
Four Cases of Segregated Spaces¹

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Case 1: A Home for the Sawaeds

Adel Sawaed has tackled obstacle after obstacle in his quest to fulfill the simple dream of building a home on his family's privately-owned land in Kamoun.

From his home in Kamoun in northern Israel, Adel Sawaed has a hilltop view that most real-estate developers can only dream of. On a clear day, the valley before him exposes not only the Sea of Galilee, but also stretches to reveal the Golan Heights. It is an awe-inspiring sight, and not one he will surrender without a struggle.

Since June 2000, Adel, a Palestinian Bedouin citizen of Israel, has been fighting a court order to demolish his family home, obtained by the Misgav Local Planning and Building Committee (MLPBC). According to the MLPBC, Adel built his house “illegally” because he failed to gain its permission to build on his family’s land. Adel had applied for a building permit following his marriage to Itaaf in 1997, but after failing to receive a response from the MLPBC, he decided to go ahead with the construction of a temporary home in 1998. In 1999, Adel was criminally indicted for building this home without a permit. He had to wait until August 2004 for the MLPBC to decide

whether or not it would grant him permission to build a permanent home. Ultimately, the MLPBC decided to reject his application.

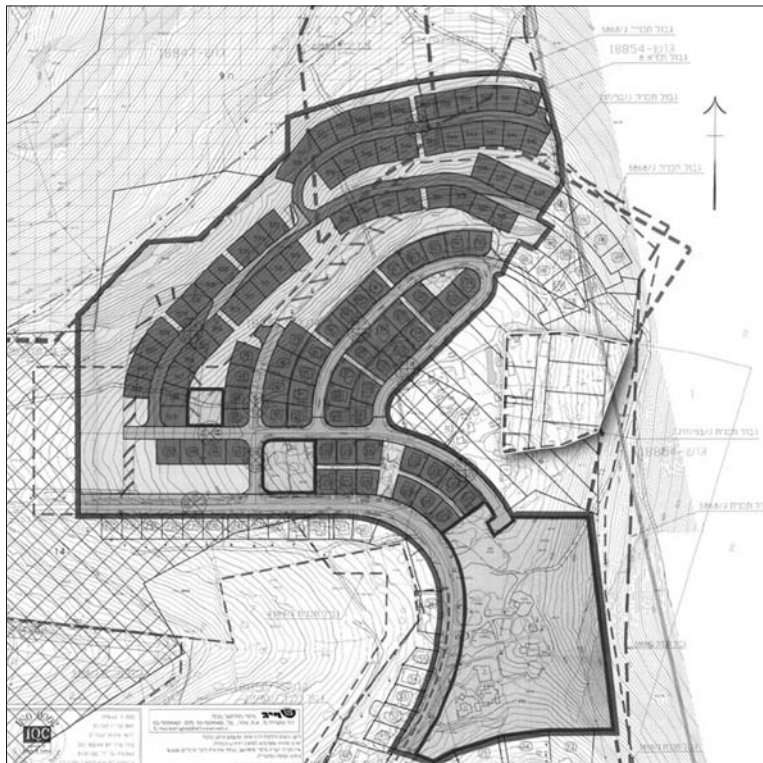
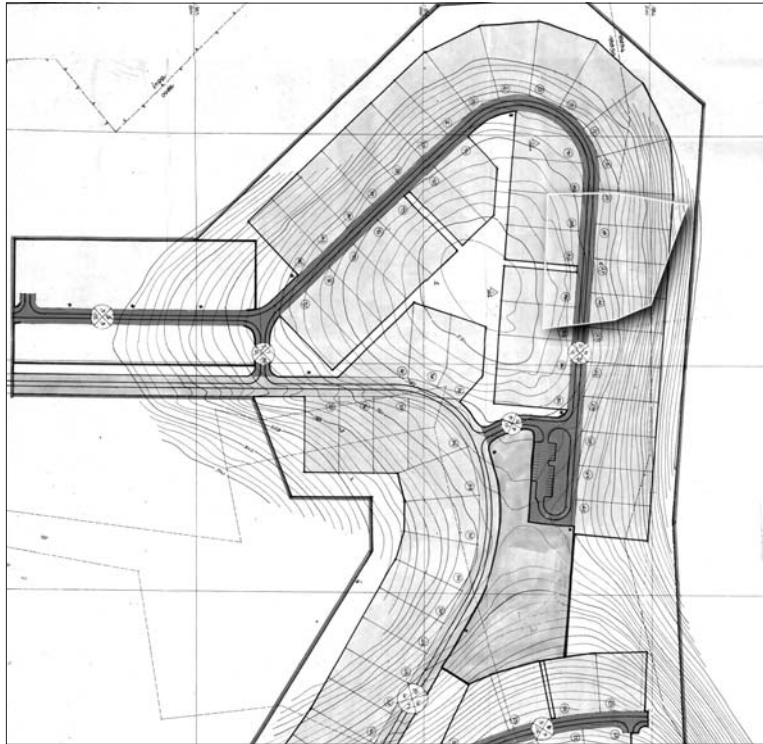
The challenge of achieving a building permit on this particular hilltop is the direct result of his home’s apparently awkward location. Although the Sawaed family bought the land on which Adel’s home now sits in 1919, and settled on it shortly afterwards, the construction of the Jewish settlement of Kamoun during the 1980s and 1990s has frustrated the family’s attempts to build on its own land.

