

**Adalah’s Report to:**

**The UN Special Rapporteur on the Right to Adequate Housing**

**NGO Report**

**Re: SPATIAL SEGREGATION IN ISRAEL**

Submitted 3 June 2021

**P.O. Box 8921 Haifa 31090 Israel Tel: (972)-4-950-1610 Fax: (972)-4-950-3140**

حـــيــفا 31090 ، ص.ب 8921 هــاتــف 9501610-04 فاكس 9503140-04

חיפה 31090, ת.ד. 8921 טלפון 04-9501610 פקס 04-9503140

**Email: adalah@adalah.org http://www.adalah.org**

**Background**

Adalah – The Legal Center for Arab Minority Rights in Israel (Adalah) is submitting this report in response to a call for inputs and a questionnaire issued by the UN Special Rapporteur on the Right to Adequate Housing in March and April 2021 to inform his upcoming thematic reports to the UN Human Rights Council and the General Assembly on spatial segregation.[[1]](#footnote-1) Adalah participated in the public consultation with civil society organizations held by the Special Rapporteur on 12 April 2021, and many of our remarks were included in his summary report, which is published on the website of the Special Rapporteur. [[2]](#footnote-2)

Adalah (“Justice” in Arabic) is an independent legal center and human rights organization that works to promote human rights in Israel in general, and the rights of the Palestinian Arab minority, citizens of Israel, in particular. We also work to defend the human rights of all individuals subject to the jurisdiction of the State of Israel, namely, the residents of the 1967 Occupied Palestinian Territory (OPT, comprised of the West Bank and Gaza). Our responses to the Special Rapporteur’s questions are based on our work. Adalah has had UN ECOSOC status since 2005.

 This report focuses on the main systematic policies and practices of spatial segregation enforced by the State of Israel within the Green Line between Palestinian citizens of Israel (PCI) and Israeli Jews. First, it reviews laws, policies, and practices that have created and subsequently maintained spatial segregation that affect all PCI. It then considers the specific case of the Palestinian Bedouin in the Naqab (Negev) and the additional policies and practices of spatial segregation enforced to maintain separation between them and Jewish Israeli citizens in that area.[[3]](#footnote-3)

1. **Basic Facts: Palestinian citizens of Israel**

During the Palestinian Nakba (“Catastrophe”) of 1948, over 750,000 Palestinians fled or were forced to flee from their homes as Zionist military forces threatened and attacked Palestinian areas, destroying 500 Palestinian villages. Just 150,000 Palestinians remained in their homeland, and later they became citizens and an involuntary minority group in the newly-established State of Israel (SoI).

Considered a national, ethnic, linguistic, and religious minority under international human rights law, PCI today number about 1.6 million people, roughly 20% of Israel’s population. They are part of the wider Palestinian people, who reside in the SoI, the OPT, and around the world. PCI reside primarily in three areas: the Galilee in the north, the Triangle in the center, and the Naqab (Negev) in southern Israel. By religion they are Muslim (83%), Christian (9%), and Druze (8%), and they speak Arabic as their native language.

PCI have faced institutionalized discrimination by the SoI since 1948, as non-Jews. As a self-defined Jewish state, Israel has made maintaining a Jewish majority a central pillar of its population, settlement, and demographic-engineering policies. Furthermore, the SoI has consistently distributed state resources in a discriminatory manner, further disadvantaging PCI as compared to Jewish Israeli citizens, and has continuously pursued policies of land confiscation, home demolitions, forcible displacement, and segregation against them. Finally, the SoI has made concerted efforts to erase the identity and collective memory of PCI, and to limit their rights in many spheres.[[4]](#footnote-4)

1. **Racial segregation as a deliberate state policy**

The SoI pursued policies of segregation since its establishment. Between 1948 and 1966, the SoI imposed military rule on PCI within their own towns and villages, where the majority of them still live today. Military rule severely limited their freedom of movement, livelihoods, and political expression. In the larger Palestinian towns (Haifa, Acre, Jaffa, Lydd/Lod and Ramla), the few PCI who remained were concentrated into specific neighbourhoods to facilitate their surveillance and control. The military government also prevented those Palestinians who were internally-displaced persons (IDPs) from returning to their villages, land, and property. Simultaneously, the SoI passed numerous laws to allow for the transfer of Palestinian land to state ownership or control, and to shrink the jurisdictional areas of Arab towns and villages; in total, it is estimated that the expropriation process led to the seizure of between 40% and 60% of the land in the possession of the Palestinians who remained in Israel, the PCI.[[5]](#footnote-5) Today, 93% of the total land in the state remains in the control of the SoI and the major Zionist organizations, and is classified as “Israel’s land.” PCI retain ownership of only 3-3.5% of the land in Israel.[[6]](#footnote-6)

The spatial segregation created by the Israeli military government prior to its dissolution in 1966 still exists today. With the exception of the “mixed cities”, the country is *de facto* divided into Jewish and Arab localities, cities, towns and villages. The vast majority (90%) of PCI live in around 140 Arab towns and villages, while around 10% live in the so-called “mixed cities”, including Haifa, Acre, Lod, Ramla and Natzeret Illit. According to Israel’s Central Bureau of Statistics (CBS), of a total of 1,054 towns and villages in Israel, 931 are defined as Jewish (88%).[[7]](#footnote-7) Over the decades, Israel has further entrenched segregation through law and as a national policy and priority, in grave violation of its obligations under international law. The spatial segregation that exists today between Palestinian and Jewish citizens of Israel is thus a direct result of historical and ongoing, deliberate, explicit state policy.

* 1. **The Policy of Judaization**

The Judaization of the land-space in Israel is one of the main principles of Zionism, and a guiding principle of the state’s land policy. It aims at creating new Jewish towns and villages, particularly in areas with a Palestinian majority, and serves to entrench control over both the land, its use and ‘demographic balance’. While the SoI has established about 600 Jewish towns since 1948, it has not created a single new Palestinian city, town or village in Israel.[[8]](#footnote-8)

Decades of discriminatory Israeli land and planning policies have minimized the amount of land on which PCI live and can build homes. Since 1948, the area of jurisdiction of the existing Palestinian localities has *shrunk*, rather than expanded to allow for natural population growth, due to the massive expropriation of Palestinian-owned lands and the shifting of jurisdictional borders between existing towns and new localities, *inter alia*, for the purpose of making more land available on which to settle Isareli Jewish citizens across the country. For example, as of 2017, the jurisdiction of Nazareth (the largest Palestinian town in Israel), which has a population of around 76,000, is only about 14,000 dunams.[[9]](#footnote-9) In contrast, the nearby Jewish town of Afula has a population of 49,000 and a jurisdiction of over 29,000 dunams of land. With significantly fewer residents, the area of Afula is more than double that of Nazareth.[[10]](#footnote-10) As a result of discriminatory land planning and housing policies, Palestinian towns and villages in Israel are severely overcrowded, with a combined jurisdiction of over less than 3% of the total area of the state.

As Human Rights Watch recently concluded, Judaization is used by the SoI as way “to ensure Jewish domination”, including the “‘Judaization’ of areas with significant Palestinian populations, including Jerusalem as well as the Galilee and the Negev in Israel. This policy, which aims to maximize Jewish Israeli control over land, concentrates the majority of Palestinians who live outside Israel’s major, predominantly Jewish cities into dense, under-served enclaves and restricts their access to land and housing, while nurturing the growth of nearby Jewish communities.”[[11]](#footnote-11)

* 1. **The role of the Zionist organizations in establishing and enforcing segregation**

The SoI works in close partnership with major Zionist institutions, including the World Zionist Organization (WZO), the Jewish Agency (JA), and the Jewish National Fund (JNF). Together, the SoI and these groups have dedicated enormous resources to building and developing new towns and villages, especially in the Galilee and in the Naqab, solely for housing Jewish Israelis, including for the absorption of new Jewish immigrants to Israel. In some areas, these Zionist organizations function as quasi-governmental agencies *in lieu* of state authorities, and operate exclusively and explicitly for the benefit of Jewish individuals, in accordance with their official mandates. The SoI signed agreements with these bodies and enacted specific laws that legally empower them.

