



**Tenders Published by the Israel Land Authority and the Ministry of Construction in 2013:
Housing Units, Industrial and Commercial Areas and Palestinian Refugee Property**

**The policy of discrimination and disenfranchisement continues
March 2014**

To commemorate the 38th "Land Day", which will be marked on 30 March 2014, Adalah decided to research the policy of 'state land' allocation as implemented by the Israel Land Authority (ILA) and the Ministry of Construction and Housing. Adalah collected data concerning land tenders published in 2013 by the ILA both in the State of Israel and in the territories occupied since 1967. This data revealed that the ILA and the Ministry of Construction and Housing persist in their discriminatory policies against Arab-Palestinian citizens in Israel in various fields of development. The ILA and the Ministry also continue to place Palestinian land on the market for mass housing construction in the illegal settlements in the 1967 occupied territories, and sell property belonging to Palestinian refugees, thereby further obstructing the likelihood for their right of return.

The State of Israel expropriated all of the assets belonging to Palestinian refugees under the Absentees' Property Law-1950, estimated by the United Nations Conciliation Commission for Palestine (UNCCP) to encompass more than seven million dunams of land by 1964. The state also confiscated a vast amount of property, estimated at 1,200,000 dunams, belonging to internal refugees under the Land Acquisition (Validation of Acts and Compensation) Law-1953. Further the state confiscated a large number of properties belonging to Palestinian citizens of the state over time, including approximately 21,000 dunams, which were seized on Land Day in 1976 from the residents of Arrabeh, Sakhnin, Dir Hana and Arab Sawa'ed. Today, the ILA administers approximately 93% of the land of the state including land 'owned' by the State of Israel, the Development Authority and the Jewish National Fund.

**Tenders for housing in the illegal settlements in the territories occupied since 1967 as
compared with housing tenders in Arab communities in the State of Israel**

In the course of 2013, the ILA published tenders for the construction of approximately 3,883 housing units in the illegal settlements across the Green Line (the West Bank, including East Jerusalem and the Golan Heights). By contrast, it published tenders *only* for 3,547 housing units in the Arab communities in Israel, although the number of inhabitants in these villages is more than double the number of Jewish residents living in the settlements (approximately 1.2 million people live in the Arab communities as compared with 550,000 people in the settlements). Thus, the government of Israel continues its illegal policy of building and settling Jewish citizens beyond the Green Line, while Arab communities within its territory

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continue to suffer from a shortage of housing and overcrowding due to the massive discriminatory appropriation of land and unfair, inequitable planning policies of the state.¹

According to the Authority for Economic Development, the areas of jurisdiction of the Arab communities in the State of Israel comprise approximately 2.5% of the territory of the state. This percentage has barely changed since 1948.² The Authority's data also reveals that in order to close the gaps created over the years and to provide a response to the current annual demand for housing, approximately 12,000 housing units must be sold every year to the Arab population.³ Despite this data, in 2013, the ILA marketed only 3,547 housing units in Arab communities out of a total of 27,840 units marketed as a whole.

More than 10 years ago, in 2003, the Or Commission of Inquiry recognized the ILA's discriminatory land policies towards Arab citizens. Under the title, "Recognition by the Authorities of the Discrimination and Deprivation that Exists Towards the Arab Sector", the Report stated that "the appropriation measures were clearly tied to the interests of the Jewish majority. The state transferred land to quasi-governmental bodies such as the Jewish National Fund, which is designated, by definition, to serve Jewish settlements, or the Israel Lands Administration, whose conduct served the same purpose."⁴ **See Table 1 in Annexes**

The sale of hundreds of properties belonging to Palestinian refugees

Adalah's research also revealed that in 2013, in contravention of international law, the ILA published 84 tenders for the sale of properties belonging to Palestinian refugees. In 2009, in a letter to the ILA, Adalah exposed the fact that Israel had begun selling properties belonging to Palestinian refugees and demanded that this process be halted. Adalah wrote that, "In practice, the sale of these properties constitutes a final commandeering of the property rights of Palestinian refugees' to their assets despite the special status of these properties from the legal, historical and political aspects." Between the years 2007-2013, the State of Israel sold more than 750 properties belonging to refugees on the private market in this manner.

In addition, the State of Israel has applied the Absentees' Property Law-1950 to properties in East Jerusalem, occupied since 1967, that belong to Palestinian residents of the West Bank. This measure made it possible for the state to declare that West Bank residents who never left their homes are absentees and, in this way, to appropriate their assets in areas of

¹ The Or Commission Report, "Before the October Events: background, causes, foreseeing the events and the preparedness of the police", 2003, at pp. 10-11.

