

For over 60 years, Israel has pursued policies of displacement and dispossession of Arab Bedouin from their ancestral land. The indigenous Arab Bedouin community, which today numbers 200,000 people (over 30% of the population of the Naqab), has inhabited the Naqab since the 7<sup>th</sup> century.<sup>5</sup> Some 70,000 Arab Bedouin currently live in 35 "unrecognized" villages that either predate the establishment of Israel in 1948, or were created by Israeli military order in the 1950s. Nonetheless, Israel refuses to recognize these villages and considers their inhabitants "trespassers on State land". Israel denies these

<sup>1</sup> Adalah ("Justice" in Arabic) is an independent human rights organization. Established in 1996, it works to promote and defend the rights of Palestinians in Israel and the Occupied Palestinian Territory (OPT). Adalah has special consultative status with ECOSOC. Adalah welcomes the opportunity to contribute to the 22nd Session of the UN Human Rights Council, and particularly to support the findings and recommendations of the Special Rapporteur on Adequate Housing following her mission to Israel on the Occupied Palestinian Territory (OPT) in 2012. This document outlines our key concerns with regard to the land, planning and housing rights of Palestinian Arab citizens of Israel.

<sup>2</sup> For example, in March 2012, the UN Committee on the Elimination of Racial Discrimination in its concluding observations called on Israel to withdraw the Praver Plan legislation on the grounds that it was discriminatory (para. 20). See: <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.ISR.CO.14-16.pdf>.

In July 2012, the European Parliament passed a historic resolution calling "for the withdrawal of the Praver Plan by the Israeli Government" and an end to its policies of "house demolitions, forced displacements [and] public service limitations". See: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0298+0+DOC+XML+V0//EN&language=EN>.

<sup>3</sup> Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik. A/HRC/22/46/Add.1, 24 December 2012.

<sup>4</sup> See Adalah, "The Arab Bedouin and the Praver Plan: Ongoing Displacement in the Naqab." November 2012: <http://www.scribd.com/doc/122424008/The-Arab-Bedouin-and-the-Praver-Plan-Ongoing-Displacement-in-the-Naqab>.

<sup>5</sup> Aref Abu-Rabia, "The Bedouin Refugees in the Negev," *Refuge*, Vol. 14, No. 6 (November 1994).

citizens access to water, electricity, sewage, education, health care and roads so as to pressure them to abandon their ancestral land for over-crowded and impoverished state-planned townships, or “recently-recognized” villages that similarly lack all basic services.

Examples of home demolitions in the unrecognized villages:

- The unrecognized village of Al-Araqib has been completely demolished 45 times since July 2010 in order to clear the land for forestation. The village is threatened by the Ambassadors Forest, funded by foreign embassies in Israel, and God-TV Forest, the plantation effort of an evangelical Christian television network.<sup>6</sup>
- Residents of the villages of Atir and Umm el-Hieran face home demolition and eviction orders to make way, respectively, for the expansion of Yatir forest and for a new, exclusively Jewish, town named “Hiran”.<sup>7</sup>

Examples of the lack of access to water and electricity:

- The Israeli Supreme Court ruled that there is a constitutional right to water; however, Arab Bedouin citizens living in the unrecognized villages are entitled only to “minimal access to water”, forcing most villagers to obtain drinking water several kilometers away from their homes, often via unhygienic hoses or buckets, and at their own expense.<sup>8</sup>
- Many public schools in the unrecognized villages are not connected to electricity.<sup>9</sup>

Examples of new plans for development-induced displacement:

- In October 2011, the government announced a decision to establish seven new Jewish towns, some of them on the land of existing Arab Bedouin villages.<sup>10</sup>
- In March 2012, the government approved the plan for “Intelligence City,” a military intelligence complex to be constructed partially on the villages of 9,000 Arab Bedouin.<sup>11</sup>

<sup>6</sup> See Adalah press release, “One year later in Al-Araqib: Rebuilding, Destruction and Resilience.” 27 July 2011: [http://www.adalah.org/eng/pressreleases/pr.php?file=27\\_07\\_11](http://www.adalah.org/eng/pressreleases/pr.php?file=27_07_11).

<sup>7</sup> See Suhad Bishara and Haneen Naamnih, “Nomads Against Their Will: The attempted expulsion of the Arab Bedouin in the Naqab - The example of Atir-Umm al-Hieran.” *Adalah*. September 2011: <http://www.adalah.org/eng/publications/Nomads%20Against%20their%20Will%20English%20pdf%20final.pdf>; see also Adalah, “Adalah & Bimkom Demand Cancellation of Yatir Forest Plan in the Naqab,” 30 December 2011: <http://www.adalah.org/eng/?mod=articles&ID=1173>.

