

(Article 5) E. Economic, social and cultural rights

Economic Status and Poverty :

The Gol report does not provide a general profile of the minority sectors' economic status and poverty indicators. While a significant segment of the Israeli Jewish population is also impoverished, the socioeconomic level of Arab citizens of Israel is significantly lower than that of Jewish citizens of Israel in general. Virtually every measurable economic indicator demonstrates the severe inequality between the Arab and Jewish populations. Public statistical data reveal that the Arab population has higher levels of unemployment, lower average income, and over twice the rate of children living in poverty than Israeli society as a whole. Much of this distinctly lower socioeconomic status for Arabs is attributable as the material effects of institutional discrimination.

Another example of the unequal incidence of unemployment in the Arab and Jewish sectors is demonstrated by figures from towns in Israel with unemployment rates above 10%. Of these towns in 2000, 78 % are Arab (25/32 towns),²⁴⁸ and 22% are Jewish (7/32 towns).²⁴⁹

[See "Economic Indicators" above and Article 5E 1 below on the economic status in the OPT.]

The State party's destruction and neglect of Palestinian infrastructure throughout its occupation have been cumulative. Until April 2005, Israel's land-levelling operations in the Gaza Strip had destroyed 28,882 dunums²⁵⁸ of productive land, amounting to over 15 percent of Gaza's 172 sq. km agricultural land, in addition to causing substantial losses of water resources.²⁵⁹ Of those, Israeli forces have razed 8,000 dunums more than once. In 2006, Israeli forces bulldozed approximately 26 dunums (180 hectares) of agricultural land in the Gaza Strip. Over four years, Israeli forces have destroyed over 50 percent of Bayt Hanun's orchards. The destruction of orchards has contributed significantly to food insecurity and impoverished over 60,000 Palestinians in Gaza.²⁶⁰

Land and infrastructure destruction and confiscation have undermined the agricultural sector's absorptive capacity. Owing to Israel's construction of the Separation Wall, the West Bank has lost some of its most-fertile terrain, with agricultural lands accounting for 86 percent of the confiscated 270 sq. km by July 2004. Through September 2005, Israel's land levelling and confiscation continued with more than 4,100 hectares taken for the Wall's construction.²⁶¹

By mid-2004, the total amount agricultural land losses in both the West Bank and Gaza was around 260 km², representing at least 14.5 percent of the total cultivated land in 2003.²⁶² No official party has undertaken to quantify the losses consistent with the UNGA's 2004 call for a register of damages arising from the Barrier.²⁶³

Socioeconomic Status by Sector, 2001					
Economic indicator	Arab sector	Entire Israeli population	Category of occupation	Arab workforce	Jewish workforce
Percentage of population ²⁵⁰	20%	100%	Academics	7.3	13.3
			Managers	2.0	7.0
			Trades & Tech	8.9	15.5
			Subtotal	18.2	35.8
Unemployment rate ²⁵¹	14.0%	9%	Clerical	7.6	18.4
			Sales	15.3	18.8
			Subtotal	22.9	37.2
Average income ²⁵²	4,211 NIS/ mo.	5,918 NIS/ mo.	Professional	43.2	19.6
			Unskilled	13.8	7.5
			Subtotal	57.0	27.1
Poverty rate: children ²⁵³	50%	25%			

Note: The term "Entire Israeli Population" includes the Arab sector. This inclusion de-emphasizes the extremity of the gap between the Arab and Jewish sectors.

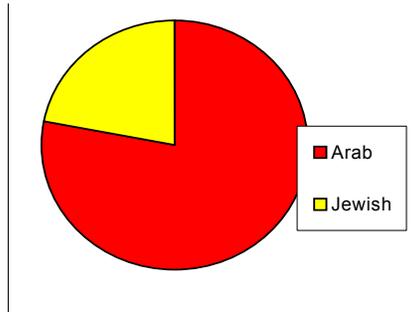
In addition to high levels of unemployment, Arab citizens of Israel are also underemployed. While the Jewish workforce is concentrated in white-collar positions, the Arab workforce is largely concentrated in the blue-collar sector. The following table²⁵⁴ breaks down the workforce by population group and by profession for 2000.

The (Arab:Jewish) ratio of white-collar workers is almost 1:2, while the ratio of blue-collar workers is over 2:1 (Arab: Jewish). 57% of the Arab workforce is unskilled laborers, compared to 27% of the Jewish workforce. 35.8% of the Jewish labor force occupy academic and

managerial positions, compared to 18.2% of the Arab workforce.²⁵⁵ In June 1999, only 5.7% of all civil servants were Arabs.²⁵⁶

The economic inequality experienced by the Arab sector is only exacerbated by the Israeli government’s financial neglect. Through analysis of each governmental ministry’s allocation of funds, local economists discovered that allocations to the Arab sector were dramatically lower the amounts disbursed to the Jewish sector. The Chart below²⁵⁷ demonstrates this inequity in some of the major government ministries’ budgets.

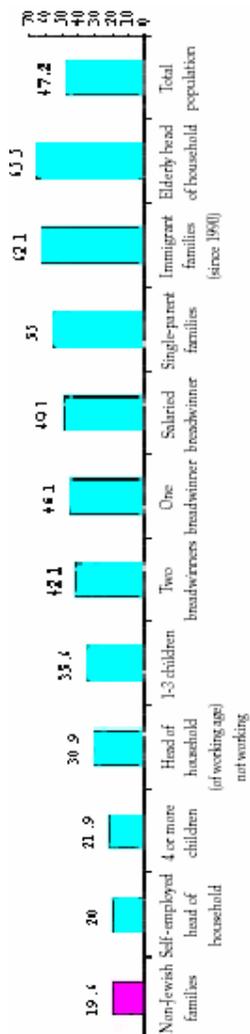
Arab & Jewish Sector Towns in Israel with Unemployment over 10%, 2000



[See also discussion of the Multiyear Development Plan below.]

1. The right to employment

Source: "Extent of Poverty and Inequality in Income Distribution Nationwide, 2002–Principal Findings" (Jerusalem: NII, October 2003).



Palestinian citizens are discriminated against in securing quality employment. Religion (“Jewish nationality” preferences), language and military service prerequisites, and security clearances form barriers that ensure this discrimination.

Despite the fact that, as of July 2000, 25 Palestinian towns have had the highest unemployment, ranging from 10.70 to 22.40%. In July 2000, the government prepared a special plan to support 11 localities with chronic unemployment problems, but it included only one Arab locality.²⁶⁴

Unemployment for Arabs is 14% as opposed to 9% in the Jewish sector. Due to unemployment and underemployment in the Arab sector, the poverty rate among Arab children is 50%, as opposed to 25% in the Jewish sector. Of towns with unemployment rates above 10%, 78% are Arab; and 22 % are Jewish.²⁶⁵

In 1998/199, 37.6% of Palestinian citizens remain below the poverty line. Jewish Israeli men earn on average 33% more/hour than Arab men, while Jewish women earn on average 28% more than Palestinians.²⁶⁶

Israel’s obligations under Articles 6, 7 and 8 of the ICESCR include the right to work under fair conditions. However, hundreds of thousands of Palestinians in the oPt are effectively deprived of their means of subsistence and of their right to work because they are prevented from reaching their land and their workplace, or because the Israeli army has seized their land and properties.

External closures between the OPT and Israel have the plummeting of the Palestinian GDP and the unemployment of some 100,000 Palestinians since the start of the second Intifada.²⁷⁵ At the start of the Intifada, 146,000

Year	Unemployment Rate by Percentage ²⁷³				
	Total*	West Bank**	Gaza Strip	East Jerusalem	Golan Heights
1999	11.8	9.5	16.9	N/A	N/A
2000	14.1	12.1	18.7	N/A	N/A
2001	25.5	22.0	34.2	N/A	N/A
2002	31.3	28.2	38.0	N/A	N/A
2003	25.6	23.8	29.2	N/A	N/A
2004	26.3	24.6	29.8	N/A	N/A
2005 ²⁷⁴	22.7	19.9	29.0	N/A	N/A

Palestinians, including residents of East Jerusalem, work in Israel and Israeli settlements. They represented 22% of the total Palestinian employment and 40% of Palestinian wage income.²⁷⁶ By the end of 2004, only 9%, (or 57,000) of employed Palestinians worked in Israel and the settlement.²⁷⁷ This shows a 67% drop from the 2000 levels, with 69% and 99% drops for the West Bank and Gaza, respectively²⁷⁸.

The overall rate of unemployment rate decreased slight in 2005, reaching 22.7, but still double the pre-Intifada period (see Table above). This meant an increase in the number of unemployed since the start of the Intifada, now reaching some 224,000.²⁷⁹ In the OPT, unemployment reached 35.4% in Gaza and 23% in the West Bank.²⁸⁰

Employment

As of 2002, relative employment features included the following:

- The rate of participation in the workforce among Arabs in Israel aged 15 and over was 39%, as compared with 57% among Jews.
- Low participation of Arab women. The overall disparity is skewed by the very low participation of Arab women-only 17.1% as compared with 54% among Jewish and other women.²⁶⁷
- Arab men exit the workforce relatively early. The participation of Arab men in the workforce is similar to that of Jewish, except when broken down by age group. In the 18 to 24 age group, Arab men's participation is higher, partly because of non-conscription to the army. From age 35 and up, the rate of participation among Arab men is lower, with the gap increasing as worker age increases. In the 45–54 age group, the rate of Arab men's nonparticipation in the workforce is three times higher than that of Jewish men of their age, 37% compared with 13%. In the 55–64 age group, the proportion of Arab men outside the workforce is twice that of Jewish men of the same age: 60% as compared with 30%.