Family roots

With a population of 500, the gated community town of Kamoun now surrounds the Sawaeds’ land, effectively encircling it with family villas developed in the style of American suburbia. In the midst of this Jewish town, the Sawaeds present an Arab anomaly – a Palestinian Bedouin family in the heart of a Zionist community. Adel believes that the MLPBC refused to issue him a building permit because it wants to drive him and his family away in order to create an exclusively Jewish settlement. He says that the Ministry of Construction and Housing has actively encouraged him to move to Kamaneh, a Palestinian village located further



An aerial photograph of Kamoun houses surrounding the Sawaeds' plot



Planned isolation: the increasing isolation of the Sawaeds' plot from the planning environment

down the hill, by offering financial incentives.

Adel's claims are supported by the three master plans that have been drawn up for Kamoun. The first master plan, approved for the site in 1984, disregarded the presence of the Sawaeds' plot in the area it designated as "residential." However, this approach proved unsustainable. When the land and planning authorities realized the Sawaeds would not voluntarily make way for new Jewish villas, they began to implement a different strategy.

Planned isolation

The master plan approved in 1995, and that submitted to the Northern District Planning and Building Committee (NDPBC) in March 2005, both illustrate that the MLPBC, the Misgav Regional Council (MRC) and the Kamoun Local Committee (KLC) have been intensifying their attempts to isolate the Sawaeds' property from the surrounding infrastructure. For Adel and his family, this strategy presents a double bind. On the one hand, Adel is told he is denied permission to build on his own land because it lacks the requisite infrastructure. On the other hand, consecutive master plans clearly advertise an intention to ensure that the Sawaeds' plot becomes increasingly isolated from the surrounding infrastructure. The conclusion is clear: permission to build on the Sawaeds' plot will only be granted when ownership is transferred to the state; in other words, when the Sawaeds themselves leave.

But Adel feels a strong connection to his family's land, and is determined not to be moved. He says his father, now 80-years-old,

was born on this land, and that his grandfather also lived in the area. Since the end of the Ottoman era and the beginning of the British mandate period, his family has maintained a presence here, he says.

Hostility and friendliness

The Sawaeds' historic attachment to their land has failed to impress Kamoun's Jewish residents, some of whom complain that their decision to move to Kamoun was taken following assurances from the Jewish Agency that the Arab family in their midst would be moved elsewhere. However, the Sawaeds have encountered friendliness as well as hostility. Itaaf is very active in the local women's groups, says Adel, and points with pride to the framed samples of his wife's craftwork hanging on the wall in their living room. One neighbor even offered to connect Adel's home to his own electricity network after the authorities refused to allow Adel to link his home to the electricity grid serving the Jewish community.

Then, when Adel bought a generator to provide his home with electricity, some of Kamoun's residents began to complain that it made too much noise. This drew the attention of the MRC, which suggested that he build a room in which to house the generator. Adel replied that if he were to build a room, he ought to be allowed to live in it, and was eventually granted permission to connect his home to the grid.