<sup>8</sup> See Adalah, “Adalah Submits Second Appeal for Arab Bedouin in the Unrecognized villages in the Naqab for Access to Drinking Water,” 29 March 2012: <http://www.adalah.org/eng/Articles/1522/Adalah-Submits-Second-Appeal-for-Arab-Bedouin-in-in->

<sup>9</sup> See Adalah, “Adalah Demands that Education Ministry Connect 17 Arab Bedouin Schools in Israel with over 9,200 Pupils to Electricity,” 5 August 2012: <http://www.adalah.org/eng/Articles/1822/Adalah-Demands-that-Education-Ministry-Connect-17->

<sup>10</sup> See Adalah, “Adalah Demands that Education Ministry Connect 17 Arab Bedouin Schools in Israel with over 9,200 Pupils to Electricity,” 5 August 2012: <http://www.adalah.org/eng/Articles/1822/Adalah-Demands-that-Education-Ministry-Connect-17->

<sup>11</sup> See Association for Civil Rights in Israel. “Stop Government Plan to Build 7 New Settlements around Arad,” 14 August 2012: <http://www.acri.org.il/en/2012/08/14/acri-petitions-high-court-to-stop-government-plan-to-build-seven-new-settlements-in-around-arad-at-existing-residents-expense/>.

## **The Praver plan: Recent revisions fail to address injustice of Israel's displacement policy**

In September 2011, the government approved the Plan for the Regulation of the Settlement of the Bedouin in the Negev ("Praver Plan"), which was drafted without any participation of the Arab Bedouin community.<sup>12</sup> Following the plan's approval and in response to local and international criticism, Minister Benny Begin was appointed to carry out a three-month public consultation with the community and representatives.<sup>13</sup> On 27 January 2013, Begin's recommendations to the Praver Plan were approved by the government and will be incorporated into the Praver Plan and draft law to be submitted soon to the 19<sup>th</sup> Knesset.<sup>14</sup> Begin's recommendations, while using more conciliatory tone and language, fail to remedy the unjust and unrealistic plan for the Arab Bedouin community.

Specifically, the Praver Plan, including Begin's recommendations:

1. Legitimize the displacement, dispossession and eviction of tens of thousands of Arab Bedouin citizens of Israel;
2. Fail to recognize ownership rights of the Arab Bedouin to their ancestral land or specify the recognition of any villages;
3. Strip the court of its judicial review powers to intervene against unfair state land and planning measures, thereby suspending the rule of law, due process, and the constitutional rights of Arab Bedouin citizens;
4. Were not based on meaningful consultations with the Arab Bedouin community, since Begin's post-facto consultations cannot be considered a substitute for participatory planning processes and genuine community involvement;
5. Have been rejected by the Arab Bedouin community.

## **Discrimination in access to housing for Palestinian Citizens of Israel**

Throughout the country, discriminatory laws, practices and policies advance the land, housing and planning rights of Jewish citizens of Israel above or at the expense of the rights of the Palestinian Arab citizens. These laws directly and indirectly affect the ability of Palestinian citizens of Israel to achieve their full rights to adequate housing and equal access to land, including through the following:

### **Admission committees**

In March 2011, Israel passed the Admissions Committee Law, which allows committees in small community towns to reject applicants on the grounds that they are "socially unsuitable." The law applies to around 475 small towns located on public land in the Galilee and the Naqab, which compose 46% of all communities in Israel and 65% of all rural communities. Admissions committees can de facto discriminate on the basis of race

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<sup>12</sup> See Adalah, "Adalah, Bimkom, the RCUV and Arab Bedouin Living in the Naqab File Objection to Plans for Israeli Army "Intelligence City," 25 March 2012: <http://www.adalah.org/eng/?mod=articles&ID=1527>.

<sup>13</sup> See Adalah and ACRI's Formal Objection to Praver Plan Law, April 2012: <http://www.acri.org.il/en/wp-content/uploads/2013/02/ACRI-Adalah-Praver-April12.pdf>.

<sup>14</sup> For English translation of the Begin Report, see: [http://adalah.org/Public/files/English/Legal\\_Advocacy/Discriminatory\\_Laws/Begin-Report-English-January-2013.pdf](http://adalah.org/Public/files/English/Legal_Advocacy/Discriminatory_Laws/Begin-Report-English-January-2013.pdf).

and national belonging to prevent Arab citizens from living in the communities. Adalah and the Association for Civil Rights in Israel have filed petitions to the Supreme Court challenging the constitutionality of this law.<sup>15</sup>

### **Land administered by the Jewish National Fund (JNF) and Israel Lands Authority (ILA)**

The JNF owns approximately 13% of the land in Israel, administered by the ILA, a public institution. The JNF has publicly declared that these resources are to be distributed only to Jewish citizens, and that “the JNF does not have to act with equality towards all citizens of the state.”<sup>16</sup>

### **Conditioning housing benefits on national or military service**

The majority of Palestinian citizens of Israel are exempted by the state from performing military service for historical and political reasons. However, generous benefits, including in housing, are extended to former soldiers, resulting in de facto discrimination. Recently, the Nazareth District Court refused to cancel a bidding process for building rights on public land in Nazareth that conditioned eligibility to bid on the individual having completed service in the “security forces.”<sup>17</sup> Nazareth is an Arab town of 80,000 people, the overwhelming majority of whom do not serve in the military.