This means that Arab men exit the workforce at a younger age on average than do Jewish men, a fact with two economic-rights implications:

1. Since relatively few Arab women are in the workforce to begin with, many families are left without any breadwinner.
2. Loss of pension rights, following relatively few years of employment, neutralizes the ability of families to support the worker whose pension rights have been cut off (if, indeed, any were accrued).

Education and participation in the workforce by women: The gap between the rate of participation in the workforce of Arab women and Jewish women narrows as the number of years of education rises. Among women with 0–12 years of schooling, the rate for Jewish

The completion of the Wall will result in the loss of 20,000 jobs or approximately, US\$134 million.²⁸¹ In addition, Israel's intentions to end all Palestinian work in Israel by 2008 will further add to the already low unemployment rate.

Effect of Movement Restrictions on Women's Right to Work:

The increase in unemployment due to closure has produced a variety of impoverishing consequences, as seen in the following examples:

Hebron (457,781 inhabitants)

- Since late 2000, about 50,000 daily wage laborers have lost their jobs
- About 100,000 people need food aid

Bethlehem (153,954 inhabitants)

- Since late 2000, about 47,000 people have lost their jobs. Wages diminished by about 50 %
- About 30 % of the families have reportedly sold some property to get cash for basic necessities

East Jerusalem (367,000 inhabitants)

- About 50,000 people lost their jobs
- 7,000 people need emergency food assistance

Nablus (331,688 inhabitants)

- Wages of daily workers in Israel, formerly a major income source, but about 13,000 people, including 8,000 who used to work inside Israel or settlements, lost jobs
- 50,000 people need food aid

Qalqiliya (81,900 inhabitants)

- Surrounded by Israel on three sides, local economy depends heavily on agriculture (esp. citrus exports) and wages of daily workers in Israel. Since late 2000, about 16,000 daily wage workers have lost their jobs inside Israel

women is three times higher than that for Arab women. Among women with a college education (16 years of school), the rates for Arab and Jewish women are similar: 74.6 for Arab women, compared with 78.4 for Jewish women. Women with higher education are less restricted by traditional constraints on women’s activity and the additional education expands their employment prospects.

Civilian Labour Force, 2001²⁶⁸

All Men	83.5%
Jews	84.7%
Arabs	77.0%
All Women	68.5%
Jews	77.3%
Arabs	22.9%

The Unemployed: gap between Jews and Arabs in Israel is growing.

Since 1996, the overall unemployment rate in Israel has been rising steadily. This trend peaked during the recession of 2001-2003 but the increase among Arabs has been steeper with a growing disparity between the rate

for Arabs and the rate for Jews.

The main factors for unemployment among Arabs are:

- Lack of education.
- Clustering in trades vulnerable to competition posed by foreign workers and to structural changes in the job market mainly in construction.
- Jewish employers’ attitudes about employing Arabs.
- Scarcity of jobs near Arab communities.

Tighter criteria for unemployment compensation

Recent revisions to the unemployment compensation law were harmful to all workers in the country. Working Arabs were more adversely affected, increasing the number of Arabs families left without a breadwinner. During the last two years, far-reaching changes to the relevant law were adopted that greatly restricted

- 16,000 people need food assistance.

Jenin (225,700 inhabitants)

- Economy largely depends on commerce with, and daily jobs in Israel (up to 70 %). About 90 % of trade with Israel stopped due to closure; while farming is now mainly a subsistence activity. About 20,000 lost jobs inside Israel.
- Around 45,000 people are in need of food aid

Gaza Strip (1,196,000 inhabitants)

- About 68 % of newly impoverished Palestinians live here
- Closure has deprived daily wages formerly earned inside Israel for about 44,000
- About 300,000 nonrefugee Palestinians need of food aid.²⁸²

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entitlement to unemployment compensation. Thus, despite increased unemployment nationally, the number of unemployed persons receiving unemployment compensation dropped.

A recent National Insurance Institute (NII) study reported that the new restrictions on entitlement harmed mainly younger, less educated, and lower-earning (before being laid off) workers, including temporary workers, day laborers, and those who had worked an insufficient period of time to qualify for compensation. This profile fits a considerable proportion of working Arabs in Israel. According to NII statistics, unemployment compensation recipients living in Arab urban areas comprised 10.1% of all those receiving such compensation in 2002; in 2003, the figure dropped to 8%, despite the rise in unemployment among Arabs.

Income disparities abound between Jews and Arabs in income and in source of income

Employment income: Average family income of Arabs in Israel is 57% of the average family income of Jews. Over half (56%) of the Arab families headed by a wage-earner are in the lowest one-fifth of Israeli families ranked by income, compared with only 16% of Jewish households. Only 3% of Arab households headed by a salaried worker are in the top one-fifth of households nationally, compared with 22% of Jewish households.

National Insurance (Social Security): Among non-Jewish families, NII stipends constitute 24.2% of all income on average, compared with 10.7% among Jewish families. The dependence of non-Jewish families on NII allowances is double that of Jewish families.

Income from government or private provident funds, from abroad, from property, or from pension: All together, these additional income sources comprised 11.5% of average family income among Jewish households in 2002. Among non-Jewish households, in contrast, only

4.2% of average family income was from these sources. This exacerbates the dependence of Arab families on earned income and NII allowances.

Available income: Overall, the available income in non-Jewish families is 67.8% of that in Jewish families.²⁶⁹

The Employed

Even with similar education, employment in well-paying professions is unequal:

- About half of all working Arabs in Israel are employed in industrial and construction jobs (38%) or as unskilled labor (14.7%), compared with about a fifth of Jews who work in these categories.
- In the academic professions and management requiring relatively greater education and more advanced skills, we find about 20% of employed Arabs in Israel compared with 38% of employed Jews.

Because Arabs in Israel are more-commonly employed in occupations that do not require higher education or advanced skills, their potential earning power is lower, they are more vulnerable to unemployment and they are more likely to be ejected from the job market at an earlier stage of their lives:

- Arabs are relatively more susceptible to structural changes in the labor market that reduce the number of jobs relying on labour-intensive technologies.
- Arabs face competition from foreign workers mainly in agriculture and construction. This competition affects both the demand for labor in these fields and the level of wages paid.
- In many cases the work involves physical labour so that older workers have trouble competing with younger ones.

Discriminatory treatment in the workplace:

The Israeli Ministry of Education had instructed subcontractors who

employed Arabs to hire armed guards to survey their building projects, obtain character references from the workers to ensure that they had no criminal record, appoint a Jewish Israeli to supervise the workers, and not to entrust Arab workers with the keys to buildings' gates, even if they were Israeli citizens. In response to a challenge by Murad al-Sana', attorney of Adalah Legal Center, the Education Ministry argued at the time that the security directives were formulated by the Israel Police. Israeli AG Mazuz ruled (4 June 2005) that the ministry immediate end its discrimination against the workers.²⁷⁰

Higher education is not the only factor influencing the division of employment for Arabs in various fields: Having the requisite educational credentials is not sufficient to assure an Arab equal access to a job in an elite profession, commensurate with his or her qualifications. Nearly one-third of the Arabs in Israel who hold master's degrees are employed as skilled workers in industry and construction (20.8%) or even as unskilled workers (9.6%), compared with only 10% of Jews.

Poverty

During 2002–03, NII allowances and other forms of state support were significantly altered by a series of budget cutbacks and radical restructuring. The nation's economy, meanwhile, experienced a downturn. All segments of the population were affected, but poor families suffered most from wage erosion and rising unemployment.

With decreased transfer payments (national insurance, unemployment compensation, welfare, disability payments, etc.), government policy exacerbated the scope of wage erosion in poor families' incomes.

Income survey data for 2002 do not fully reflect the series of cutbacks instituted that year. Further cutbacks were added in the course of 2003 that will have an impact through 2006. An NII survey²⁷¹ of poverty in the Arab community as compared with the Jewish

community during this period is instructive:

Incidence of poverty: An Arab family is three times more likely to be poor than a Jewish family. About 45% of Arab families in Israel are living in poverty, even after transfer payments and direct taxes.

The incidence of poverty, according to data from the National Insurance Institute is as follows:

- Before transfer payments and direct taxes: 55.6% of Arabs live below the poverty line, compared with 30.8% among Jews.
- After transfer payments and direct taxes: 44.7% of Arabs live below the poverty line, compared with 14.5% among Jews.

Two main factors influence the extent of poverty among Arabs in Israel:

Large families and low income. The low income is a function of: (1) high unemployment rates; (2) low wages; and (3) a high proportion of single breadwinner families due in part to the low participation of Arab women in the labour force.

Transfer payments and direct taxes rescue about half of poor Jewish families from poverty, but only a fifth of poor Arab families.

In 2002, transfer payments and direct taxes brought 53% of poor Jewish families above the poverty line, but only 19.6% of poor Arab families (see Diagram 3.9, below). The rate of decrease in the incidence of poverty after transfer payments and taxes among non-Jews was lower than among other population groups.

Inequality between Jews and Arabs in the impact of transfer payments and taxes on the incidence of poverty

For some years now, NII reports on poverty and inequality in Israel have repeatedly warned that the existing configuration of transfer payments (child allowances, disability allowances, etc.) and taxes is

ineffective in raising Arab families above the poverty line²⁷², and that only about 1/5 of poor Arab families are rescued from poverty as a result of transfer payments and direct taxes.

Transfer payments: Arab families are more dependent on transfer payments than are Jewish families: Transfer payments comprise 24.4% of the average Arab family's income, compared with only 10.7% of the average Jewish family's income. Hence, a poor Arab family's chances of being brought above the poverty line via transfer payments is statistically only half that of a poor Jewish family. Transfer payments bring a 32% drop in poverty among Arabs, and a 62% drop in poverty among Jews, before payment of direct taxes.