Staying optimistic

Following Adalah's legal intervention on his behalf in July 2003, Adel secured an agreement

that his temporary home would not be demolished, pending the MLPBC's decision on his application for a building permit. The agreement also contained provisions to ensure that if the MLPBC decided to reject Adel's request for a building permit and ordered the demolition of his home, it had to provide 30 days' advance notice to enable him to file an appeal.

In August 2004, the MLPBC rejected Adel's application, recommending that he either apply to lease a plot of land in the nearby Arab village of Kamaneh, or exchange his plot of land for land in Kamaneh in co-ordination with the Israel Land Administration (ILA). Announcing its decision to reject Adel's application for a building permit, the MLPBC based its reasoning, in part, on the argument that it "cannot ignore the social problems that arise from different communities living together in the same small community town, such as Kamoun. For this reason too, the option of [the Sawaeds] living in Kamaneh is preferable."

Both the ILA and KLC adopted the same position as the MLPBC, objecting to the Sawaeds' application for a building permit. In September 2004, Adalah filed an appeal against the MLPBC's decision to the Northern District Appellate Committee (NDAC). As if in response, in February 2005, the MLPBC filed two indictments against Mr. Sawaed, for failing to comply with the demolition order and for building a bathroom without a permit.

In June 2005, however, the Sawaeds finally received a good piece of news. After seven years of legal and bureaucratic struggle, the NDAC decided to accept the Sawaed family's appeal

and to grant a permit for the couple to build a family home on their land in Kamoun. The NDAC's acceptance of the appeal is subject to the fulfillment of a number of conditions, toward which the Sawaeds are now working.

Provided these conditions are met, the decision will offer a welcome reward for the Sawaeds' steadfast approach to their predicament. Despite the numerous obstacles they have encountered, Adel has always remained positive about his quest to stay on his family's land. Asked how he feels about the progress of his struggle, his reply is emphatic. "My existence here proves that I am optimistic about the case," he says.

Case 2: Another Separation Wall

Supposedly a security measure, a separation wall in Led – echoing the widely-condemned wall snaking through the occupied West Bank - highlights the problem of institutionalized racism.

"We are in the middle of a struggle," says Arif Muharib, a Palestinian town councilor from Led (known also by its Hebrew name, Lod), in central Israel. Heavy-set, with broad shoulders and a thick neck, Arif could certainly pass for a warrior - as his surname suggests in Arabic - but his battle is of a legal, not a physical nature. Since July 2003, Arif has been challenging the legality of erecting a tall concrete wall between the Jewish *moshav* (agricultural settlement) of Nir Zvi, and the Palestinian residential neighborhood of Shanir in Led, where he lives.

Led's separation barrier is ostensibly being built for "security" purposes. Jewish Israelis

living in the *moshav* complain that Palestinian drug addicts from Led enter the *moshav* and burglarize their homes to fund their habit. But for Arif this argument is disingenuous. “They say they have the right to build a wall around the *moshav*, but it surrounds us, not them,” he explains. “They claim that thieves come from this side. This is a great lie. If you go to the *moshav*, there are no fences around the houses there. They could have built fences around their own houses if they were concerned about thieves.”

Inevitable illegality

The 3,000-strong Palestinian community of Shanir is accustomed to its collective characterization as criminals. Since the neighborhood lacks a finalized master plan, all of the houses built there were constructed without a building permit, and are therefore deemed illegal by the state. The *moshav*, established by Jews from Argentina in the 1950s, is keen to have the 1.6km wall incorporated into the master plan currently being drawn up for the area. The residents of Shanir, however, reject this idea and have sought the help of Tel Aviv University’s Law Clinic to take legal action against the wall’s construction. With the clinic’s guidance, Arif and other residents have filed petitions to the courts and submitted objections to the relevant planning committees. The planning committees rejected their objections to the construction of the wall, however, in January 2004 and in February 2005 the Supreme Court and the Tel Aviv District Court respectively both issued a temporary injunction halting the wall’s construction, pending a final

decision on its legality.