1. **Admissions Committees**

A major tool employed by the SoI in order to maintain spatial segregation between Jewish and Palestinian citizens of the state is the “admissions committee”. Admissions committees are statutory bodies – authorized by the 2011 Admissions Committees Law (Cooperative Societies Ordinance - Amendment No. 8) – that select applicants for housing units and plots of land in hundreds of Israeli Jewish communities in the Galilee and in the Naqab with almost complete discretion.[[12]](#footnote-12) They may accept or reject applicants in communities of up to 400 households, based on the arbitrary and discriminatory criterion of applicants’ “social suitability” to the “social and cultural fabric” of the community. By law, admissions committees must include a representative of the Jewish Agency or the WZO.

In practice, admissions committees filter out PCI applicants, as well as persons from other marginalized groups, solely on the basis of their race, ethnicity, religion, or other identity, via the criterion of “social suitability.” While the Admissions Committees Law states a duty to respect the right to equality and prevent discrimination, it also empowers these committees to reject applicants deemed “unsuitable to the social life of the community…or the social and cultural fabric of the town,” thereby giving legitimacy to the exclusion of entire groups. The law also authorizes admissions committees to adopt additional criteria determined by individual community towns themselves based on their “special characteristics.”

These discriminatory provisions led Adalah and other human rights organizations to file petitions against the “Admissions Committees Law.” However, on 17 September 2014, in a 5 to 4 decision, an expanded panel of the Israeli Supreme Court dismissed them.[[13]](#footnote-13) In upholding the law, the Supreme Court stated that, “We cannot determine at this stage whether the law violates constitutional rights.” The court’s decision effectively legalized the principle of segregation in housing between Palestinian and Jewish citizens and permitted racist discrimination practices against PCI in hundreds of communities.

The decision to uphold the new law seriously undermined the Israeli Supreme Court’s landmark decision in the *Ka’adan* case delivered in 2000.[[14]](#footnote-14) The Ka’adan family, who are PCI, applied to and were rejected by the admissions committee in the town of Katzir, prior to the enactment of the Admissions Committees Law. In this case, the Jewish Agency (JA), which had established this settlement on “state land” under its control, refused to allocate a residential plot to the Ka’adan family, emphasizing that the JA works solely for the benefit of Jewish citizens. The court ruled that as the community was established on “state land”, the principle of non-discrimination must be maintained, and that a plot of land must be allocated to the Ka’adan family. The Admissions Committees Law undermines this principle.

Adalah estimates that the Admissions Committees Law applies to 434 communities in Israel that together comprise 43% of the towns in the state, legally allowing them keep their gates shut to PCI. The extensive use of this mechanism, which maintains segregation, is one of the most direct and severe state violations of the land and housing rights of PCI.

1. **The World Zionist Organization (WZO)**

The WZO’s Settlement Division was established in 1967, following a request by the SoI to build settlements in the 1967 OPT using the state budget. Until 1992, it worked as a part of the Jewish Agency’s Settlements Department, focusing its operations in the OPT, while the latter worked within the Green Line. However, in 2002 it expanded its sphere to include the Naqab, adding the Galilee in 2004.

A 2015 amendment to the World Zionist Organization - Jewish Agency (Status) Law (1952) allowed the government to grant the WZO’s Settlement Division authority over settlement, land acquisition, and the establishment and expansion of development projects in Israel. On 6 September 2017, the Israeli Supreme Court upheld the constitutionality of the new amendment, rejecting a petition brought against it by Adalah and the Association for Civil Rights in Israel (ACRI).[[15]](#footnote-15) The human rights organizations had demanded the law’s cancellation on the grounds that it allowed the Israeli government to transfer part of its land-use authorities – core authorities that should lie solely with the government – to a private body that acts exclusively in the interests of Jewish Israeli citizens. While noting that the WZO was bound to abide by the principle of equality in its operations, with this ruling, the Supreme Court granted the state a license to transfer authority to a body that in practice implements policies of racial segregation against PCI.

1. **The Jewish National Fund (JNF)**

The JNF’s Memorandum of Association establishes as the principal goal of the organization to acquire land in any area within the jurisdiction of the Government of Israel “for the purpose of settling Jews on such lands and properties.”[[16]](#footnote-16) From 1949 to 1953, the state transferred to the JNF approximately two million dunams of state land. This land amounts to the majority (78%) of the land currently under its control (13% of all the land in Israel), and was appropriated from “absent” Palestinian refugees and internally-displaced PCI. The JNF restricts this land for the exclusive use of Jewish citizens.

 In 2004, Adalah and other human rights organization submitted a petition to the Israeli Supreme Court demanding the revocation of a policy of the Israel Land Administration (ILA, later the Israel Land Authority) and a Ministry of Finance regulation that permitted the marketing and allocation of JNF lands through bids open only to Jews.[[17]](#footnote-17) Following the petition, on 26 May 2009, the State and the JNF signed the “Principles of the Agreement between the State and the JNF” on the subject of land swaps. According to the agreement, the JNF would cede control of fully-developed land in the center of the country to the ILA (a government agency that manages most land in Israel), in exchange for an equal amount of land in the Naqab and the Galilee, two areas with a significant PCI population. As a result, all the ceded land allocated for housing would be allocated by the ILA through bids open to all. The agreement also stipulates that the Israeli government is committed to “preserving the principles of Jewish National Fund, including the ownership of land.”[[18]](#footnote-18)

In 2016, a new provision of the ILA Act was enacted that determined that six out of the 14 members of the Israel Land Council (ILC), a governmental body that decides on land policies in Israel, be JNF representatives. Adalah, The National Committee of Arab Local Authorities in Israel (also known as the Arab Mayors’ Committee), and other NGOs challenged this provision, arguing that the compulsory and significant representation of the JNF on the ILC was illegal because of the inherent conflict between the JNF’s Zionist aims and the ILC’s responsibility to manage public land resources and determine national land policies for the benefit of all citizens.[[19]](#footnote-19) The petitioners cited from an affidavit submitted by the JNF in the 2004 case noted above that states, “The JNF is not and cannot be loyal to the entire Israeli public. The JNF’s loyalty is reserved for the Jewish people alone - for whom it was established and for whom it acts.” As such, the petitioners argued, “in light of the aforementioned objectives and declarations, the JNF and its representatives cannot truly represent the interests of the entire Israeli public irrespective of nationality and/or religion, as the ILC should operate. The representation given to the JNF on the ILC will allow a body that explicitly practices discrimination and acts on behalf of the Jewish public alone, to take an active and decisive part in shaping significant and essential policies that affect the entire public and specifically the Arab public.”

Despite this inherent conflict, the Supreme Court dismissed the petition in 2018 based on the assertion that there was no violation of the basic right to equality and dignity created by the JNF’s 43% presence on the ILC. The court ruled that, even if the JNF were acting, *per se*, for Jewish people only, JNF representatives in the ILC are nonetheless expected to adhere to the principle of equality, and therefore there is no inherent violation of rights to equality or dignity of non-Jewish citizens.[[20]](#footnote-20)

* 1. **Conditioning housing rights on the performance of military service**

Another mechanism used by the SoI to discriminate in the field of housing is the granting of enormous benefits to Israeli citizens who perform military service, including preferential mortgage rates and academic scholarships. The Absorption of Discharged Soldiers Law – 1994 makes citizens who have completed military service eligible for designated government loans. PCI are exempted from military service for historical and political reasons, and as a result are excluded from extensive state benefits and programs.