This disparity in the prospects that transfer payments can rescue a family from poverty is attributable to differences in the breakdown of the factors that produce poverty in the two populations, and to differences in the employment and income profile of Jews and Arabs in Israel. After transfer payments and taxes, 62% of immigrant families—which constitute about a third of poor Jewish families nationwide—are brought above the poverty line; but the Arab population has zero% new immigrants.

Likewise, 65.5% of families headed by an elderly person are thus rescued from poverty; but senior citizens comprise only about 6% of the Arab population in Israel. On the other hand, the contribution of transfer payments and direct taxes in rescuing large families from poverty is fairly low—22%; large families, meanwhile, account for 60% of poor Arab families. In sum, transfer payments and direct taxes rescue poor families belonging to a population group most of which is Jewish, while Arab families constitute a high rate of those for whom transfer payments and direct taxes offer no escape from poverty.

Direct taxes: Direct taxes, progressive or otherwise, are imposed on the citizen who earns a living by working. Thus families headed by a working person and raised out of poverty by transfer payments are

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liable to fall beneath the poverty line again once taxes are factored in. *The proportion of Arab families rescued from poverty by transfer payments, who are then brought below the poverty line again after payment of direct taxes, is about 40%, as compared with about 15% of poor Jewish families.*

Thus we see that the phenomenon of barely climbing out of poverty, only to fall back under the poverty threshold again, affects four in ten poor Arab families precisely because the typical Arab head of household is a working person who pays taxes. Changes in tax laws, including tax refunds or a negative income tax for people with particularly low earnings, could help make working more worthwhile for these families and would improve their economic situation.

In sum, the contribution of transfer payments and taxes to reducing poverty among Arab families is extremely low. This trend is projected to intensify with the latest cutbacks in child allowances, the impact of which will be felt through 2006.

2. The right to form and join trade unions

Discrimination is widely practised in *Histadrut*. The Israeli government has blocked efforts to establish independent union for Arab and other disenfranchised workers.²⁸³

Worker Rights: Golan Heights

Occupation has made Israel the only market accessible to Syrian Arab farmers, and the closure of the West Bank and Gaza has eliminated 30% of the consumer market for their produce.²⁸⁴ Apple production dropped from 25,000 tonnes, in 2002, to 15,000 tonnes, in 2003, with cultivated land reduced from 5,000 to 2,000 hectares. Land dispossession and institutional discrimination, including prohibitions on Syrian Arabs digging wells or collecting snow for irrigation, force Syrian farmers to abandon their livelihoods.²⁸⁵

Syrian workers in the occupied Golan continue suffering from high unemployment and job insecurity. Those in temporary work under constant threat of dismissal. Governmental and public institutions

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	discriminate by hiring Jewish settlers exclusively and reject employment of Syrian citizens on the pretext of Hebrew language criteria and for “security” reasons. ²⁸⁶
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3. The right to housing	
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<p>Israel has no “Housing Nondiscrimination Act” and no Israeli law recognizes the human right to adequate housing apart from its treaty ratifications under ICERD and ICESCR. For all its constitutional implications at exposing institutionalized discrimination through the JA, the Qa’adan ruling did not go so far as to mandate a remedy beyond the persons of Adil Qa’adan and his family (yet to be realized). [See “3. Judicial measures: Amending discriminatory land allocation policies” above.] The JA practices formal discrimination according to its charter, and the housing inadequacy for the Arab citizens of Israel—the reason for the Qa’adan case—continuously worsens.</p> <p>The Qa’adan ruling also did not affect past discrimination or future policy. Despite the positive Court ruling, the Katzir settlement continues to reject the Qa’adans’ application to buy a home there. Further, the decision does not relate to the main issues for Palestinian citizens of Israel such as continued land confiscation, the uprooted villages, the “unrecognized villages,” the poor conditions of Arab neighbourhoods in the mixed-cities, and the overcrowding in all Arab localities due to the State’s refusal to allow or allocate sufficient land use to their municipalities, including what is historically tenured as theirs. [The responses to questions, and additional information under Article 11 below demonstrate current conditions and trends.]</p> <p>Significant, however, is the backlash to the Qa’adan ruling. The Knesset’s president (Rabbi) Haim Druckman proposed an amendment to the Law of the Lands of Israel that the Cabinet approved overwhelmingly on 7 July 2002, but was not approved in Knesset. It sought explicitly to legislate what is already institutionalized and</p>	<p>Israel has no “Housing Nondiscrimination Act” and no Israeli law recognizes the human right to adequate housing apart from its treaty ratifications under ICERD and ICESCR. However, Israel also has refused to apply or report on its human rights treaty obligations in the occupied Palestinian territory. In addition to the government bodies, including the various ministries, that discrimination against Palestinian in housing, planning and land use in the OPT, the “national” institutions, World Zionist Organization and Jewish National Fund and their subsidiaries practice institutionalized discrimination based on Jewish “nationality” status.</p> <p>In July 1967, the State party’s military government dismantled the indigenous physical planning system, making physical planning an Israeli military operation (based at Beit El colony, West Bank). These authorities, as well as the East Jerusalem occupation municipality, continue to plan and develop OPT areas to the exclusion of the Palestinian communities there and throughout Areas B and C. This violates Article 43 of the Hague Regulations, which, as noted above, prohibit an occupying Power from altering the legal system in occupied territories. Israeli domestic laws, including Basic Laws, military orders and planning regulations, are applied with discrimination against, and to the disadvantage of the Palestinian population, in favour of Jewish settlers.³⁰⁷</p> <p>The occupier’s law altered the structure of civic institutions in the OPT from a system of 25 municipal councils and 86 village councils. It transferred planning authority from District Committees to an Israeli “Higher Planning Committee,” and conveyed the planning and</p>
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permitted by law; that is, allowing lands allocated to the JA to exclude non-Jews from settlements. The Druckman legislation calls for the security minister to determine that security reasons require, or, if the ministers responsible for implementing the law affirm the same, or that such exclusion is necessary to "preserve... a certain way of life." New legislation then would prohibit non-Jewish Israelis even more explicitly from accessing land and/or housing in their own country.

Meanwhile, the JA establishes settlements on state-owned property that the Israel Lands Administration manages (i.e., 93% of total land in Israel).²⁸⁷ Naqab Arab villages epitomize how redundant such legislation is. The Bedouins comprise ¼ of the Naqab population, but the State actively restricts their use to only 2% of the land.²⁸⁸

The advantage of this change, from the perspective of the Zionist settlement programme, was that the settlement authorities could continue to pursue the segregated and demographic consolidation ("thickening") policy—inside the Green Line (historic Palestine), while claiming before international publics that discriminatory land confiscations in Israel have ceased.

Mortgages

The State assists homebuyers with with loans and grants. Eligibility is based on a point system: purchasers who amass few points receive a mortgage comprised solely of a loan; those who build up more points receive mortgages composed of loans and conditional grants.

Some of the criteria, including years married and number of children and siblings, are supposed to reflect the likelihood of the applicants' acquiring housing without government assistance. Since the government mortgage also serves as an instrument for the government's settlement policy, households that buy dwellings in National Priority Areas receive more assistance. Households with fewer resources than other groups (such as recent immigrants and

development powers of village councils to military appointees. Israeli authorities impose their own physical planning regime and master plans on villages, towns and rural areas, thereby restricting Palestinian living space, often evading legally prescribed objection rights and procedures.

Throughout the review period, the State institutionalized discrimination in planning criteria in the 171 or more Jewish settler colonies in the OPT (138 in West Bank, 17 in Gaza [redeployed in 2005] and not less than 17 in East Jerusalem.³⁰⁸ Available data indicate that occupation authorities have allotted 41.9% of all West Bank to settler colonies as building, planning and development zones.³⁰⁹ For example, planning authorities have allotted 700,000 dunums of land to the Migilot settler colony in the Jabal al-Khalil (southern West Bank).³¹⁰

The Military Government of Israel continues to obstruct Palestinian physical development in the Gaza Strip, East Jerusalem and the West Bank through military orders (in the West Bank and, until recently, Gaza) that "amend" the local planning law.³¹¹ The two principal effects of the military orders have been to:

1. transfer powers from the authorities designated in local elections to the Israeli Military Government's nominees (as the High Planning Council), and
2. ensure that the Israeli High Planning Council (HPC) over-rule any planning decision.

In the West Bank, for example, under local law, the powers of chairman of the HPC rest with the (Jordanian) Minister of Planning. Under Israel's conversion of local law for its acquisitive purposes, military orders have transferred this role to the "person in charge"; that is defined as "anyone appointed by the commander."³¹² The Israeli Military Commander of the West Bank also appoints other members of the HPC.

single-parent families) also get larger mortgages. Finally, every month of military or national service entitles a homebuyer to a 1% increase over the personal mortgage (i.e., the mortgage not including the supplement given to homebuyers in National Priority Areas). Arab couples do not receive government mortgages equal in size to those of Jewish couples, since (1) few of them serve in the army and (2) their localities are not defined as National Priority Areas.

Arab Sector Mortgage Programs

The five-year plan for the Arab sector provides a supplement for development, but makes no mention of the housing needs of young couples. Only one Arab locality, Nazareth, figures among localities that qualify for increased locality assistance, and only because the Association for Civil Rights in Israel intervened.