Now considered a “mixed city,” up until the war of 1948 and the creation of Israel, the city of Led was Palestinian. After 1948, the city experienced the twin processes of rapid Judaization through the settling of Jewish immigrants on the one hand, and de-Palestinianization through the expulsion of most Palestinians on the other. However, the neighborhood of Shanir, named after the family who owned the land prior to Israel’s establishment, began to grow, following the arrival of Palestinians from elsewhere in the new state, including many internal refugees and Bedouin who came to the city in search of employment. According to the Central Bureau of Statistics, today Led is home to about 14,000 Palestinians, representing roughly 21% of the total population in the city.

Institutional distinctions

For Palestinian citizens of Israel such as Arif, the wall’s construction is both symbolic and symptomatic of Israel’s approach to Jewish-Arab relations among its own citizenry. Successive Israeli governments in the self-defined “Jewish state” have not only privileged the state’s Jewish citizens to the detriment of its non-Jewish Palestinian indigenous population, but have also taken care to maintain an institutional distinction between Jews and Arabs in Israel. In effect, this leads to policies of segregation. “The problem is not with the residents of the *moshav*, but with the government,” says Arif. “Instead of encouraging cooperation, they separate us. The taxes we pay should not go to such projects.”



The Palestinian neighborhood of Shanir in Led



The separation wall between the Palestinian neighborhood of Shanir in Led and the Jewish *moshav* of Nir Zvi

Ordinarily, the funds for a project such as this would be provided from the budget of the relevant local authority, but in the case of Led, the government is prepared to foot the bill. In July 2002, the Sharon-led government decided to ask the Ministry of Transportation and the Ministry of Construction and Housing to jointly fund the construction of what they described as “an acoustic wall” between Shanir and Nir Zvi. The government asked the ministries to jointly allocate NIS 3 million (almost US\$ 700,000) for the project.

Arif, however, believes the reasoning behind the wall’s construction has nothing to do with aural aesthetics. “The reason is racism,” he says simply. “Racism is very common in this state. The residents of the *moshav* don’t want to see Arabs.”

Case 3: The Road to Nowhere

As if living beside desert highways in makeshift homes with no facilities were not enough, Palestinian Bedouin villagers in Umm al-Hieran and Atir now face their second, forced, exodus in 50 years.

Drive along the desert highways around Beer el-Sabe (Beer Sheva) in the south of Israel, and it does not take long to notice clusters of makeshift houses set in from the side of the road. These Bedouin villages are “unrecognized” by the state of Israel, and consequently have no official status. They are absent from state planning and government maps, and receive little or no basic public services such as electricity, water, telephone lines, educational or health facilities. In total, about 40

unrecognized villages exist in the Naqab (Negev) desert.

The twin unrecognized villages of Atir and Umm al-Hieran, situated about 30km from the city of Beer el-Sabe, are prime examples. Surrounded by an expanse of the Naqab desert, and constructed largely out of corrugated iron and breeze-blocks, these Bedouin villages seem a world away from the nearby Jewish towns of Omer and Nevatim. There, the residents enjoy first-class suburban living conditions, in homes boasting generous, well-watered gardens. The living conditions in unrecognized villages like Atir and Umm al-Hieran resemble those of Third-World shanty towns.

First displacement

The residents of Atir and Umm al-Hieran, all of them Palestinian Bedouin citizens of Israel, have lived on these lands since 1956, after the Israeli army uprooted them from their homes in Wadi Zuballa. Now, nearly half a century after their original transfer, the Sharon government is attempting to expel the community once again, and has filed lawsuits to evict the villagers from their homes.

The older members of the community vividly recall their original transfer. According to 85-year-old Sheikh Haj Abu el-Qian, the community was ordered to evacuate their homes in Wadi Zuballa over 48 years ago by a written order delivered by the Military Governor. When the community raised objections to this order, the Israeli military began forcibly removing the elders of the tribe, who were then either imprisoned or scattered among different Bedouin communities.

Haj Abu el-Qian remembers very clearly that his own father, Issa, was imprisoned on 20 October 1956. He remembers that the army completely demolished his family's home, along with all other Arab Bedouin homes in Wadi Zuballa. They were then brought to Umm al-Hieran with other families of newly-created refugees from the region. He says they were provided with 3,000 dunams of land to live on and cultivate.

When they first settled there, the populations of Atir-Umm al-Hieran numbered under 100 people in total. The combined population of the two villages is now approximately 1,500 people, living in over 200 homes.