### **The recognition of ‘individual settlements’ in the Naqab**

Amendment (2010) to the Negev Development Authority Law (1991) allows for the retroactive legalization of existing “individual settlements” and for the allocation of land for new individual settlements in the Naqab. Individual settlements, the majority of which were built without permits and contrary to planning laws, are a state tool to provide individual Israeli Jewish families with hundreds and sometimes thousands of dunams of land for their exclusive use. Many individual settlements are located near Arab Bedouin villages, which remain “unrecognized.”<sup>18</sup>

### **Denying the land planning rights of Arab citizens of Israel**

Israel has refused to allow Arab towns to expand their jurisdiction or to access lands necessary for their development, often reserving land instead for Jewish settlement or national parks and forestry projects. Examples include the confiscation of land from the Arab town of Daliyat al-Carmel for a national forest.<sup>19</sup>

<sup>15</sup> See Adalah, “Expanded Panel of 9 Supreme Court Justices Hears Case against “Admissions Committee Law.” 11 December 2012: <http://www.adalah.org/eng/?mod=articles&ID=1884>.

<sup>16</sup> See Adalah, “JNF and State to Reach Agreement Regarding Marketing of JNF-Controlled Land,” 27 September 2007: [http://www.adalah.org/eng/pressreleases/pr.php?file=07\\_09\\_27](http://www.adalah.org/eng/pressreleases/pr.php?file=07_09_27).

<sup>17</sup> See Adalah, “District Court Refuses to Cancel “Security Forces” Condition as Prerequisite for Bidding for Plots of Land in Arab Nazareth,” 24 January 2013: <http://www.adalah.org/eng/Articles/1915/District-Court-Refuses-to-Cancel-%E2%80%9CSecurity-as-of>.

<sup>18</sup> See Adalah, “Israeli Supreme Court Upholds Planning Authority Decision to Establish Individual Settlements in the Naqab as part of its “Wine Path Plan” Despite Discrimination against Arab Bedouin Unrecognized Villages,” 28 June 2010: [http://www.adalah.org/eng/pressreleases/pr.php?file=27\\_06\\_10\\_2](http://www.adalah.org/eng/pressreleases/pr.php?file=27_06_10_2).

<sup>19</sup> See Adalah, “Haifa District Court Dismisses Adalah’s Petition Demanding Cancellation of “National Park and Existing Forest Har Shokif” Master Plan that Threatens the Displacement of Daliyat al-Carmel,” 8 June 2011: [http://www.adalah.org/eng/pressreleases/pr.php?file=08\\_06\\_11](http://www.adalah.org/eng/pressreleases/pr.php?file=08_06_11).

In 2009, Israel passed a law implementing a new ‘National Priority Areas’ system to provide additional budget allocation to designated areas (including illegal settlements in the OPT). The new system, however, leaves considerable discretion to individual ministers to decide which areas qualify for additional budget, and how to distribute benefits, posing substantial threat for discrimination against Arab towns in Israel. The Ministry of Housing published its new list of areas in January 2012; Adalah is closely monitoring the issue.<sup>20</sup>

Adalah calls upon the Human Rights Council to:

- Reaffirm the concluding observation of UN CERD, urging Israel to withdraw the Praver Plan;
- Promote the Alternative Master Plan for the Bedouin villages that, on the basis of equality, recognizes the Bedouin villages in their existing locations, using the traditional land system as a foundation for future planning;<sup>21</sup>
- Call on Israel to fully comply with its international human rights obligations and implement all Concluding Observations of UN Treaty bodies regarding the land, housing and planning rights of Palestinian citizens of Israel;
- Fully support the recommendations of the SR on Adequate Housing that call on Israel to *inter alia* revise laws to guarantee the protection of the right to adequate housing, and repeal any discriminatory legislation;
- Adopt the comprehensive framework of the SR on Adequate Housing in order to appropriately address Israel’s single “development model that systematically excludes, discriminates against and displaces minorities in Israel and which has been replicated in the occupied territory since 1967.”

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<sup>20</sup> Adalah Position Paper “On the Israeli Government’s New Decision Classifying Communities as National Priority Areas”, February 2010:  
<http://adalah.org/newsletter/eng/feb10/docs/english%20layout.pdf>.

<sup>21</sup> See, Bimkom. “The Alternative Master Plan for all the Unrecognized Bedouin villages.” November 2011: <http://eng.bimkom.org/Index.asp?ArticleID=147&CategoryID=101&Page=1>.