 In 2005, Adalah challenged state financial support provided to former soldiers for home mortgages as constituting discrimination against PCI before the Supreme Court.[[21]](#footnote-21) The petition argued that the SoI’s housing benefit policy for discharged soldiers discriminated against PCI and ignored the dire housing shortage facing them. According to the challenged governmental policy, the state provides substantial financial support or extended support in the form of low-interest governmental loans for home mortgages to Israeli citizens who have completed military or national service. This support is in addition to generous financial support already given to former soldiers for housing and other benefits under the Absorption of Discharged Soldiers Law. In its decision on the petition, delivered in 2006, the Supreme Court upheld the legality of this support, ruling that it was permissible to grant additional benefits to former soldiers above that afforded in the Absorption of Discharged Soldiers Law, provided that the use of the military service criterion is justified in the circumstances. The decision allowed the use of a criterion that severely discriminates against PCI in housing.[[22]](#footnote-22)

An additional project awarding housing benefits to those who perform military service was announced in December 2020, a project offering discounted homes on state land in Natzeret Illit exclusively to a group of career military personnel, who are almost all Jewish. According to the Israeli military’s housing authority, it has already constructed 6,000 such housing units around the country, through a nation-wide housing development project using state land, and other similar projects are in the pipeline. The construction of these new neighborhoods is taking place via a network of agencies that includes the military’s manpower division, the ILA, and local municipalities, with plots earmarked for career military personnel organized into registered associations. There are currently at least 18 such active associations around the country. In February 2021, Adalah sent a letter to the AG and other authorities demanding the termination of these projects and associated land allocations due to their illegal, discriminatory nature.[[23]](#footnote-23) Adalah emphasized that neighborhoods established in this manner violate the right to equality and human dignity, lack legislative authority, and breach basic legal principles prohibiting residential segregation and discrimination in land allocation, and more specifically the allocation of state land.

As noted, the military service criterion is already incorporated into preexisting legislation – the Absorption of Discharged Soldiers Law - that grants army veterans and reservists significant housing benefits. Thus, the cumulative effect of additional housing programs that also employ military service as a criterion for eligibility is further discrimination against PCI. Rather than fulfill the need for affordable housing programs among the citizenry as a whole, they widen the gaps in housing availability between Jewish Israelis and PCI, worsening the acute housing shortage in Palestinian towns and villages, and entrench further spatial segregation.

* 1. **Constitutionalizing Segregation: The Basic Law: Israel – The Nation-State of the Jewish People [[24]](#footnote-24)**

In July 2018, Israel’s legislature, the Knesset, passed primary legislation that deliberately entrenches segregation and enshrines it as a constitutional principle. Article 7 of The Basic Law: Israel – The Nation-State of the Jewish People (JNSL) reinforces the legal framework supporting ethnically and religiously-based segregation within the state.[[25]](#footnote-25) The JNSL establishes a constitutional order based on systematic racial supremacy, domination, segregation, and demographic control that amount to clear breaches of absolute prohibitions under international law. It declares the intention to racially discriminate against Palestinians in the most fundamental aspects of their lives – in citizenship, property, housing and land, language, and culture – and justifies their inferior status and exclusion from the political community that constitutes the sovereign in their homeland.

Article 1 of the JNSL determines that the “Land of Israel” is the historical homeland of the Jewish people, the State of Israel the nation-state of the Jewish people, and the realization of national self-determination in the State of Israel the exclusive prerogative of the Jewish people. They alone have the collective right to govern and control the territory and its inhabitants, and they alone may allocate rights to non-Jewish residents, including citizenship and residency rights. Under the law, all of former Mandatory Palestine is declared the “historical homeland” of the Jewish people – and only theirs – and they hold the exclusive right to the realization of self-determination in this territory. The Palestinian people, be they citizens of Israel or residents of the OPT, who have lived in this territory from ‘time immemorial’, are stripped of any right to national self-determination in their homeland.

Regarding land and housing, Article 7 of the JNSL provides that, “The State views the development of Jewish settlement as a national value and will act to encourage and promote its establishment and consolidation.”[[26]](#footnote-26) Within the Green Line, the law is likely to be used to promote the establishment of new exclusively-Jewish towns in areas where PCI are most concentrated, including in the Naqab and the Galilee. Indeed, the SoI can now constitutionally act as a settlement movement, akin to the Jewish Agency, the WZO and the JNF. In other words, this provision enshrines the principle of “separate and unequal” between Jewish and Palestinian citizens in the SoI.[[27]](#footnote-27)

Article 7 also legitimizes the aforementioned mechanisms of segregation, such as admissions committees, benefits associated with military service, and quasi-governmental Zionist organizations operating in lieu of state authorities. The JNSL may similarly give constitutional backing to other discriminatory budgeting policies that channel public funds to Jewish over Palestinian communities, including those that incentivize individuals to relocate to areas like the Naqab, to consolidate a Jewish demographic majority within them.

Article 7 also contradicts a preexisting constitutional principle established in Israeli Supreme Court jurisprudence through the *Ka’adan* case, as discussed above, in which the court held that discrimination between Jewish and Palestinian citizens of the state in the use and allocation of state-controlled land was impermissible. While this principle has not been implemented in practice on the ground, the new basic law fundamentally undermines it by establishing segregation as a binding constitutional norm.

Notably, in November 2018, four UN Special Rapporteurs expressed “deep concern” that the JNSL is “discriminatory in nature and in practice against non-Jewish citizens and other minorities and does not apply the principle of equality between citizens, which is one of the key principles for democratic political systems.”[[28]](#footnote-28) They also called on Israel to “provide further information on Article 7, and particularly whether it will or not contribute to potential segregation on the basis of ethnicity or religion, and whether it is an endorsement to develop Jewish settlements, including in the Occupied Palestinian Territory, in direct violation of international law".

In addition, in its Concluding Observations to the SoI, issued on 18 October 2019, the UN Committee on Economic, Social and Cultural Rights (CESCR) expressed “deep concern” about JNSL’s “possible discriminatory effect,” urging the SoI to amend or repeal it in order “to eliminate discrimination faced by non-Jews in enjoying the Covenant rights, particularly rights of self-determination, non-discrimination and cultural rights.”[[29]](#footnote-29) In its own Concluding Observations to the SoI, issued on 12 December 2019, the UN Committee for the Elimination of Racial Discrimination (CERD) also determined that the JNSL discriminated against non-Jewish people throughout Israel and the OPT and stood in violation of the ICERD.[[30]](#footnote-30)

As noted, in August 2018, Adalah petitioned the Israeli Supreme Court on behalf of the Palestinian political leadership in Israel arguing that the JNSL violated both international human rights law and international humanitarian law.[[31]](#footnote-31) In December 2020, an expanded panel of 11 Israeli Supreme Court justices convened for hearings on a series of 15 petitions filed against this basic law. During the hearings, Israel’s Attorney General failed to address any of the violations of international law raised in Adalah’s petition.[[32]](#footnote-32)

The SoI has repeatedly attempted to portray the JNSL as merely declarative legislation that will not have a discriminatory impact on the lives of PCI. However, a lower court decision from 2020 reveals a different reality. In a case involving an Arab family seeking state-funded transport to school for their children from the Municipality of Karmiel (a Jewish majority town with a significant percentage of Palestinian residents), the Magistrates’ Court explicitly relied on Article 7 of the JNSL to rule that Karmiel was a “Jewish city” and not required to establish an Arabic-language school within its jurisdiction or fund transportation of Arab children to schools in surrounding communities. Indeed, the court expressed concern that such measures would provide incentives for Arab families to move to Karmiel, which could in turn “alter the demographic balance and damage the city’s character.” Notably, while the Haifa District Court upheld the Magistrate Court’s decision, it sharply criticized the lower court’s reasoning and reliance on the JNSL. Nevertheless, this case reveals the potentially harmful effects of the JNSL on the ground.[[33]](#footnote-33)

* 1. **The Kaminitz Law**

The SoI and the planning authorities have historically neglected Palestinian localities in Israel; for decades, many of the outdated master plans for these localities have failed to address the needs of population growth and new housing units. Discriminatory planning policies, the shrinking jurisdiction areas of Palestinian localities, and the dearth of public land within them inhibit development, construction and the enjoyment of the right to housing by PCI.