Warning notices

Two years ago, warning notices for the demolition of these homes began to arrive, informing residents that the Ministry of Interior was aware of building taking place without permits. Then, in April 2004, the state of Israel filed a lawsuit to evacuate the villagers from their homes, claiming that the families living in Atir and Umm al-Hieran are trespassing on "Israel Lands." Some houses now have demolition orders hanging over them. Residents say that homes are threatened with destruction every week. They argue that they have been living on this land for over 48 years, on the instructions given by the military in 1956. Their land in Wadi Zuballa is now being cultivated by Jewish Israelis living in Kibbutz Shuval, with the government's consent.

Launched in April 2003, the "Sharon Plan" for the Naqab, as it is euphemistically known, may indicate the location to which the

government expects to transfer these Palestinian citizens of Israel. A prime ministerial initiative, the plan aims to concentrate the Bedouin in the Naqab in seven new development towns to complement the seven townships established for the Bedouin of the Naqab from the 1970s to the 1990s. To that end, 38% of the plan's NIS 1.175 billion (US\$ 265 million) budget is allocated for home demolitions, land dispossession and community transfer.

New Jewish town

According to Adalah's correspondence with the Minister for Industry, Trade and Employment, Ehud Olmert, who is also charged with ministerial responsibility for the Israel Land Administration (ILA), in 2003 alone, the authorities demolished 120 buildings in unrecognized villages throughout Israel. Most of these buildings were homes.

The lawsuits for the evacuation of the residents of Atir-Umm al-Hieran were filed to make way for a new Jewish town. In July 2002, the government announced that a Jewish town named Hiran would be established in the area currently inhabited by these Arab Bedouin citizens of Israel. The government's decision on this issue draws heavily on an ILA report from 2001, which recorded plans for the construction of 2,000 housing units for Jewish families in the prospective town of Hiran, and explicitly identifies the Bedouin presence there as "a special problem."

However, faced with the prospect of their further evacuation, the villages' residents appear defiant. Having experienced the ordeal of transfer 48 years ago, they are not willing to



The unrecognized Palestinian Bedouin village of Umm al-Hieran

be moved again. “Atir is in our blood,” says Sheikh Khalil Abu el-Qian. “We have been building this village since 1956 and we don’t know anywhere else. We want our rights to be recognized here. We will not leave.”

On 20 February 2005, Adalah submitted a letter to the Attorney General, the Minister of Interior and the Minister of Trade and Industry, calling on them to cancel the evacuation lawsuits against villagers from Atir and Umm al-Hieran and to afford the twin villages state recognition in the regional planning for the area. In a reply received by Adalah from the ILA, the state rejected the claims that it had discriminated against the Bedouin residents of the twin villages, or that it had violated their housing rights, arguing that housing solutions exist in the recognized Bedouin townships.

Case 4: Bitter wine in the desert

With their ancestral homes already under pressure, the Arab Bedouin of the Naqab desert now face the dubious “Wine Path Plan” of vast, ranch-like “individual settlements.”

Fifty-seven years after the establishment of the state of Israel, Zionist settlement of the land continues apace. In addition to the traditional settlement methods, whereby entire Jewish towns are established at once, another strategy has been gaining governmental popularity in recent years. Individual Jewish homes, surrounded by hundreds or even thousands of dunams of land, and fenced off from the general public, are being established at an accelerated rate.