Rent Subsidies

Home ownership is the Israeli norm. In 1999, 69% of households lived in dwellings that they owned.²⁸⁹ Immigrants from the former Soviet Union, in the 1990s and since, have received more assistance than Israel-born persons eligible for housing assistance, acquired housing ownership at even higher ratios. The housing ownership rate rises with length of residence in the country: 51% for immigrants in Israel for three or four years, and 90% for those in Israel nine or ten years.²⁹⁰ Ethiopian immigrants' greater assistance yields a high ownership rate.

Israelis who cannot afford the expense of home buying or have not yet accumulated enough savings for this purpose, such as recent immigrants, usually can ask the government for rent assistance. In December 2000, 183,470 households received such assistance, 7% more than in 1999,²⁹¹ while 80% of those eligible for that benefit were recent immigrants. Others included recipients of subsistence benefits and single mothers. The level of assistance is low relative to Israel rent levels: from NIS 100 to NIS 1,170 per month. (No disaggregation

Israel's military orders concerning physical planning in the OPTs establish that the HPC has the discretion to disregard all the provisions of the indigenous planning law; and, since the HPC is answerable only to the military commander, the particular articles of the orders are never quoted in decisions, and Palestinian inhabitants do not know whether official actions are sanctioned by the planning law or by the military commander's discretion to disregard the provisions of that law.

Military Order 418 (1971) authorises the HPC to "amend, cancel, or condition the validity of any plan or permit." Formalising an arbitrary practice of discrimination, MO 418 authorises the same alien body to "exempt any person from the obligation to obtain a permit required under the Law,"³¹³ which privilege is bestowed exclusively on Jewish settlers and "national" parastatal institutions (WZO, JNF, etc.) involved in colonization to facilitate their lawless construction on Palestinian territory.

Meanwhile, the HPC maintains three subcommittees: Israeli settlement, house demolitions and local planning and development). The first of these secretive bodies organises and sanctions settlement activity recognised under international law as a war crime.³¹⁴ The third of these, as its name indicates, oversees physical planning and development in Palestinian town and villages. That subcommittee has included some Palestinian employees of the Israeli "Civil Administration" in the OPT; however, they lack power to affect policy. Neither the "Settlement Subcommittee" nor the "Supervision Subcommittee," dealing with demolitions, has any Palestinian member. In any case, the Israeli military commander retains the power to override any planning authority decision, ensuring that all use of land in the OPT is subject to Israeli military objectives.

Since the planning laws in the OPT remain essentially unchanged, the effect of the military orders has been to eviscerate Palestinian

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by ethnic or civil status is available.) The increase in nonimmigrant recipients of the benefit may correspond to an upturn in the number of nonimmigrant households that receive subsistence benefits. That, in turn, is a function of the unemployment rate, among other factors. (Immigrants are eligible for five years of declining rent subsidy after they immigrate; single-parent families are eligible for a sixth year.²⁹²)

Israel's Expropriation of Land and Property, and Destruction of Property and Housing belonging to Palestine Refugees:

The Gol has used the broad scope of the “Absentee Property Law” to disqualify the majority of displaced Palestinian Arabs from their lands. Instead, the State has claimed the lands and all properties through a mechanism known as the Custodian of Absentee Property, mostly for transfer to Jewish beneficiaries.

Israel has used the Absentee Property Law to confiscate property belonging to citizens considered—by 1947–48 criteria—to be at war with Israel, or Palestinian Arabs who stayed in the territory, however briefly, in territory controlled by states engaged in the conflict. The law applies from 29 November 1947 (date of UNGA resolution 181 “Palestine Partition with Economic Union”) until the Israel lifts the State of Emergency. The State declared such persons “absentees,” and designated their property as “absentee property,” transferring it to the Custodian of Absentee Property (CAP), usually without notifying the property holders of that designation. The State authorizes CAP to sell and transfer absentee property only to the Development Authority (DA), the State agency established by the Israeli government in conjunction with the enactment of the Absentees’ Property Law to “legalize” the confiscation. When an absentee designation is challenged in court, regardless of whether the technical requirements of the law are met, the court invariably rules that the CAP’s transfer of ownership to the DA was made in good faith and irrevocable.

There are no exceptions for involuntary abandonment or inheritance,

institutions of their planning functions and render the indigenous law impotent as a standard for delivering sound, consistent, informed and fair planning decisions.³¹⁵ The Military Government’s control of all planning functions also has far-reaching consequences. It renders irrelevant local planning skills and competence, forecloses the participation of the Palestinian people ultimately affected and forecloses their aspirations for future development. Moreover, the occupier’s law serves a free hand to a military not renowned for its restraint in the use of destructive force, but dedicated to the service and expansion of a State that has institutionalized discrimination against and dispossession of the indigenous population.

The planning deficit for some 400 Palestinian villages in the West Bank has been acute, with only general schemes laid down in 1942.³¹⁶ Since then, only one village (al-Tayba, Ramallah District) had an approved plan by the end of the 1980s. In the early 1980s, the Israeli Civil Administration drafted some 300 village plans, none of which was approved. Between 1984 and 1987, Palestinian engineers prepared over 50 village development plans and presented them to the Israel Central Planning Office. Israeli planning authorities approved none of them.

Instead, the Central Planning Office prepared more than 300 “Partial Special Local Planning Schemes” by the time the Oslo Accords were (partially) implemented in 1995.³¹⁷ The central purpose of these “demarcation plans” has been to limit village borders and Palestinian use of—particularly construction on—their land. These were hasty attempts to limit Palestinian presence through physical planning procedures, which then provided an administrative pretext for demolishing Palestinian housing as “unlicensed.” It must be kept in mind that, since 1971, when illegal Jewish settlement construction began outside of occupied East Jerusalem, the military law set-up institutionalised an exemption for “Jewish nationals” to build without the strictures of any local planning law. For Palestinians, these alien plans ignored local custom, demographic reality and development

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unless the property belongs to a Jew. Private Jewish property is not confiscated under this law. Israel has not ended the State of Emergency and the law is applied until today, including in Jerusalem through 2006, for expropriation of Palestinian land to construct Israel's Separation Wall. [See also “Occupied Arab Territories” column.]

Knesset legislators have initiated many other bills with the tacit intention to expropriate Arab land and reallocate it to Jewish control. These legislation initiatives include the Land (Acquisition for Public Purposes) Ordinance (1943), the Defence (Emergency) Regulation 125 (1945), Israel Lands Administration Law (1960), and the Agricultural Settlement (Restrictions on the Use of Agricultural Land and Water) Law (1967).²⁹³

Israel's laws and operations pertaining to land registration and settlement of title, including the Law of Limitation (1958), and Basic Law: Israel Lands (1960), were and continue to be used to confiscate the lands of Palestinian Arabs who lawfully held land based on prescription under the Ottoman Land Code, had not settled title in the British Land Settlement process, or had lost or could not prove title to their land. To make it virtually impossible to register title on the basis of prescriptive rights, Israel lengthened the holding and cultivation period contained in the Ottoman Land Law (1858) from 10 to 15 years for unsettled land, and from 15 to 25 years for settled land. Courts then applied the lengthened period of prescription *retroactively*, effectively canceling Palestinian landholders' vested rights. Israel then froze the counting of time toward the period for prescription for five years, and announced that, it would begin settlement of title and land registration operations in the most densely populated Palestinian areas where Palestinians had not registered title.

With that announcement, no more time could be counted to accrue prescription rights, which enabled the State of Israel to confiscate even more Palestinian land. Even in the unusual case of a Palestinian Arab somehow able to prove holding and cultivation for the requisite

aspirations. The schemes generally limited all new construction to already-built-up village land, excluding future construction on both village land and private land elsewhere.

Discrimination in Land Use

The restricted land space allowed for building and the demographic growth in Palestinian East Jerusalem has caused overcrowding. At the beginning of the 1990s, Palestinians in East Jerusalem faced a housing shortage of over 20,000 units. Since then, the gap in construction for the city's two populations has only increased. This should be considered in light of the glut of “Jewish” housing over all. In Israel there are 1,639,410 residential dwellings, of which 82,042 were vacant already in 1995.³¹⁸

Discrimination in housing and land use manifests to the advantage of the settler colonists. The critical factor affecting Palestinian life is less the settler population than the lavish allotment of land resources to it. Planning maps remain largely inaccessible to the public, and especially to the Palestinian public. For example, in the Migilot settler colony in the Judean desert, Israeli planning authorities have allotted 700,000 dunums of land to its settler population of 900.³¹⁹ Bedouins are particularly affected, with Israel removing them from the lands that they historically occupy, as originally in the cross-Green Line case of the Jahalin community (originally evicted from the Naqab, southern Israel, and subsequent settlement sites in the West Bank).

prescription period, the Israeli Supreme Court interpreted the land laws in restrictive ways in favor of State ownership, and created procedural barriers and standards that were exceedingly difficult for Palestinian landholders to meet. Finally, the Supreme Court then interpreted the Basic Law: Israel Lands to prohibit Palestinian Arabs from claiming title by prescription in settled land and deemed it to belong to the State (transferring it to institutions ensuring its exclusive use by and for “Jewish nationals”).

Current Israeli land settlement operations, in particular in the Naqab (See *The Case of Arab Al-Shibli I Annex*), involve ongoing expropriations of yet more Palestinian land under cover of prescription laws. Private Jewish land owners are not affected by these laws and operations, because they cannot usually claim title based on prescription.

Numerous additional cases of confiscation under the Absentees’ Property Law are on file with human rights organizations and lawyers.²⁹⁴ (See *Annex for more examples.*) Case law indicates that Palestinian property owner have not been able to challenge this law successfully and regain ownership, except for a few special cases. Even limited Palestinian claims, brought under the 1991 Basic Law: Human Dignity and Freedom, for equal access and use of land confiscated under the Absentees’ Property Law, have resulted only in very partial relief (e.g., *Qa’adan and ACRI vs DA*, 1995, decided in March 2000).