Given the growing housing crisis and the difficulties in obtaining building permits due to outdated and insufficient master plans, including insufficient designated zones for housing (rather than for agriculture), many PCI by necessity construct homes without official permits. According to the Arab Center for Alternative Planning, 15-20% of homes in Palestinian towns and villages in Israel were constructed without permits, putting some 60,000 to 70,000 structures at risk of demolition.[[34]](#footnote-34) As of July 2015, [97% of Israel’s 1,348 judicial demolition orders](https://law.acri.org.il/en/wp-content/uploads/2017/02/2017.2.5-keminitz-law-position-paper-eng.pdf) in force were issued against structures located in Palestinian towns.[[35]](#footnote-35) By contrast, according to a case review conducted by Human Rights Watch, planning authorities responded by providing sufficient land and zoning permissions to Jewish localities in order to facilitate their growth.[[36]](#footnote-36)

A 2017 amendment to the Planning and Building Law – 1965 exacerbated housing insecurity faced by PCI.[[37]](#footnote-37) Also known as the Kaminitz Law, the amendment aimed to increase the “enforcement and penalization of planning and building offenses.” While on its face, this law appears equally applicable to all citizens, it has a disparate impact on PCI because it fails to take into account the decades of systematic discrimination in state land planning and allocation against them that has resulted in a severe housing shortage in Palestinian towns and villages throughout Israel.

Guided by the Kaminitz Law, in June 2018, the Israeli Justice Ministry approved new administrative regulations for imposing unprecedentedly high fines for violations of the Planning and Building Law – 1965, of up to NIS 300,000 (around US$ 92,000) per offense. In addition, this amendment may also subject homeowners to criminal charges.[[38]](#footnote-38) Kaminitz-related fines also harm industrial and commercial projects in Palestinian towns and villages, since years of inadequate planning have forced PCI to develop industrial and commercial structures outside official zoning policies, often in areas designated for agriculture; however, they are the primary income for many families and a major source of tax income for many local authorities.

The harsh enforcement mechanisms of the Kaminitz Law specifically penalize PCI for planning and building offenses, since the law pays no regard to the housing crisis that the SoI has created and left to intensify for decades in their towns and villages, given the often-insurmountable obstacles to obtaining building permits and the decreasing the amount of land available to PCI for housing purposes. Within the wider planning regime, the law adds to the preclusion of the expansion and development of Palestinian towns and villages in Israel. In the Bedouin unrecognized villages in the Naqab in particular, they add to draconian policies such as the state’s denial of basic services, including connections to the state’s drinking water and electricity networks, to create an insecure and intolerable living environment in which many Bedouin are coerced to abandon their homes and their land for the specifically-designated and racially-segregated recognized villages and townships.

**Palestinian Bedouin citizens of Israel**

* 1. **Background**

The Palestinian Bedouin community is an integral part of the Palestinian minority in the SoI and of the Palestinian people as a whole, one that has a distinct way of life and other special characteristics. They have been living in the Naqab for centuries.

The state’s policy in the Naqab has been and continues to be guided by Zionist mythologizing of the area as a vast empty desert where Israeli Jewish citizens can settle and make it “bloom.” The SoI further mischaracterizes the Bedouin as fully nomadic, refusing to recognize specific Bedouin tribes’ relations to specific areas of land, forcibly relocating and urbanizing them, rejecting their ownership and rights to their land, and initiating legal action to confiscate and register it as “state land.”

Following the mass expulsion of Bedouin from the Naqab along with other Palestinians during the Nakba, the SoI concentrated the remaining Bedouins in a specifically-designated area called the *Siyag* (fence), and placed them (along with all other PCI) under military rule for 18 years, until 1966. Two main policies of the SoI towards the Bedouins continue to serve this aim to the present day: (i) denying their historical land rights, and instead labelling them as trespassers, and (ii) forcibly displacing and forced urbanizing them, by concentrating them into a limited number of in urban/semi-urban townships and recognized villages.

Today, an estimated 258,500 Palestinian Bedouin citizens of Israel (30% of the population of the Beer Sheva District) live in the Naqab in three types of settlements:[[39]](#footnote-39) seven government-planned urban townships, 11 recognized villages, and 35 villages that the SoI has refused to recognize (“unrecognized villages”). In forcibly relocating them to urban areas and refusing to recognize those villages that have managed to remain despite concerted SoI efforts to the contrary, the SoI denies these PCI’s historical land rights and destroys their way of life, labelling them as trespassers on their own land.

The Bedouin in the Naqab register the highest levels of poverty in Israel. According to the Israeli National Insurance Institute, in 2016 the poverty rate among Bedouin families stood at 58.5%. However, this figure underestimates the actual poverty levels since the approximately 90,000 people living in “unrecognized villages” –– are not included as a matter of policy in the SOI’s data collection or official statistics. These villages do not appear on any official maps and the SOI refers to them variously as “illegal”, “unauthorized”, or “unregulated” villages or “clusters”, and to their inhabitants as “diaspora”, “criminals”, and “trespassers” on state land.

Most unrecognized villages contain little-to-no health or educational facilities, no basic infrastructure, including connections to the national electricity grid, paved roads, or sewage systems. They also lack adequate connections to the water network. Due to the unrecognized status of these villages, their residents cannot vote in municipal elections and thus have no representation in local government. Denial of basic services is an integral part of the SoI’s policy of forced displacement. In making their living conditions so difficult, the SoI aims to coerce them to abandon their ancestral land and relocate to the cramped state-established townships and to the small number of recognized villages.

Many of the unrecognized villages are slated for demolition. None of their homes are considered “legal.” Many homes in the recognized villages are also considered “illegal,” since they are yet to be fully planned, even years after gaining recognition on paper. Instead, the SoI has supported the establishment of new Jewish towns and villages, and even so-called “individual farms” in the Naqab, occupied by single Jewish families over extensive areas of state land – some on land appropriated from Bedouin villages – as well as national “development” projects that further displace Bedouins and confiscate their land.[[40]](#footnote-40)

* 1. **Segregation in the Naqab**

In addition to the state’s efforts to concentrate the Bedouin in a limited number of townships and recognized villages, it has invested huge resources into Judaizing the Naqab. In addition to the 235 (as of 2019) Jewish towns, *kibbutzim*, and *moshavim* communities that already exist in the southern district,[[41]](#footnote-41) state authorities are developing plans for new Jewish localities.

Spatial segregation in the Naqab should not be mistaken for positive measures taken by the SoI to protect and preserve the cultural rights of the Bedouins as a minority or indigenous people. The urban solutions imposed by the SoI on the Bedouin are not conducive to their traditional way of life, and serve only to further its policy of concentrating the Bedouins on the minimum possible amount of land. This displacement and urbanization are being undertaken without the Bedouins’ participation or consultation in the decision-making process or consent. These solutions are forced on the population following intensive legal struggles to evict them and demolish their homes. Critically, the Bedouins are denied access to any other housing options located outside the segregated spaces of the townships and recognized villages.