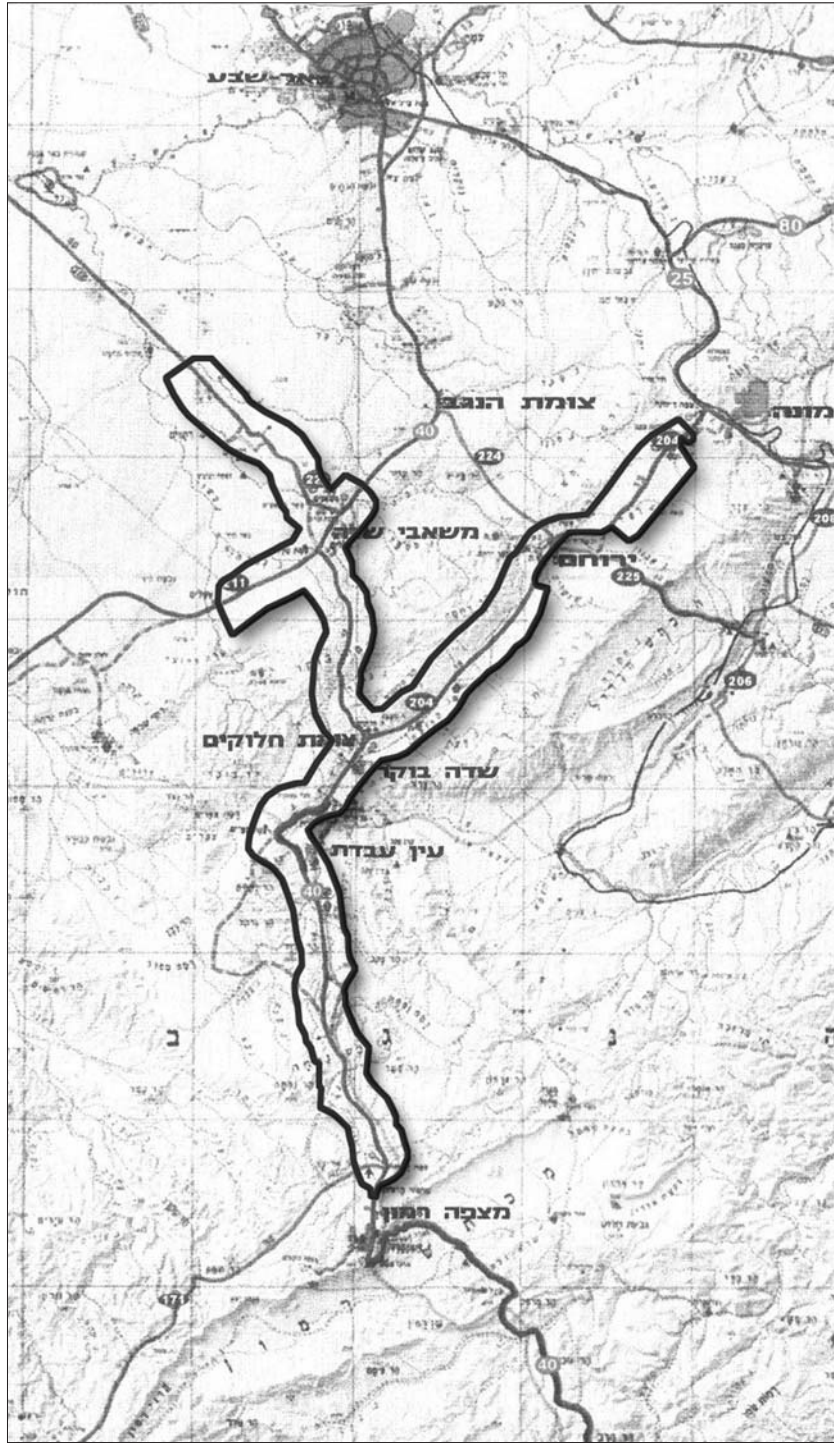
Known as “individual settlements,” these

residential-territorial projects are being set up to “Judaize” otherwise unsettled spaces, particularly in the Naqab (Negev) desert in the south of Israel. The strategy aims to prevent Palestinian Arab Bedouin citizens of Israel, indigenous to these areas, from expanding beyond the limited territory on which they are currently located.

“Stealing the land”

Although established illegally on non-residential lands, the individual settlements are founded with the knowledge and cooperation of state institutions. The thinking and impetus behind their establishment was well illustrated by the comments made during a meeting in December 1999 of the National Council for Planning and Building (NCPB). The NCPB, a statutory body established under the Planning and Building Law (1965), currently sits within the Ministry of Interior. It is the highest planning authority in the state, mandated to review and decide upon plans at both the district and national levels.

According to the protocols of the meeting, Shmuel Rifman, the Head of Ramat Ha’Negev Regional Council, expressed the need for individual settlements in the following terms: “I’m telling you again, they are stealing the land. About one million dunams are being stolen by the Bedouin.” At the same meeting, Dr. Hanna Swaid, an Arab member of the NCPB, reportedly told his colleagues: “The intent here is that you want to protect the state’s land from Arab intrusion. This is how I understand things and we shouldn’t cover them up in any other way.”