“Public” purpose

Israel continues to employ the Land (Acquisition for Public Purposes) Ordinance 1943 to confiscate strategically important land owned by Palestinian landowners in order to further Jewish development, housing, and use. The Israeli Supreme Court has given the government wide latitude in the application of the Public Purpose Ordinance and has shown almost complete deference to the

government determinations of what, where and when to confiscate property. In practice, this has meant that the government may expropriate Arab land solely for Jewish settlement so long as it claims that the confiscation is for a “public purpose.”²⁹⁵ Confiscation for public purpose has affected only a small number of Jewish property owners, because private ownership of land by Jewish individuals is rare.

In court appeals, villagers have found that all building in the “unrecognized” villages has been defined as against the public interest.²⁹⁶ They are usually required to demolish their own homes, which then go unregistered in the statistics. Should they fail to do so, they are fined for contempt of court and can be imprisoned for up to a year. Equally the authorities can implement the demolition order at the cost of the homeowner. Once issued, demolition orders cannot be cancelled. However, since the “grey houses” (built in grey-coloured zones on the planning map) cannot be repaired, and houses that are found to be hazardous can be demolished immediately, the authorities implement orders randomly, and wait until the other houses become unliveable and/or demolished as “condemned.”

Often, when Israel confiscated land and other property under the Public Purpose Ordinance, as in the case of Nazareth, there was other land available for the alleged public purpose. Instead of expropriating other available land, Israeli officials arbitrarily expropriated Arab land.

Expropriations and property destruction have not met the criterion of necessity required by ICCPR’s derogation principle. If Israeli officials closed off an area of land, confiscated property, or expelled residents on the basis of legitimate security concerns, Israeli officials should have returned that property and housing to former Arab residents as soon as those security concerns ceased to exist. The experience of the Kufr Bir’im villagers (see Annex) shows that even after the state declassified a “security zone,” such declassification never has involved restitution of the land to its legitimate former owners. Rather,

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Israel confiscated Palestinian land on the pretext of public purpose or necessity, and then turned it over for Jewish settlement or related use. Thus, the confiscations and destruction were arbitrary with discriminatory purpose.

Together, the four types of Israeli land laws and the rulings of the Israeli Supreme Court deny Palestinian Arabs the right to housing, property ownership, freedom of residence, and inheritance. Land expropriated from Palestinian owners was transformed into “Israel Land” under Israel’s so-named Basic Law (1960). Such land is owned and held by the state (Development Authority, Israel Land Administration, and others) and parastatal agencies (WZO/JA, JNF and/or their affiliates) that, under their statutes, hold and develop land for the exclusive benefit of “the Jewish people.” No similar laws and agencies operate to protect Palestinian property ownership, or to hold and develop land for Palestinian Arabs.

In the war of 1948, Israel forcibly gained control of over 20.6 million dunums (20,600 km²) of land in former Palestine; however, the State and private Jewish owners combined had legal title to no more than 2,800 km². Since then, the State of Israel has expropriated some 1,288,000 dunums (1,288 km²) of Palestinian land by means of the combined application of Emergency Regulations and the *Land Acquisition (Validation of Acts and Compensation) Law*. Application of the Absentees’ Property Law resulted in the expropriation of an additional four to five million dunums (4,000–5,000 km²). The Land Acquisition for Public Purpose Ordinance, as per the ILA’s 1993 report, resulted in the expropriation of 1.85 million dunums (1,850 km²) of privately held land, mostly taken from Palestinians. Following land settlement of title and registration operations, Palestinian Arabs are left with only approximately 3% (600–700km²) of the land in Israel.

Israel’s land regime, thus, effectively constitutes Israel’s violation of the Palestinian people’s right to self-determination. Acts of arbitrary interference in individual Palestinian Arab housing and property rights

have constituted nationality/race/religion-based discrimination. By expelling Palestinians from their land expropriating and destroying their housing and property, Israel also has infringed upon displaced Palestinians rights to housing and land as national resources. Cutting off access to Palestinians' fields and other sources of their livelihood has deprived them of their means of survival and severely diminished their standards of living. Furthermore, Israel has not offered fair, adequate and effective restitution and compensation. Israel's land regime and policies thus constitute egregious violations of its treaty obligations, including prohibitions under Article 2 of ICESCR, which sets forth "In no case may a people be deprived of its own means of subsistence."

Israel's taking of Palestinian land was a matter governed by customary international law, *ab initio*. The principles underlying the illegality of Israel's expropriation of Palestinian land as a matter of customary law, and the concomitant Palestinian rights to reparations for wrongful taking, have only strengthened over time as the key customary norms have been codified in treaties that Israel subsequently has signed and ratified.²⁹⁷

International practice, usually enforced by peace agreements, is to allow inhabitants of a territory at the time of change in sovereignty to acquire the nationality and, thereby, the protection of the successor state. Such was the practice in the breakup of the former Soviet Union and former Yugoslavia. Furthermore, denationalization based on race or ethnicity is prohibited not only under general principles of nondiscrimination embodied in the human rights treaties cited above, reiterating the ICERD prohibitions, but also under customary law and the principles and charters of international military tribunals that have defined persecution based on racial, religious, or political grounds as a crime against humanity.

Continuing land and property confiscation

Consequently, in most settlements established in Israel after 1976, notably “outposts”²⁹⁸ in the Galilee and elsewhere, Palestinian citizens continue to own plots. Though these plots are inside the outline plan of the Jewish settlements, the Palestinian citizens have been denied their rights to develop those plots for housing due to Israeli zoning regulations. Israeli authorities have zoned all plots surrounding Palestinian citizens’ property for Jewish use, especially housing. Typically, the Palestinian plots are zoned as “agricultural lands” (colored green on official maps) and, thereby, statutory plans proscribe their owners’ right to build on them. Since the “national” institutions that possess the land preclude any but “agricultural colonization based on Jewish labour,” they exclude and dispossess the indigenous land-based Palestinians as a matter of course.

The Palestinian citizens of Israel who are owners, becoming progressively more aware of their rights, in some critical cases guided by legal counsel, are working through the system and in compliance with regulations toward the reclassification of their plots from “agricultural” to “building.” With the *Qa’adan* precedent looming in the background, slow but consistent progress is taking place, overcoming official bureaucratic obstruction. In response, the ILA director has urged the government to bring back the policies of outright confiscations of Arab properties in order to stem the tide of legal protection for Arab citizens’ property and housing rights.²⁹⁹

Lack of adequate housing and lack of control over land resources are two of the most pressing problems that the Arab community faces in Israel, and the patterns of discrimination in the housing sphere provide a window on the wider system of institutionalized discrimination over time and space. The widespread expropriation of Palestinian-owned land started even before 1948 by the then British-based JNF, which previously used donations to purchase privately owned land. That financial appropriation of land was consistent with the WZO program to replace Arab farmland with Jewish settlements in order to “redeem the land of Palestine as the inalienable possession of the Jewish

people” [*le’om yahud*].³⁰⁰

Gol interpretations of land rights have affected the Arab citizens of Israel in several ways. First and foremost, the State has removed many landowners from their land. Although the government has offered some monetary compensation (often rejected), the landless population finds extremely limited options for resettlement and rejection from “national” institutions (e.g., JNF) otherwise dedicated to developing land and rehousing, however on an anti-Arab basis.

In addition, the unequal allocation of government funding prevents towns and villages from creating the infrastructure needed for healthy growth, leading to overcrowding, lack of adequate municipal services, and lack of housing. In contrast to Jewish settlements with generous allowances for roads, parking, and public space; Arab localities are cramped and overflowing. New generations build apartments on top of their parents’ homes for lack of space. There are virtually no parks or green areas in Arab communities. Drivers face regular impassability due to narrow roads that do not accommodate the traffic.

The following table shows the percentage of land that is used for housing and industry in the Arab and Jewish sectors. The remaining land use percentage consists of public use and agricultural lands.

Land Use by Sector (Tama 35 Plan for 2020) ³⁰¹			
Type of locality	Housing	Industry	Industry as % of Housing
Arab localities	82.0%	1.0%	1.2%
Small Jewish localities	47.5%	8.3%	17.5%
Large Jewish	66.3%	14.4%	21.7%

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meet the needs of their inhabitants (and future inhabitants not yet arrived), Arab towns are confined to the original town limits. These constraints are reflected in the land use choices of the Arab and Jewish sectors. As shown in the table, Arab localities use the majority of their land resources to satisfy housing needs, and have little land left over for industrial development, agriculture, or public spaces. By contrast, Jewish localities are able to meet their housing needs with amply allocated land.

Three hundred new Jewish settlements have been established and developed inside the Green Line since 1948.³⁰² Since these Jewish settlements were built in accordance with Gol zoning plans, they are eligible for governmental assistance with municipal services and infrastructure, in addition to the benefits that the parastatals provide. By contrast, Arab localities without (extremely unlikely) Jewish Planning Council authorization do not receive this support.