* + 1. **The Bedouin Authority**

One of the main tools of segregation in the Naqab is the Bedouin Authority. In July 2007, the Israeli Government decided to establish the Bedouin Authority, as “an authority to regulate Bedouin settlement in the Negev”. In its decision no. 1999, updated in September 2017, the government specified its functions, main powers, and organizational structure.[[42]](#footnote-42) The Bedouin Authority has broad powers in many aspects of lives of the Bedouins in the Naqab, from controlling their land, to matters of education, employment and welfare, among others. The Bedouin Authority is empowered to operate in all of the recognized Bedouin townships and villages, in addition to the unrecognized villages.

Since its establishment, the Bedouin Authority has functioned on the ground as a separate governmental institution that deals exclusively with the Palestinian Bedouins. While other citizens and their municipalities engage directly with governmental agencies and ministries, the Bedouins and their recognized municipalities must go through the Bedouin Authority, which has a say in all governmental decisions related to them. This separation poses a danger to equal rights and treatment in and of itself, and even more so in light of the rationale behind its establishment. According to the decision, the authority’s main role involves “arranging Bedouin settlements in the Negev,” which officially entails taking all necessary steps to forcibly displace and evacuate the population of the unrecognized villages.

The Authority and its leadership operate within the same framework that guides the SoI’s overall policy towards Palestinians in Naqab, one which starts from the assumption that the Palestinian Bedouin are “invaders” of the land and “trespassers” whom the state must evict from state land and concentrate in limited designated areas. In 2017, Yair Maayan, the Director of the Bedouin Authority, made openly racist comments against the Bedouin community, which clearly reveal his views. In a tape in the possession of the Israeli news site *Maariv Online*, Maayan refers to the residents of Bir Haddaj, a recognized village, as thieves of state land.[[43]](#footnote-43) The German magazine *Süddeutsche Zeitung* also quotes Maayan as referring to the Bedouin as “thieves”. According to the magazine, he stated that, “Traditional land acquisition agreements are worthless…. Instead of putting these thieves in jail, we will give them a piece of land as a gift. It is a good deal and if the Bedouins refuse, the police will force them.”[[44]](#footnote-44) Maayan’s statements are alarming and dangerous, particularly as he is the official in charge of a governmental body that governs most aspects of the Bedouins’ lives in the Naqab.

In January 2019, the Bedouin Authority announced a plan to evict 36,000 Palestinian Bedouin citizens for purposes of “economic development projects” and the expansion of military training areas.[[45]](#footnote-45) These plans include, but are not limited to, the following:[[46]](#footnote-46)

* **An industrial zone in Ramat Beka** encompassing an area of 11,283 dunams. This plan endangers the homes of thousands of Bedouins in the Naqab from the villages of Abu Qrinat, Umm Mitnan, Wadi el-Mashash, Wadi al-Na’am, Sawaween, and Abu Tlul. Notably, when the question of the lack of adequate alternative housing solutions was raised in the context of objections raised to the plan, the planning authorities referred the question to the Bedouin Authority, and then simply adopted its position as their position, with no further investigation of their own.
* **Expanding the Road 6 highway** further south over an area of land of approximately 21,000 dunams, threatening the homes of thousands of Bedouins from the villages of Al-Mas’adiya, El-Zrin, Khirbet al-Watan, Bir al-Hamam, Wadi Al-Khalil, Khashem Zane, Sawaween, al-Shabi, Wadi al-Na’am, and Wadi el-Mashash.
* **Military training zones** to be established through the clearing of tens of thousands of dunams, including the land of the villages of al-Baqiya’a, Western Al-Bat, and other residential areas north of Road 31 up to the town of Arad.
* **The Beer Sheva-Arad railway plan**, which is to stretch over approximately 4,700 dunams, limiting possibilities for the development of Kuseife, Ar’ara, and Al-Fur’a, and endangering homes in the unrecognized villages of al-Za’arura, Ghaza, al-Mazra’a, Katamat and Al-Bhira, and cutting off 16 access roads to these villages. The planning committee recently rejected our objection, and our appeal is pending.
* **The Dimona-Yeruham railway plan**, which is to stretch over 3,400 dunams, threatening the homes of the residents of the unrecognized village of Rakhma.
* **A high-voltage power line** extending across 18,200 dunams, which endangers the homes and lands of thousands of Bedouin in the villages of al-Ser, Wadi al-Na’am, and Wadi al-Mashash.
* **A planned phosphate mine plan** in Sde Barir and Zohar South, covering 26,000 dunams, endangering the homes of thousands of Palestinian Bedouin in the village of Al-Fur’a and in the unrecognized villages of Al-Zarura, Ghaza, and Katamat, and creating sanitation and health hazards that will affect the residents of these villages. Adalah’s petition against this plan is pending before the Israeli Supreme Court.
* **Evacuation (eviction) procedures** currently at various stages of completion in the villages of Ras Jrabah (evacuation orders for the expansion of Dimona) – Adalah is representing the villagers in this case (pending) - and evacuation warnings in al-Baqiya’a village and Elbat Elgharbi.

These so-called development plans have all been deliberately planned to take place near or on the land of Bedouin villages. Not only do these development plans directly induce the displacement of the Bedouin, but their communities – in both recognized and unrecognized villages – are not included as project beneficiaries. For example, a new master plan that seeks to double the length of a railway connecting Beer Sheva to Dimona, and in the future to Eilat, would not include any stations accessible to Bedouin villages, while adversely affecting them through home demolition and displacement and the pollution and other health risks.

In the context of and in response to these plans, the Bedouin Authority initiated the construction of “refugee displacement camps” in 2019 designed to house tens of thousands of Bedouin citizens, whom the state is planning to “urgently” evict from their homes in unrecognized villages across the Naqab, without offering them any permanent or reasonable housing solutions.[[47]](#footnote-47)

In two plans brought before Israel’s Southern District Planning and Building Committee in 2019, the state aims to transfer the residents of unrecognized Palestinian Bedouin villages to temporary structures (mobile or modular) for a period of up to six years. [[48]](#footnote-48) The sole purpose of these plans is to clear the land, without regard for the rights or welfare of the displaced population, negatively affecting thousands of Bedouin families, children, and elderly persons. The temporary structures described in these plans would create numerous problems, as they offer no security of tenure and do not guarantee adequate habitability, space, physical safety, employment opportunities, health-care services, schools, childcare centers, or other social facilities.

The plans also adopt a policy of ethnic segregation and discrimination in relation to geographical and local planning. They establish coercive mechanisms regarding housing and distribution of land resources, determining locations of residence on a segregationist basis, in accordance with ethnic affiliation. The plans will create “temporary” residential islands for the Bedouins for the sole racist purpose of evacuating areas designated by the state as not for Bedouin inhabitants.

The plans clearly reflect the two – separate and unequal – planning systems in the Naqab for Israeli Jewish and Palestinian Bedouin citizens of the state. One system is based on a planning system that works for the benefit, well-being, and future development needs of Israeli Jewish citizens and communities and places them at the center of the process. The second system is based on a planning system that seeks the displacement and transfer of tens of thousands of Bedouin citizens to temporary housing camps, which does not take account of their current or future needs, and operates without consulting them.

 Although these plans have not yet progressed, they remain pending, and various local master plans in the Naqab contain similar provisions related to the construction of temporary housing for displaced Bedouin.