Master Plan No. T.M.M. 4-14-42: the borders of the Wine Path Plan

Unjust desert

The phenomenon of individual settlements is particularly acute in the Naqab, where approximately 150,000 Palestinian Bedouin citizens of Israel live. The Bedouin have been viewed by successive Israeli governments as, at best, a backward community of non-nationals, and at worst, a potential fifth column endangering the 'Jewish' state. A State Comptroller's Report from 2000 quotes then-Minister of Infrastructure, Eli Suissa, as stating in 1999, "Within my different duties, I have always worked to protect the lands of the nation, [including] actually seizing it in order to prevent its control by foreign elements."

As part of this effort to "protect the lands of the nation" from "foreign elements," Prime Minister Ariel Sharon initiated the individual settlements policy in 2002. A governmental decision taken in November 2002 in approval of the policy states that: "It is a tool to fulfill the government's policy for developing the Negev and Galilee, and for safeguarding state land in the Negev and Galilee."

The pressure increases

In parts of the Naqab, the Arab Bedouin are already feeling the pressure that individual settlements impose upon their towns and villages. Salem Abu el-Qi'an, a resident of the unrecognized Arab Bedouin village of Umm al-Hieran, says that the three individual settlements established near his village in the 1980s were founded specifically "in order to evict Atir and Umm al-Hieran residents from their homes." According to a governmental draft report obtained by Adalah, these three

individual settlements hold a total of 7,758 dunams between them.

The same report states that, as of February 2003, there were a total of 59 individual settlements in the Naqab, covering over 81,000 dunams of land. Individual settlements range in size from tens to thousands of dunams of land. Prime Minister Ariel Sharon's own individual settlement, often referred to as his "ranch," stretches over 1,261 dunams.

Agri-tourism as aggression

In March 2004, a year and a half after Prime Minister Sharon had launched the individual settlements policy, Adalah appeared before the NCPB to raise objections against a new individual settlements initiative proposed for the Naqab, named "the Wine Path Plan." Formulated by the Israel Land Administration (ILA) and the Ramat Ha'Negev Regional Council, if implemented, the plan would affect tens of thousands of dunams of land. According to the plan, its goals are: "designating spaces for the development of the Wine Path area in Ramat Ha'Negev, combining tourist, agricultural and scenic uses, and setting instructions for preserving and developing them"; and "setting purposes and permitted uses in the Wine Path area in Ramat Ha'Negev for the establishment of up to 30 agricultural tourist farms."

To meet these goals, the plan seeks to retroactively legalize and re-designate established individual settlements for residential and other purposes, such as restaurants, shops, and motels. New individual settlements will also be established, thereby creating a total of 30 such



The entrance gate to the *Aof Hahol* Ranch. Photograph by Alberto Denkberg



The *Yishai Eldar* Ranch: the paved road leading to the ranch. Photograph by Alberto Denkberg

settlements in the plan's area, including one token tourist settlement run by an Arab Bedouin.

At the hearing, Adalah argued that by ensuring that "Israel Lands" are used exclusively for the benefit of Israel's Jewish citizens, the policy of establishing and supporting individual settlements is discriminatory; that it fails to address the current needs of the local Arab Bedouin population; and that the retroactive legalization of the seizure of "Israel Lands" violates the Planning and Building Law (1965). Adalah urged the NCPB to propose an alternative plan based on an equal and just distribution of land, which takes into consideration the future needs of the Arab Bedouin in the Naqab and aims to eliminate the socio-economic gaps between Jewish Israelis and the Palestinian minority in the region.

Despite Adalah's arguments, the NCPB decided to approve the Wine Path Plan, with certain conditions, for submission on 30 March 2004.

On 24 February 2005, Adalah submitted an objection to the NCPB against the Wine Path Plan in the name of the Regional Council for Unrecognized Villages in the Naqab and in its own name. Adalah argued that, although the plan has been presented as being beneficial to tourism, its real and primary objective is to "preserve state land" from "foreign entities," that is, from Arab citizens of the state.

Note

- 1 These case studies were first published by The Foundation for Achieving Seamless Territory (F.A.S.T.) for an exhibition "One Land Two Systems" held from February to March 2005.