It would seem that the obvious solution to the housing and land dilemma would be to create building plans for the Arab localities. Gol has used that function several times as a means to reduce Arab built-up areas. In 1976, Gol appointed the Chaim Koversky Committee to evaluate the problem of “illegal” (Arab) housing.³⁰³ Koversky noted the lack of sufficient planning programs, and recommended their immediate development. However, when the Markovitz Committee was appointed in 1986 to examine the same issue, Markovitz found no serious reductions of the unwanted structures since the Koversky findings.³⁰⁴ Since 1976, Gol has formed five separate committees to investigate and remedy the problem of “illegal” Arab housing. Each committee has recommended that restrictive plans be drawn for the Arab localities, and that all future building strictly adhere to those plans. However, this goal is yet to be achieved, and was recommended again by the Gazit Committee, in 2000.³⁰⁵

There are several steps to the top-down development and approval of local building plans, involving little input from the affected

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communities. The first step in the process is the National Land Plan (Master Plan), which is that the National Planning Council develops. This plan categorizes each region in the country as urban, agricultural, conservation, etc. Each category of land has a level of development assigned to it. Urban areas are required to build in a ratio to their population, while land marked for conservation cannot be developed at all. This National Land Use Plan is then passed on to the Regional Planning Committees. These bodies are responsible for accepting planning proposals from each of the Local Planning Committees.

This is usually the phase where proposals are blocked. Regional Planning Committees propose different building plans, but none appropriate for the actual needs of the Arab inhabitants. For example, plans propose the building of apartment complexes on privately owned agricultural land, and the owners refuse to give up their land. This lack of coordination between the needs of the community and the plans is not surprising with negligible Arab representation on the planning committees. Although Arabs constitute 20% of Israel's population, only two Arabs have served on the thirty-two member National Planning Council. The same lack of representation is evident on the regional level as well. In the Galilee, Arabs constitute 52.3% of the regional population;³⁰⁶ however, only one Arab serves on the 17-member Regional Planning Committee there.

Discrimination in Planning, Construction and Resource Allocation

Israeli physical planning and land-use policies provide the technical premise for demolishing some 176 historic Palestinian villages and small clusters of habitation as a function of the State's continuing interwar population transfer policy.³²⁰ With the close collaboration and oversight of "national institutions," such as the JA and JNF, this strategy is creating some 70,000 permanently landless, new internal refugees of Israel's own "citizens." Some of these are scheduled for transfer to planned townships (seven in the north and 16 in the south) lacking adequate infrastructure and economic base. Functionally, these are to serve as surplus labor camps under the pretence of modern development planning. In the parlance of Israeli planners, these sites are referred to as "concentrations" (in Hebrew, *rekuzim*).³²¹

Planning and Construction Law: Communities that the State formally permitted to remain in the 1950s became subject to new criteria for removal.³²² The government *delegalized* villages by enacting the Planning and Construction Law (1965). The law set out a framework of regulations and national outline plans for the country's future development. It zoned land for residential, agricultural and industrial use, and forbade any form of unlicensed construction or construction on agricultural lands. The unrecognized villages were not incorporated into the planning schemes, and their lands were reclassified as agricultural (i.e., unpopulated). Villagers were not consulted on either the law or other plans affecting them.

Thus, existing buildings in these indigenous villages were ineligible for permits, and *Gol rescinded* licenses for structures such as schools that already had them. The ownership of the lands was not disputed, but the law created a situation in which the whole community, as well as each individual house, became instantaneously illegal/criminalized. The fact that the house may have been built before the law was immaterial against the new, retroactive fact that it was now on "agricultural" land. As such, Israeli law makes it eligible for exclusive Jewish settlement and labour. This highly ideological language, with its legal implications, serves to dispossess any landed indigenous

Favouring Jewish Colonisation

The Jewish settler colonies in the West Bank form a complex of four principle blocs that, with their planning areas, comprise over 40 percent of West Bank land.³³⁷ After the recent dismantling of four northern West Bank settlements (Ganim, Kadim, Homesh, and Sanur), Israeli maintains 121 settlements in the West Bank, plus at least 17 Israeli settlements in occupied East Jerusalem.³³⁸ As of 31 August 2005, Israel has permitted 101 unofficial settlements (a.k.a. "outposts") in the West Bank, including 51 during Ariel Sharon's term as prime minister.³³⁹

The 1,097 new settlement-housing starts between January and June 2005, compared to 860 in 2004 (a 28 percent increase).³⁴⁰ Correspondingly, ongoing construction in settlements at end June 2004 totalled 3,984 housing units; at the end of June 2005, 4,207 units were under construction (a 6 percent increase).³⁴¹ New West Bank settlement housing units being built at end 2005 were 3,696, in addition to 1,654 in occupied Jerusalem.³⁴² Large-scale housing construction (representing hundreds of units) is taking place in seven settlements within (west of) the Wall: Alfei Menashe (pop. 5,500), Ma'ale Adumim (29,500); Modi'in Illit (28,500); Beitar Illit (25,700); Ariel (16,400); Giv'at Ze'ev (10,700). One, Geva Binyamin (a.k.a. Adam), housing 2,100 settlers northeast of Jerusalem and east of the Barrier route. Medium-scale housing construction (tens of units) is proceeding in another 17 settlements, all but three of which fall inside the Barrier route.³⁴³

The State party initiated around 57 percent of the construction projects in this period, funding around 40 percent of the total investment. This State's role there was greater than inside Israel, where the State initiated around 27 percent of construction projects and funded 16 percent of total investment.³⁴⁴ While Israel built twice as many new oPt-settler homes in the first quarter (Q1) of 2005 as in Q1 2004, housing starts inside Israel

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persons or community that, per se, would not be Jewish. As the villages were “unrecognized,” they had no local authority to apply for a change in the status of their lands, and no representation on regional or national planning committees to assist such a bid.

Since 1976, five official committees serially have investigated the problem of “illegal” housing in the Arab sector. Each committee has recommended comprehensive plans for the Arab localities, and that all future building should be in accordance with these plans. However, this is yet to be achieved, and was recommended again by the Gazit Committee in 2000.³²³

The Planning and Construction Law allows planning authorities to prosecute homeowners for building without a permit and forcing them to demolish their houses “in the public interest.” The law allows the courts to issue demolition orders retroactively,³²⁴ i.e., against 95% of unrecognized villages houses predating this legislation.³²⁵

The Knesset has amended Planning and Construction Law Article 238A to allow officials to issue administrative demolition orders on houses within a month of their completion. Consequently, planning officials survey the villages monthly through aerial photographs and spot visits. The State party has prosecuted villagers for home extensions, repairs and even toilet installation.

The Gazit Committee, headed by Dov Gazit, was commissioned in 2000 to investigate and make recommendations on the problem of “illegal” building. Unlike earlier committees that recognized the need for the development and implementation of appropriate building plans, the Gazit Report recommends enacting severe measures to make house demolition more common and efficient. It takes all responsibility for the housing problem away from the Israeli government, and places the blame wholly on the Arab population.

fell 6 percent from Q1 2004.³⁴⁵

Conservative calculations reckon Israel’s annual nonmilitary spending for the settlements in recent years at NIS 2.5 billion. Israel’s traceable military spending in the oPt is estimated at NIS 4–5 billion per year.³⁴⁶

Since 2001, the annual Israeli settler population growth rate in the West Bank has exceeded 5%, compared with the 1.8% general Israeli rate of growth.³⁴⁷ Especially, settlements in the Jordan Valley grew during this review period, aided by the ongoing program of Israel’s parastatal WZO Settlement Department and its affiliates, the Jewish Agency and the Jewish National Fund, providing generous incentives to young Israeli couples, including: tuition assistance (up to NIS 12,000 annually), direct payments (up to NIS 12,000 annually for those working in the Jordan Valley) and housing subsidies.³⁴⁸

The 9,000 settlers redeployed from Gaza in Israel’s disengagement mostly received generous compensation packages and incentives to resettle in demographic planning zones in Israel (for Jewish population to predominate over Arab citizens’ habitation) or in oPt settlements.³⁴⁹ Of the 9,370 new settlers projected since 1 January 2005; however, only about 750 moved to settlements east of the Separation Wall route. The overwhelming majority relocated, instead, to settlements west of it. Approximately, 80% of those settlers moved either to Ma’ale Adumim (Jerusalem area), Beitar Illit (Gush Etzion bloc), or Modi’in Illit/Qiryat Sefer (Modi’in Illit bloc).³⁵⁰

Since 2004, twelve settlements west of the Wall (Israel side) with the most-rapidly growth rate range from 5.3% (Immanuel, in Ariel bloc) to 16.1% (Mevo Horon, near the Green Line). East of the Wall route, 15 expanding settlements range from a 7.7% annual population growth, in Ma’ale Michmash, north of Jerusalem, to Gittit, in the Jordan Valley, with the highest current population transfer rate at 35%.³⁵¹

Most Jewish settlers in the West Bank are now situated between

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Major Gazit recommendations include:³²⁶

- Shortening the time between initial notification and actual demolition to 30 days, an end to granting stays, consequently eliminating homeowners' chances to appeal;
- In addition to the current practice of charging homeowners for the expenses of demolition, the Gazit Report recommends the payment of punitive fines and the confiscation of all materials and equipment used for building;
- Homebuilders will be subject to arrest and criminal charges;
- Finally, the Gazit Report recommends the creation of a special police unit whose sole responsibility will be the ongoing demolition of houses.

Although the Gazit Report only recently came under governmental review, Minister of Internal Security Uzi Landau, Minister of Interior Eli Yishai, and Minister of Infrastructure Avigdor Lieberman already had met with the Gazit Committee to discuss adopting its resolutions in future plans. Codifying these recommendations would spell devastation for thousands of Arab families/citizens in Israel.