² "Proposal of the Authority for Economic Development of the Minorities' Sector in the Prime Minister's Office for the Solution of the Issue of Planning and Housing in the Arab Sector", submitted by Prof. Manuel Trajtenberg to the deputy team on housing in the Economic and Social Change Committee he headed, September 2011, at p. 2 in Hebrew at:
http://afed.gov.il/Documents/%D7%9E%D7%97%D7%A7%D7%A8%D7%99%20%D7%9E%D7%9E%D7%9E/aravim_diur5.pdf

³ See Sikkuy, "The Equality Index of Jewish and Arab Citizens in Israel", Ali Haider, ed., Alaa Hamdan and Yaser Awad, research and writing, December 2010, p. 33, available at:
http://www.sikkuy.org.il/publication_cat/equality-index/?lang=en

⁴ The Or Commission Report, "Before the October events: background, causes, foreseeing the events and the preparedness of the police", p. 9.

East Jerusalem that were annexed under Israeli law to the territory of the state of Israel in blatant violation of international law.⁵ Israel refuses to reveal the scope of Palestinian assets that were classified as absentee property and sold, since the implementation of this illegal policy in East Jerusalem. The issue of whether or not Israel may apply the Absentee Property Law to properties in East Jerusalem that belong to residents of the West Bank is pending before the Supreme Court. Adalah submitted an *amicus curiae* brief in August 2013 concerning four civil appeals raising this problem, as residents of the West Bank are entitled to the protections set forth in international humanitarian law. **See Table 2 in Annexes**

Commercial and industrial zones: grave discrimination in the allocation of resources for economic development

Government representatives often take part in media interviews on the subject of the integration of Arab citizens into the labor force and the discrimination suffered by Arab citizens by under-or unemployment. However, at the same time, the ILA continues to discriminate against Arab communities in the allocation of land for industrial and commercial zones. In 2013, the ILA published 44 tenders for the establishment of industrial zones in Jewish communities (7 of which are to be located in illegal settlements), in contrast with “0” tenders for the establishment of these zones in Arab communities. Between 2009-2013, the ILA published 13 tenders for the establishment of commercial and industrial zones in Arab communities, whereas it published 292 tenders for these zones in non-Arab communities.. Most of these areas in Arab communities included land designated for housing and cannot constitute a significant economic impetus. **See Table 3 in Annexes**

⁵ As is well-known, in 1967, the area of East Jerusalem was unilaterally annexed to the State of Israel, in contravention to international law. The annexation and the application of Israeli law to East Jerusalem did not change the legal status of the area, which remained as it was before the annexation, occupied Palestinian territory. These residents are protected by the Fourth Geneva Convention. In its Advisory Opinion of July 2004 on the Separation Wall that was built by the government of Israel, the International Court of Justice (ICJ) referred, among other matters, to the status of East Jerusalem under international law. The ICJ unequivocally determined that the status of East Jerusalem, like that of the West Bank and the Gaza Strip, is that of an occupied territory, and that the agreements made in the 1990's (the Oslo Accords) do not change its status as occupied territory.

ANNEXES

Table 1: Tenders for housing during 2013

A report conducted by the “Authority for Economic Development of the Minorities Sector in the Prime Minister’s Office” explains that approximately 12,000 housing units must be sold every year to the Arab population, in order to close the housing gaps created over the years between Arabs and Jews. The figures below show the failure to meet this commitment, as well as the continued inequality in the tenders offered by the state to Arab communities versus those offered to West Bank settlements, despite their population differences and legal status under international law.

<u>Indicator</u>	<u>Settlements</u>	<u>Arab Towns</u>
Tenders Published	3,883	3,547
Inhabitants (approx.)	550,00	1,200,000

Table 2: Sale of properties belonging to Palestinian refugees

In a letter sent to the Israel Land Authority in 2009, Adalah revealed that Israel continues to sell hundreds of properties belonging to Palestinian refugees and demanded that this practice be halted immediately. It must be noted that Israel refuses to provide information on the scope of Palestinian assets classified as absentee property.

<u>Year</u>	<u>Number of properties</u>
2013	84
2007-2013	750+

Table 3: Allocation of land for industrial and commercial zones

<u>Year</u>	<u>Settlements & Jewish Towns</u>	<u>Arab Towns</u>
2013	44	0
2009-2013	292	13