* + 1. **The Yoav Police Unit**

The “Yoav Unit” provides another tool for the enforcement of segregation in the Naqab. According to an Israeli police report, the Yoav Unit was specifically established in 2011 to “assist in the enforcement and implementation of policy regulating Bedouin localities in the Negev.” It is a highly militarized police unit tasked almost exclusively with enforcing land use and construction regulations in Bedouin communities in the Naqab region, including Bedouin “invasions of public lands and use of public lands without a lawful permit”, as defined by Israeli state authorities. Armed Yoav Unit officers carried out the deadly 2017 home demolition raid in the unrecognized Bedouin village of Umm al-Hiran that resulted in the [police shooting death](https://www.adalah.org/en/content/view/10125) of 50-year-old mathematics teacher Ya’akub Abu al-Qi’an.[[49]](#footnote-49)

The Yoav Unit also conducts relentless interrogations intended to coerce Bedouin citizens whose homes are earmarked for demolition into either destroying their own homes or accepting a settlement from the state, generally resulting in their displacement to a new location and the demolition of their home.

In a letter sent on [5 November 2020](https://www.adalah.org/uploads/uploads/Letter_Yoav_Unit_5.11.2020_Final.pdf), Adalah demanded that the Israeli authorities act to dismantle the Yoav Unit, due to the role race and ethnicity plays in its operations.[[50]](#footnote-50) While a 2016 Israeli police report identified two population groups engaged in illegal construction – namely the Israeli Jewish agricultural kibbutzim and moshavim communities, and the Bedouin community – it established only a single unit to deal with this phenomenon, charged solely with targeting the Bedouin.

The establishment of a dedicated police unit for the purpose of “law enforcement” among a specific population group, based on their ethnicity, employing racial profiling, violates Israel’s obligations under CERD and the ICCPR. Moreover, the unit was established in the absence of primary authorizing legislation. Indeed, with the establishment of the Yoav Unit, the SoI has institutionalized two separate “law enforcement” operations in the Naqab, organized according to ethnic/racial affiliation of the populations under their jurisdiction. The first, intended for the general Israeli population follows general enforcement-related laws. The second, which specifically targets Bedouin citizens, uses evictions and home demolitions as a “source of power” with which to apply pressure on the Bedouin community. The Israeli police admitted as such in a response dated 10 December 2019 to a letter sent by Adalah to request information about the Yoav Unit and its authorities. In its own response, dated 29 December 2020, to Adalah’s request to dismantle the Yoav Unit, the Ministry of Public Security rejected the demand, arguing, “This is a designated unit established with authority and there is no reason for its cancellation or the cessation of its activity.”[[51]](#footnote-51)

* + 1. **The destruction of Bedouin villages to establish or expand Israeli Jewish Towns**

**The case of Umm al-Hiran**

The unrecognized Bedouin village Umm al-Hiran in the Naqab provides an illuminating example of the state’s systematic policy of maintaining spatial segregation between Jewish and Palestinian citizens of the state in land and housing.

The residents of Umm al-Hiran have a long history of eviction and displacement at the hands of the SoI.[[52]](#footnote-52) Until 1948, they lived in the area of Khirbet Zubaleh, which they had cultivated for centuries, and which is now under the control of the Jewish Kibbutz Shoval. In 1956, the Israeli military’s regional governor relocated the tribe to Wadi Atir, within the *Siyag* area, where members settled and rebuilt their community. However, even though the villagers compiled with the governor’s relocation order, the state did not grant the village recognition. For close to five decades, despite the non-recognized status of the village, the state allowed the village to remain, maintaining the status quo. However, in the early 2000s the area of the village was earmarked for a new and exclusively Jewish settlement, to be named Hiran. In 2003, the state issued demolition orders against all houses in Umm al-Hiran, despite the SoI’s earlier actions and the villagers’ residence for nearly five decades. The state gave the people of Umm al-Hiran the sole option of relocating to the government-planned Bedouin township of Hura.

On 5 May 2015, after 13 years of litigation by Adalah on behalf of the people of Umm al-Hiran before land planning committees and at various levels of the court system to prevent their forced displacement, the Israeli Supreme Court issued its final decision in the case. The court ruled to allow the SoI to carry out its racist plan to demolish the village, for the sole purpose of establishing the new Jewish town of Hiran on its ruins.[[53]](#footnote-53) While the court recognized that the residents were not illegal trespassers – as initially claimed by the state and disproved by Adalah via documents from the Israeli state archives – it nonetheless ruled that, because the residents were living on “state land,” the state could retake it and use it for other purposes as the state saw fit. In its (2-1 majority) ruling, the Supreme Court acknowledged the state’s intention to demolish the Bedouin village in order to build a town “with a Jewish majority.”

The court’s ruling in the Umm al-Hiran case legitimized the demolition of an entire Bedouin village and the displacement of all of its inhabitants in order to build a Jewish town. This case starkly illustrates the segregationist land and housing policies pursued by the SoI in the Naqab. Despite the Supreme Court’s claim in the ruling that, “The planned town will not prevent [those from Bedouin villages] from living there and anyone who wishes to live in Hiran is entitled to do so,” and the state’s repeated assurances to the court that Hiran would accept all new residents – regardless of religion or ethnic background – Hiran is today, in fact, closed to non-Jewish residents. Adalah previously discovered a set of by-laws for the cooperative association of Hiran – which had been constructed at an outpost as inhabitants waited to move into the new town – that specified that only Orthodox Jews would be permitted to live in the new town, to be selected through an admissions committee. The by-laws were subsequently amended in response to Adalah’s intervention. However, Adalah learned of reports that the cooperative association of Hiran was still employing an “admissions committee”, also in violation of law, to screen and select applicants for land and housing plots in the town.

**The Case of Ras Jrabah**

The displacement of residents of Umm al-Hiran may soon be repeated in Ras Jrabah, another unrecognized village in the Naqab. In eviction lawsuits filed in May 2019, the ILA demanded that the court order the evacuation of the Bedouin families for the purpose of expanding the adjacent city of Dimona, and to “use the land for the public good.” Adalah is representing 127 residents in 10 eviction lawsuits filed against them by the SoI,[[54]](#footnote-54) with the next hearing at the Beer Sheva Magistrates Court scheduled for 15 July 2021. Adalah submitted defense arguments in November 2019, arguing that the residents had lived in Ras Jrabah for generations, even before Dimona was established, and that any attempt to portray them as “invaders” or “trespassers” was fictitious.

 Israeli authorities intend to evict the residents of Ras Jrabah from their homes and resettle them in another government-planned Bedouin town. However, Dimona is the urban center of the people of Ras Jrabah, as many of the villagers are employed there, and also access medical, bank, and postal services in Dimona. The authorities have not even considered possibility of including the residents of Ras Jrabah within the planned new neighborhood of Dimona. Moreover, officials from the Bedouin Authority, whom the ILA has made responsible for finding residential solutions for the Bedouin community, stated that they were limited to identifying solutions within the Bedouin townships, and had no authority to propose housing options in Dimona, in another clear example of spatial and racial segregation.

The evacuation of Ras Jrabah is part of the government’s wider plan of forced displacement and concentration of the Bedouin in the Naqab, and, if enforced, would result in another instance of the evacuation of an entire Bedouin village, in this case to make way for the expansion of a majority-Jewish city within which they are also barred from residing.