Deprivation of Services: Arab villages have become unlivable by all criteria, through depriving residents of basic rights and services. A 1993 internal Misgav Regional Council report on how to concentrate the residents of 22 unrecognized villages promotes methods of coercion such as obstructing villagers' farming, neglecting to provide school transport, failing to meet the residents' needs for health services, including the withholding access to drinking water.³²⁷

This policy is entrenched in law under article 157A of the Planning and Construction Law, which prohibits national utility companies from servicing an unlicensed building with national electricity, water or telephone utilities. The State party designed the law specifically to dislodge indigenous residents from the unrecognized villages.

the Green Line and the Wall (Jordan Valley settlements notwithstanding). Existing settler colonies in that area—known as the “closed zone”—are expanding, and new settlements are being developed. The Israeli civil and military authorities indulge the settlers with assured lenient treatment where settlers have become more aggressive toward Palestinians, and settler violence has increased, with 68 incidents reported in May 2005 and 67 in June 2005.³⁵²

Without international scrutiny, Israel's parastatal institutions have invested \$24 million in 2004–05 to develop the Jordan Valley for Jewish settlers, and a further \$19 million is earmarked for 2006–08. Extensive land theft forms the backbone of the ethnic cleansing project in the Jordan Valley.

In April 2005, the State party's occupation forces expelled 300 Palestinian families (1,500 persons), confiscated 10,000 dunums of land east of Tubas (Jordan Valley). Southeast of Bethlehem, they expelled six families, requisitioned 20 water wells and destroyed 20 shelters used for around 22,000 sheep and 500 camels. Subsequently, Israeli forces ordered hundreds of Bedouins in Sawahra al-Sharqiyya, in the central valley, to forfeit 25,000 dunums of land.³⁵³ On 10 October 2005, Israeli contractors removed large quantities of topsoil from 'Ayn al-Baydha' lands and transported it nearby Jordan Valley settler colonies. Other 2005 activities included Israeli soldiers confiscating and selling local Palestinians' sheep herds, setting up “flying checkpoints” to prevent Palestinian traffic, and issuing demolition orders against Palestinian farm structures.³⁵⁴ Israel has surrounded Jericho Governorate with seven permanent checkpoints, foreclosing regular Palestinian access and, on 11 February 2006, sealing the entire governorate for the first time.³⁵⁵

Already, 455.7 km² of the 2,400 km² Jordan Valley territory are “closed military areas,” leaving 1655.5 km² under the control of settler colonies, in addition to 243 km² that Israel confiscated along the

What are “Unrecognized” Villages

Symbolizing Palestinian Arab citizens' precarious existence in Israel are hundreds of villages whose existence remains unrecognized. For them, no official map bears witness to their presence, and the development policies of the State conspire to make their absence a fact on the ground. The residents of the "unrecognized villages" form the weakest link in a chain of surviving indigenous communities within Israel's 1948-49 borders and constitute one of the last frontiers for Israel's population transfer of Palestinians from the lands occupied before 1967. While the internal refugees phenomenon dates to 1948, the unrecognized villages are a poststatehood phenomenon of progressive dispossession.

In other words, what distinguishes the "internally displaced" from the "unrecognized villages" is essentially timing: The former were dispossessed during the events of 1948; while the latter are under continuous—and ongoing—processes of dispossession and internal displacement.³²⁸ "Unrecognized villages" are further distinguished by the peace time context in which the efforts to evict them are carried out.

The status of the "unrecognized" village was born with the Building and Construction Law (1965), under which Jewish planning councils issued the first "district outline plans" and identified existing and projected built-up areas. These included 123 existing Arab villages, but ignored the more rural Arab localities. This omission was repeated under subsequent planning cycles, and the localities, thus excluded, later became known as "unrecognized." The land on which they were built was classified in the law as "agricultural," a planning category foreclosing residences or other structures, automatically rendering any dwelling place there "illegal."

Article 157A of the 1965 Planning and Construction Law prohibits a municipality from connecting water, electricity, or telephone networks to unlicensed buildings; thereby, giving statutory ground to deny services to Arab citizens living “illegal” in "unrecognized villages." Thus the

border with Jordan. Resulting from these combined demographic manipulation and dispossession measures, only 45 km² now remain for indigenous Palestinians to inhabit.

House Demolition Policy

The explicit purposes of Israel’s policy of demolishing Palestinian homes are (1) to use adjacent Palestinian land to accommodate Israeli settlements and related infrastructure; (2) to prevent the growth of Palestinian towns and villages and to extend buffer zones around Israeli settlements and exclusive settler roads; (3) to punish the families of Palestinians involved, or suspected of involvement, in violence against Israelis; and (4) to carry out collective punishment on Palestinian communities where attacks against Israelis originate. Officially, the Israeli authorities rationalise the destruction as "military/security necessity" (e.g., proximity to the Separation Wall), "deterrence" and "lack of construction permits."³⁵⁶ In February 2005, Israeli Defence Minister Shaul Mofaz ordered an end to the “deterrence” category as ineffective.³⁵⁷

Punitive house demolition

The Israeli army regularly uses house demolitions as a measure exclusively against Palestinians suspected of actual or attempted political violence,³⁵⁸ describing this policy as “a measure for deterrence.”³⁵⁹ Israeli officials destroyed property belonging to suspected persons’ nuclear family; extended-family (adjacent),³⁶⁰ neighbours’ and, at times, persons who rented the house to the suspect.³⁶¹ Since October 2000, Israel punitively has demolished at least 628 housing units, home to 3,983 persons.³⁶² Most such demolitions have taken place at night, and the occupants receive only a few minutes notice to remove their possessions, while Israeli law forecloses any appeals or remedies.³⁶³ At the time of demolition, reportedly 32% of the suspected offenders were in detention, 21% were “wanted,” and 47% were already dead.³⁶⁴ Israel rescinded its

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Zionist planners' tactical response to the undesirable presence of Arab population inspired the evolution of a "lawful" planning criterion that would necessitate their removal from the land, at this historical moment by administrative, not military means.

The Planning & Building Law prohibits the provision of basic services such as water and electricity to roughly 115,000 residents of hundreds of unrecognized Arab villages in the State. Although the vast majority of these villages existed before the State's establishment, the main purpose of the law is to force the people to quit their villages and move to government-planned areas that suffer from high unemployment rates and disadvantaged social & economic services and infrastructure. (Israel has no unrecognized Jewish villages.)

Planning criteria to determine a village in Israel as recognized or unrecognized

The recognition of villages is a form of institutionalized discrimination against the indigenous non-Jewish people Israel's jurisdiction and affective control. The legal recognition of a small, remote or new village or other built-up area rests in the Jewishness of its population. The material consequences of this are seen whereas the Israeli government finances some 50% of settlement costs in OPT and 25% of housing inside the Green Line. Illegal Jewish settlers in the occupied Palestinian territories, who recorded the highest per capita income of Israelis in the 1990s, receive US\$520.22 per capita in subsidies from the budgets publicly disclosed, while, in the communities of Arab citizens of Israel, the most disadvantaged individuals receive the equivalent of \$234.83 in public benefits.³²⁹

No objective criteria apply specifically for recognizing a village or other built-up area within statutory plans, except by approval of the local Planning Council. The Ministry of Interior's criterion for recognizing a locality is a population of ≥ 40 persons in constant residence with an independent local administration that was recognized by planning

policy of punitive house demolitions in 2005 and has not carried out any such demolitions since many months (other kinds of house demolitions are still carried out).

Military destruction of homes and property

Under a permissive definition of "military necessity," mostly in "clearing operations" from September 2000 through October 2004.³⁶⁵ These practices especially affected the Gaza Strip: along the Egyptian border, around Israeli settlements and army posts; alongside settler roads, throughout the northern areas of the Gaza Strip, as well as more-isolated communities. In Rafah, 17,400 Palestinians already have become homeless since September 2000.³⁶⁶ The rate of home demolitions increased from 15 homes per month in 2002, to 77 homes per month in the first three quarters of 2004, and 120 Palestinian residential buildings each month, or four per day, in the fourth quarter of 2004.³⁶⁷

The State party conducted no demolitions of Jewish settler houses for clearing operations or other "military necessity" during the period. However, the redeployment of settlers from the Gaza Strip involved military destruction of settler-colony homes and other structures subject to generous compensation and resettlement packages for the residents. Such benefits have never been given to Palestinians whose houses were demolished

During 2004–05, the Israeli army destroyed at least 630 Palestinian homes across the West Bank (not including East Jerusalem), of which 29 were refugee shelters. In the Gaza Strip, the army destroyed 1,443 homes (among them at least 1,041 refugee shelters and other partially demolished homes), affecting about 14,481 persons.³⁶⁸ Most commonly, the army used Caterpillar D9 bulldozers to plow "tank paths" through blocks of houses during operations. Almost 40 persons were made homeless each day. Since the start of the *Intifada*, the army destroyed over 2,990 shelters home

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institutions or according to a regional plan. (The Tama 35 Plan identifies a locality with ≥50 housing units.) Despite this, the recognizing a locality is neither strictly a legal, nor technical issue, nor is it an automatic right. Rather, it is a political status that an ethnically distinct and ideological Planning Council grants.

In actual planning practice, however, the example of “unrecognized villages” reveals subjective and discriminatory criteria. A community’s size, longevity and legal tenure normally would count as planning criteria for including a settlement in a legal plan. However, all Jewish built-up areas in Israel postdate the existence of the Arab “unrecognized villages,” and some are considerably smaller in population, with fewer than 50 houses or 40 residents. The legal recognition of such small, remote and new colonies, therefore, is manifest solely by the population’s Jewishness.³³⁰

Between 1948 and 1953, Israel established 370 new settlements for Jews only, 350 of which were located on land confiscated as “absentee” property.³³¹ Israeli authorities (e.g., ILA, Minister of Interior, CAP, etc.) continue to confiscate lands of Palestinian citizens and villages to accommodate Jewish settlers coming into the State from abroad and other parts of the country. No new settlement for indigenous Arab citizens has been allowed throughout that history.

