



Adalah

Key Concerns regarding the Right to Adequate Housing for Arab Citizens of Israel

6 February 2012

This short briefing paper is presented to the UN Special Rapporteur Ms. Raquel Rolnik to assist in her country visit to Israel/OPT (30 January to 12 February 2012). It outlines Adalah's key concerns with regard to the land, planning and housing rights of Palestinian Arab citizens of Israel. Through discriminatory laws, practices, and policies, Israel violates the right to adequate housing of its Palestinian Arab citizens, who comprise approximately 20% of the population.

Unrecognized Arab Bedouin Villages in the Naqab (Negev) in the south of Israel

Thousands of Arab Bedouin citizens of Israel live in 46 unrecognized villages in the Naqab. They are **denied access to basic services such as water, electricity, schools and health clinics**.¹ While many of the villages pre-date the establishment of the State of Israel in 1948 the villages are considered illegal by the state and residents face **home demolitions and the threat of forced evictions**. Currently, the Israeli Government, through the "Praver Plan" and pending legislation, is pursuing a policy to displace the Arab Bedouin living in the unrecognized villages to impoverished townships which are **culturally unsuitable** and provide **no opportunities for socio-economic advancement**.²

On **the threat of forced evictions** and the Praver Plan see:

- ['Nomads Against Their Will'](#), Adalah's report on the historical expulsion of Arab Bedouin communities and the pending court cases and land planning objections concerning the village of Umm el-Hieran
- [Analysis of the Praver Plan](#), and an [article](#) explaining and critiquing the plan

On **home demolitions** in the unrecognized villages see:

- The unrecognized village of Al-Araqib has been **completely demolished more than 30 times** since July 2010 in order to clear the land for forestation. In a military-style operation, Israeli forces entered the village, seized the villagers' property, arrested and criminally charged those who protested the demolitions, and initiated a lawsuit against the villagers for NIS 1.8 million for the costs of demolitions. See press release [27.7.2011](#)
- Residents of the villages of Atir and Umm el-Hieran also face **home demolition orders** to make way for a forest and an **exclusively Jewish town** respectively. See press releases [30.12.2011](#), [26.1.2012](#)

¹ Included in this figure are 10 villages which are part of the Abu Basma Regional Council. These villages are "in the process of official recognition" but continue to lack many basic services.

² For more information, see Adalah's submission in December 2010 to the [UN Committee on the Elimination of Racial Discrimination](#), pp 28-36.

On **the lack of access to water and electricity** see:

- The Israeli Supreme Court rules that Arab Bedouin citizens of Israel living in the unrecognized villages are entitled only to **'minimal access to water,'** forcing most villagers to obtain drinking water **several kilometres away from their homes,** often via **unhygienic hoses or buckets,** and to transport the water at their own expense. See press releases: [6.6.2011](#), [6.11.2006](#)
- Schools in the unrecognized villages are often **unconnected to electricity.** See press release: [30.12.2009](#)

On **inadequate health care facilities and high schools:**

- After years of litigation, Adalah succeeded to compel the Health Ministry in 2000 to open **6 mother-and-child health clinics** in the unrecognized villages. In 2009, the Health Ministry shut down 3 of these critical facilities. Following a motion for contempt of court, the Health Ministry re-opened these facilities. See press releases: [24.11.2011](#); [16.12.2009](#)
- In defiance of Israeli Supreme Court rulings and its own commitments before the court, the state has failed to open the **first high school in the unrecognized villages** to serve 750 students. Currently there are no high schools in these villages. See press release: [29.9.2009](#)

Discrimination in Access to Housing for Palestinian Citizens of Israel

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 of the state. The laws directly and indirectly affect the ability of Palestinian citizens of Israel to achieve their full rights to housing by **violating the right to choose where to live, and by denying equal access to land and housing.**³

On Admission Committees:

- In March 2011, Israel passed the Admissions Committee Law, which allows the operation of committees in small community towns to **reject applicants on the grounds that they are "socially unsuitable"** to the "social and cultural fabric of the town." Admissions Committees operate in around 700 community towns and can *de facto* discriminate on the basis of race and national belonging to prevent Arab citizens from living in the communities, in clear **violation of their right to determine where to live.** The law permits the existence of committees in all agricultural and small community towns, which account for 68% of all towns and villages in Israel. Adalah and the Association for Civil Rights in Israel have filed petitions to the Supreme Court challenging the constitutionality of this law. See press release: [20.6.2011](#)

On 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. 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." See press release: [27.9.2007](#)

³ Ibid, pp 9-12.

On conditioning housing benefits on national or military service:

- Palestinian citizens of Israel are exempted by the state as a group from performing military service for historical and political reasons. **Generous benefits, including in housing, are extended to former discharged soldiers.** These benefits are increased again and again, and over and above the benefits extended by the Absorption of Former Soldiers Law, resulting in *de facto* discrimination against the Arab minority. These benefits were recently expanded in 2011, notably granting benefits via the already discriminatory National Priority Area (NPA) framework. See press releases: [20.9.2010](#) [13.12.2006](#)

On the recognition of 'individual settlements' in the Naqab:

- Amendment (2010) to the Negev Development Authority Law (1991) – This new law allows for the retroactive legalization of all existing individual settlements and for the allocation of land for new individual settlements in the Naqab. "Individual settlements" are a tool used by the state **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.**" See press release: [28.6.2010](#)

On 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, reserving the areas for Jewish settlement or national parks and forestry projects. Examples include **confiscation of land** from the Arab town of **Daliyat al-Carmel for a national forest.** See press release [8.6.2011](#).
- In 2009, Israel passed a law implementing a new '**National Priority Areas**' system replacing an earlier plan which the Supreme Court cancelled in 2006 as constituting discrimination against Arab citizens of the state. The new system, however, leaves considerable discretion to individual ministers to decide which areas qualify, and how to distribute housing and land benefits. The Ministry of Housing published its new list in January 2012; Adalah is closely monitoring the issue. See [Adalah's Position Paper 2.2010](#); and press releases [24.2.11](#) [21.6.2010](#) [12.3.2006](#)

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