**Recommendations**

Based on all of the above, Adalah urges the UN Special Rapporteur on the Right to Adequate Housing to:

1. Raise serious concerns about segregation between Jewish and Palestinian citizens of Israel in a communication to the Government of Israel, emphasizing that many of its practices, policies and laws violate the State of Israel’s human rights treaty obligations under, e.g. CERD, the ICCPR, the CESCR, and other conventions.
2. Share these concerns with other relevant mandate holders and invite them to join your communications and reports in this regard.
3. Urge the Government of Israel to respond to these multiple violations of international human rights law, in relation, e.g., to the Jewish Nation-State Basic Law; the denial of recognition to Bedouin villages in the Naqab; the operation of the Zionist organizations as quasi-state entities; the Admissions Committees Law; and chronic overcrowding in Arab towns and villages in Israel, and to cancel all laws, policies and practices, as noted in this report, that permit and entrench segregation.
4. Request a country visit to Israel in order to investigate and witness the various segregationist practices, policies and laws operating in Israel first-hand.
5. Include the grave concerns about segregation in Israel raised in this report in your reports to UN bodies.
1. See: <https://www.ohchr.org/EN/Issues/Housing/Pages/CFI_Segregation.aspx> [↑](#footnote-ref-1)
2. Ibid. [↑](#footnote-ref-2)
3. While spatial segregation also exists in the 1967 Occupied Palestinian Territory (OPT) and in the Occupied Syrian Golan Heights, this report does not cover these areas. [↑](#footnote-ref-3)
4. For more details, see Adalah, “Palestinian citizens of Israel: A Primer”, 7 July 2019: <https://www.adalah.org/en/content/view/9271> [↑](#footnote-ref-4)
5. Oren Yiftachel and Alexander (Sandy) Kedar, “On Power and Land: The Israeli Land Regime” (2000) 16 *Theory and Criticism*: 67-100, 79. [↑](#footnote-ref-5)
6. Oren Yiftachel, “Lands, Planning and Inequality: The Division of Space Between Jews and Arabs in Israel,” Position Paper, The Adva Center, 2000 (Hebrew). [↑](#footnote-ref-6)
7. Israel’s CBS, Statistical Abstract of Israel 2020, Table 2.16, *Localities and Population, by District, Sub-District, Religion and Population Group*: <https://www.cbs.gov.il/he/publications/doclib/2020/2.shnatonpopulation/st02_16x.pdf> [↑](#footnote-ref-7)
8. The SoI established seven Bedouin-only towns in the late-1970s and the 1980s, and recognized 11 Bedouin villages in the late 1990s/early 2000s, all in the Naqab in the south in order to concentrate Bedouins who were displaced by the state in these areas. In Israel, 47 regional councils govern around 850 rural towns and villages, covering 81% of state land, although they contain only 8% of the state’s population. See Israel’s CBS, “Localities and other geographical divisions” (Hebrew):

<https://www.cbs.gov.il/he/settlements/Pages/default.aspx?mode=MoazaEzorit>. There are only four Arab regional councils: Al-Batouf, Bustan Al-Marj, and Neve Midbar and Al-Qasoum in the Naqab. [↑](#footnote-ref-8)
9. CBS, “Profile of Local Authorities in Israel 2017: Nazareth” (Hebrew): <https://www.cbs.gov.il/he/publications/doclib/2019/local_authorities17_1759/243_7300.pdf>. [↑](#footnote-ref-9)
10. CBS, “Profile of Local Authorities in Israel 2017: Afula” (Hebrew): <https://www.cbs.gov.il/he/publications/doclib/2019/local_authorities17_1759/278_7700.pdf>. [↑](#footnote-ref-10)
11. Human Rights Watch, “A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution”, 27 April 2021, available at: <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution> [↑](#footnote-ref-11)
12. The full text of the law is available in Hebrew and English at: <https://www.adalah.org/en/law/view/494>

These committees also operated prior to the law’s enactment. [↑](#footnote-ref-12)
13. HCJ 2504/11, *Adalah, et al. v. The Knesset, et al.* (decision delivered 17 September 2014). Adalah press release, “Israeli Supreme Court upholds ‘Admissions Committees Law’ that allows Israeli Jewish communities to exclude Palestinian Arab citizens”, 17 September 2014: <https://www.adalah.org/en/content/view/8327> [↑](#footnote-ref-13)
14. HCJ 6698/95, *Adel Ka’adan v, Israel Land Administration*. [↑](#footnote-ref-14)
15. HCJ 778/17, *Adalah and ACRI v. Knesset, the Government, the Agriculture Minister, and the World Zionist Organization’s Settlement Division* (decision delivered 6 September 2017). [↑](#footnote-ref-15)
16. From Article 3(a)(1). The JNF’s Memorandum of Association was approved on 9 May 1954 by the Minister of Justice, who was specifically authorized to do so by the Jewish National Fund Law – 1953. [↑](#footnote-ref-16)
17. HCJ 9205/04, *Adalah v. The Israel Lands Administration, et al.*  [↑](#footnote-ref-17)
18. For more information, see Adalah and ACRI’s letter to the Attorney General against the ILA-JNF land swap deal, dated 9 July 2009, available in English translation at: <https://www.adalah.org/uploads/oldfiles/newsletter/eng/jul09/Adalah_ACRI_letter_re_Israel_and_JNF_land_swap_july_2009.pdf>

See also Adalah, [Makan – The Right to the City, Spring 2006](http://www.adalah.org/en/content/view/7261) with excerpts from the Supreme Court petition challenging the ILA’s policies concerning JNF-controlled lands, and excerpts from the response by the JNF.

Adalah and ACRI sent a further letter in 2015 to the Finance Minister, the ILA and the Attorney General (AG) demanding the cancellation of the ILA-JNF land swap agreement, following the signing of a comprehensive contract between the Israeli government and the JNF in 2015, pursuant to the 2009 agreement. See: <https://www.adalah.org/en/content/view/8724>

The petition was withdrawn in 2016, with many reservations by the human rights organizations, following the AG’s announcement before the Supreme Court that Arab citizens of Israel would also be allowed to bid for land controlled by the JNF. See: <https://www.adalah.org/en/content/view/8777> [↑](#footnote-ref-18)
19. HCJ 6411/16, *The National Committee of Arab Local Authorities in Israel, et al. v. The Knesset, et al.* (decision delivered 19 June 2018). [↑](#footnote-ref-19)
20. Adalah press release, “Israeli Supreme Court rejects petition against JNF membership in ILA land council,” 22 June 2018: <https://www.adalah.org/en/content/view/9595> [↑](#footnote-ref-20)
21. HCJ 11956/05 *Suhad Bishara, et al. v. the Ministry of Construction and Housing* (decision delivered 13 December 2006). [↑](#footnote-ref-21)
22. #  Adalah press release, “Supreme Court Rejects Adalah’s Request for a Second Hearing on Decision Finding that the Granting of Enormous State Loans for Home Mortgages to Former Soldiers Does not Discriminate against Arab Citizens”, 27 October 2007: <https://www.adalah.org/en/content/view/6536>

 [↑](#footnote-ref-22)
23. Adalah press release, “Adalah: Construction of new neighborhoods exclusively for Israeli military personnel is illegal residential segregation”, 1 March 2021: <https://www.adalah.org/en/content/view/10252> [↑](#footnote-ref-23)
24. The full text of the law in English is available from the Knesset’s website at: <https://main.knesset.gov.il/EN/activity/Documents/BasicLawsPDF/BasicLawNationState.pdf> [↑](#footnote-ref-24)
25. Adalah filed a petition against the Basic Law on 7 August 2018 to the Israeli Supreme Court on behalf of all of the Arab political leadership in Israel – the High Follow-Up Committee for Arab Citizens of Israel, the National Committee of Arab Mayors, the Joint List parliamentary faction. HCJ 5866/18, *The High Follow-Up Committee, et al. v. The Knesset, et al.* (case pending). There are 15 different petitions against the law pending before the Court. See Adalah’s designated website page for comprehensive information on the law:

<https://www.adalah.org/en/content/view/9569> [↑](#footnote-ref-25)
26. Adalah position paper, “The Illegality of Article 7 of the Jewish Nation-State Law: Promoting Jewish Settlement as a National Value”, March 2019: <https://www.adalah.org/uploads/uploads/Position_Paper_on_Article_7_JNSL_28.03.19.pdf> [↑](#footnote-ref-26)
27. When read together with Article 1 of the JNSL, Article 7 gives State authorities the constitutional tools to further dispossess Palestinians from their land, and to expand the illegal settlement enterprise in the occupied West Bank, including East Jerusalem, and in the occupied Syrian Golan Heights. The article gives legal justification to the establishment and retroactive legalization of the settlements and gives existing annexations and laws constitutional backing; indeed, the annexation of the West Bank was a major driving force behind the law. [↑](#footnote-ref-27)
28. See: <https://www.adalah.org/en/content/view/9626> and <https://www.adalah.org/uploads/uploads/4_UN_Spec_Rapp_communication_02112018.pdf> [↑](#footnote-ref-28)
29. UN Committee on Economic, Social and Cultural Rights, Concluding Observations on Israel, E/C.12/ISR/CO/4, 18 October 2019, para. 16 and 17. [↑](#footnote-ref-29)
30. UN Committee on the Elimination of Racial Discrimination, Concluding Observations on Israel. CERD/C/ISR/CO/17-19, 12 December 2019, para. 13 and 14. [↑](#footnote-ref-30)
31. HCJ 5866/18 *High Follow-up Committee for Arab Citizens of Israel v. The Knesset* (pending). See also Adalah press release, “Arab leadership takes action against Israel's new Jewish Nation-State Law”, 6 August 2018: <https://www.adalah.org/en/content/view/9574> [↑](#footnote-ref-31)
32. On 28 April 2021, the Supreme Court ordered the Knesset and Israeli state authorities to respond by 12 May 2021 to a request for an order nisi in the petition filed by Adalah against the JNSL. No additional hearings have been set by the Court, nor has it responded to Adalah’s request to date.  [↑](#footnote-ref-32)
33. Adalah Press Release, “Israeli court relies on Jewish Nation-State Law in racist ruling: Municipal funding of school busing not required for Arab kids as it would encourage Arab families to move into ‘Jewish city’”, 30 November 2020: <https://www.adalah.org/en/content/view/10191> [↑](#footnote-ref-33)
34. As cited by Human Rights Watch, “Israel: Discriminatory Land Policies Hem in Palestinians”, 12 May 2020: <https://www.hrw.org/news/2020/05/12/israel-discriminatory-land-policies-hem-palestinians> [↑](#footnote-ref-34)
35. See: https://law.acri.org.il/en/wp-content/uploads/2017/02/2017.2.5-keminitz-law-position-paper-eng.pdf [↑](#footnote-ref-35)
36. Op. cit. Human Rights Watch. [↑](#footnote-ref-36)
37. Adalah press release, “Knesset ‘adding insult to injury’ with approval of Kaminitz Law,” 12 April 2017: <https://www.adalah.org/en/content/view/9074> [↑](#footnote-ref-37)
38. Adalah and NCF, “Violations of the ICERD against the Arab Bedouin citizens of Israel living in the Naqab/Negev desert,” 12 September 2019: [https://www.adalah.org/uploads/uploads/NCF%20&%20Adalah%20-%20UN%20CERD%20Naqab%20Submission%2012.9.19.pdf](https://www.adalah.org/uploads/uploads/NCF%20%26%20Adalah%20-%20UN%20CERD%20Naqab%20Submission%2012.9.19.pdf) [↑](#footnote-ref-38)
39. Israeli CBS, Localities and Population, by District, Sub-District, Religion and Population Group (2.15), 31 December 2017. [↑](#footnote-ref-39)
40. See Adalah and the Negev Coexistence Forum, “Violations of the ICERD against the Arab Bedouin citizens of Israel living in the Naqab/Negev desert”, 12 September 2019: [https://www.adalah.org/uploads/uploads/NCF%20&%20Adalah%20-%20UN%20CERD%20Naqab%20Submission%2012.9.19.pdf](https://www.adalah.org/uploads/uploads/NCF%20%26%20Adalah%20-%20UN%20CERD%20Naqab%20Submission%2012.9.19.pdf) [↑](#footnote-ref-40)
41. Israel’s CBS, Statistical Abstract of Israel 2020, Table 2.16, *Localities and Population, by District, Sub-District, Religion and Population Group*: <https://www.cbs.gov.il/he/publications/doclib/2020/2.shnatonpopulation/st02_16x.pdf> [↑](#footnote-ref-41)
42. See the Government’s decision of 15 July 2007 to establish the Bedouin Authority, updated 18 September 2017 (in Hebrew): <https://www.gov.il/he/departments/policies/2007_des1999> [↑](#footnote-ref-42)
43. Yasser Okbi, “Did the Director General of the Bedouin Development and Settlement Authority in the Negev call the Bedouin ‘thieves’?” *Maariv* (Hebrew), available at: <https://www.maariv.co.il/news/israel/Article-580229> [↑](#footnote-ref-43)
44. *Süddeutsche Zeitung Magazine*, no. 12, 24 March 2017, p. 18, available in German at: <https://www.obert.de/fileadmin/user_upload/text/pdf/Israel_SZ_Magazin.pdf> [↑](#footnote-ref-44)
45. Adalah press release, “Israel announces massive forced transfer of Bedouin citizens in Negev”, 30 January 2019: <https://www.adalah.org/en/content/view/9677> [↑](#footnote-ref-45)
46. Adalah has challenged most of these plans before Israeli planning authorities and Israeli courts, often together with Bimkom – Planners for Planning Rights in Israel. Some of these objections and cases remain pending. See our joint report with NCF for more details: [The Negev Coexistence Forum and Adalah: Violations of the ICERD against the Arab Bedouin citizens of Israel living in the Naqab/Negev desert](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fNGO%2fISR%2f37260&Lang=en), 12 September 2019:

https://tbinternet.ohchr.org/\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fNGO%2fISR%2f37260&Lang=en [↑](#footnote-ref-46)
47. Adalah position paper, “The Illegality of Israel’s Plan to Transfer Palestinian Bedouin Citizens of the State into ‘Refugee Displacement Camps’ in the Naqab (Negev)”, December 2019: <https://www.adalah.org/uploads/uploads/Adalah_Position_Paper_Refugee_Displacement_Camps_December_2019.pdf> [↑](#footnote-ref-47)
48. Governmental Plans no. 652-0767921 and 624-0765792 – “Temporary Residential and Public Building Solutions for the Bedouin Population in the Negev”, from 2019. [↑](#footnote-ref-48)
49. See: <https://www.adalah.org/en/content/view/10125> [↑](#footnote-ref-49)
50. Adalah press release, “Adalah demands Israel abolish paramilitary police unit that uses racial profiling to target Bedouin citizens”, 7 December 2020: <https://www.adalah.org/en/content/view/10193> [↑](#footnote-ref-50)
51. Correspondence on file with Adalah. [↑](#footnote-ref-51)
52. See: Adalah report, “Nomad's Against their Will” (2011) available at: <https://www.adalah.org/uploads/oldfiles/eng/publications/Nomads%20Against%20their%20Will%20English%20pdf%20final.pdf> [↑](#footnote-ref-52)
53. Supreme Court Appeal 3094/11, *Ibrahim Farhood Abu al-Qi'an, et al. v. The State of Israel* (decision delivered 5 May 2015). A subsequent request by Adalah and the community for a second hearing was denied in 2016. See also Adalah position paper, “The dangerous implications of the Israeli Supreme Court’s decision to allow the forced displacement of Atir-Umm al-Hiran for the remaining unrecognized Bedouin villages in the Naqab (Negev),” July 2015, updated February 2016: <https://www.adalah.org/uploads/Dangerous-Implications-SCT-Atir-Umm-al-Hiran-updated-Feb-2016.pdf> [↑](#footnote-ref-53)
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