Financial incentives and compensation:

The State party seeks to remove Bedouin families from their homes and lands through financial incentives as well. This provision is now aimed to encourage indigenous citizens to sell their property, including land, houses and trees, to the State, and to move into the seven planned concentrations/townships. It stipulates compensation only for villagers who agree to vacate. If the Green Patrol destroys one’s home, the victim is not entitled to compensation.

The GoI calculates compensation for properties lost by Bedouins

to at least 28,500 people.³⁶⁹

Although most occupants of the homes demolished were not suspected of any offence, the principal effect of the demolition was to harm the civilian inhabitants of the destroyed house.³⁷⁰ Israel still justifies such destruction of Palestinian homes as a “legitimate military object.”³⁷¹

The total cost of accumulated physical damage to housing, factories, infrastructure and land from October 2000 to September 2004 is conservatively estimated at \$2.2 billion, or almost 19% of the estimated Palestinian capital stock. With subsequent incursions, the occupied territory’s war-torn economy has lost about one-fifth of its economic base.³⁷²

Israel continues to evict and demolish entire Palestinian villages. Jewish settlers subsequently build on homeless Palestinian villagers’ lands, including those eliminated on claims of being closed military areas (e.g., in cases of Kisan, West Bank; Bedouin cave dwellings and settlement, east of Yatta, West Bank; and Jordan Valley villages).

Separation Wall: Housing, land and livelihood aspects

Of the barrier, deemed illegal by the international community, approximately 209 km have been constructed, with some 105 km actively under construction.³⁷³ It forms a complex of fences, ditches, razor wire, groomed trace sands, electronic monitoring system and patrol roads, and 22 km consist of an average width of 60 metres wide, with 8 to 9-metre-high concrete slabs, forming a wall (mostly in urban areas such as in occupied East Jerusalem, Bethlehem, Qalqiliya, and Tulkarem).³⁷⁴

Based on the map of the planned route of the barrier that the Government of Israel published 20 February 2005, the barrier

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required to resettle to concentrations/townships or “recognized” villages on the basis of the (outdated) Land Ownership in the Negev (Egypt Peace Treaty) Law (1980). [*Compensation details are included in Appendix.*]

In the early 1990s, Gol agreed to recognize nine unrecognized villages in the north and centre, and partially to adopt some of the community-proposed solutions.³³² Despite this, the State has carried out none of the meaningful effects of recognition. The Knesset Finance Committee has put aside the corresponding budgets in 1996 and still have not released them. In some villages, the area to be recognized has been reduced to 20% of the area originally agreed and, in others, up to 40% of the existing houses have been left off the approved plan.³³³ In all the villages, demolition orders are still outstanding and, in some, new ones have continued to be issued.

In October 2002, the Jewish Agency announced a plan to bring 350,000 Jews to the Galilee and Naqab by 2010 to ensure a "Zionist majority." Former Housing Minister Natan Sharansky announced the plan, saying "The building of new towns and strengthening our hold over the land are the answers to the terror we are facing."³³⁴ (He was referring areas of Israel inhabited by Arab citizens.)

As part of the demographic manipulation, the government, for its part, approved 14 new settlements in the Naqab and Galilee. These are being established by the settlement division of the WZO, the first time that that “national institution” has worked on settlements within Israel rather than in the OPT. As mentioned under “Enhancing infrastructure within Israel’s Arab sector” above, these plans are accelerated now under the redeployment of settlers from the Gaza “disengagement” process (2005).

NGOs petitioned the Supreme Court against the plan Tamam 4/14 (planning for the Metropolitan Beer Sheva area) in 2020 (HC 1991/00).³³⁵ This petition, versus the National Committee for Planning

includes sections around the Ma’ale Adumim and Ari’el/Emmanuel settlements, which constitute 108 km, or 16%, of the whole barrier route. If the aforementioned sections are to be included, the tortuous barrier’s ultimate length will be 670 km, which is about twice that of the Green Line. According to this route, 57,726 hectares, or 10.1% of the West Bank land, including East Jerusalem, will lie between the barrier and the Green Line.³⁷⁵

The construction of the Separation Wall has led to the annexation of large tracts of mostly cultivated Palestinian, some 11,500 dunums (about 2,875 acres, or 11.5 square km).³⁷⁶ Additionally, the wall has separated agricultural land from the rest of the West Bank and landowners from where they live. The Wall is affecting the economic and social well-being of over 200,000 Palestinians in nearby towns and villages. Specifically, “some 15 Palestinian villages, home to some 12,000 Palestinians in the regions of Jenin, Tulkarem and Qalqilya and dozens of homes in the northern neighborhood of Bethlehem are being wedged in between the barrier and the Green Line. Some 19 other Palestinian communities, most of them in the Jenin, Tulkarem and Qalqilya regions, are separated from their land by the barrier.³⁷⁷ Not only is that land some of the most fertile, but represents the main livelihood for many of its inhabitants. As a result of the Wall, Palestinians must now go through certain checkpoints to access the basic necessities, including access to their land, to markets for their produce, to healthcare and education centers. In some towns, such as Qalqilya, home to more than 40,000 Palestinians, the construction of the Wall has completely encircled them with only one point of access to enter or leave the town. The Palestinian lands on which the Wall is being built, have been annexed by Israeli authorities under the pretense of “military needs” and the annexation orders are issued as temporary orders, but with possibility of indefinite renewal.

Among other consequences resulting from the construction of the

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(and others), demands that plans for the Naqab should be based on planning equally for both indigenous and Jewish communities, and cannot ignore the existence of the unrecognized villages. The petition also insisted that the regional plan should include the unrecognized villages unambiguously as agricultural villages, allotting land to them. It called on Beer Sheva metropolitan planners to consult with the villagers and their representatives over their needs and wishes when planning for Bedouin villages.

Para. 385 of the state report claims that "the relevant planning authorities continue in their efforts to settle the Bedouin population. Following lessons learned from past planning committees, they perform this task in constant consultation with Bedouin representatives, who provide input as to their vision of every town's desired character."

Following a 2000 appeal of the Association for Civil Rights in Israel (ACRI), Negev Coexistence Forum for Civil Equality and other organizations to the Supreme Court of Justice, the Court ordered the planning committee to consult with Bedouin representatives and NGOs regarding the plans. Currently, the state has decided to go ahead with the plans despite their rejection by the Bedouin representatives who claim that the urban character designed for their future townships does not coincide with their traditional practices and lifestyle.

The Bedouins claim that the new master plan for the Naqab does not offer them planning options other than urban or suburban townships. While more than 100 Jewish agrarian villages (*kibbutzim*, *moshavim* and single family farms) exist in the Negev, the State refuses to allow such options for the indigenous Bedouin population, aiming instead to concentrate them on a circumscribed territory. Likewise, the State rejected the Bedouins' proposal that the government should recognize the 45 main unrecognized Naqab villages.

barrier are the following:

- Confiscation of land, particularly for those living east of barrier, where agricultural land comprises the major source of income for its inhabitants;
- Seizure, destruction and isolation of water sources;
- Loss of and defaults on investments, that will have longer-term financial consequences;
- Environmental degradation affecting flora, fauna and geology of Palestinian habitat;
- Negative impact on social relations and family ties due to movement restrictions;³⁷⁸
- Sharp decline in commercial activity, employment and economic viability, especially along the barrier route;
- Emergence of additional categories of "new poor," especially among farmers and farm laborers;
- Greater dependency upon labor and commercial markets in Israel for those living in the "closed" areas.

Excluding the population of occupied East Jerusalem, the barrier is expected to directly affect 49,400 Palestinians living in 38 villages and towns. More than 500,000 Palestinians live within a one-kilometre strip of the barrier, including occupied East Jerusalem. The planned Ma'ale Adumim section will cut 14 km east across the West Bank, or 45% of its width. This would restrict the movement of Palestinians between the northern and southern parts of the West Bank, as well as of those residing in and around occupied East Jerusalem.³⁷⁹

The area between the barrier and the Green Line, excluding occupied East Jerusalem, will include 56 Israeli settlements with approximately 170,123 Israeli settlers, which is an estimated 76% of the West Bank settler population.³⁸⁰

In February 2005, there were 63 gates in the constructed barrier, of

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In July 2001, an agreement between the government and the petitioners gave the government until October 2002 to appoint a new planner and prepare a new metropolitan plan, allowing the participation of the Bedouin and taking into account the Regional Council of Unrecognized Villages in the Naqab (RCUV) and map. In December 2002, authorities announced that to have appointed a planner named Egal Tamir, but had not yet signed a contract with him. In February 2003, The Association for Civil Rights in Israel (petitioner) addressed the court, observing that there was no planner by such name, that the planner who had been appointed was Shamay Yasif. By taking 1½ years to appoint a planner, the State was not respecting its agreement with the petitioners. The petitioners also observed that, in the meanwhile, since 1999, 10 individual farms had been established for Jewish beneficiaries (out of a total of 30 that are planned), and 16 Jewish settlements in the Naqab were being planned, including six in the metropolitan Beer Sheva area: Mishmar HaNegev Bet, Karmit, Hiran, Eira, Eruwah baMitbar, and Har Aron. All six are currently in the planning process. In addition, another two settlements, Beer Malka and Halukim, have permits to begin the planning process. In light of this information, the petitioners requested an urgent hearing.

The Court gave the government 20 days to respond. On 11 March 2003, the government admitted that they had been mistaken in the name of the planner, and that they had signed a contract with the Shamay Yasif in December 2002. The government reported that according to the contract they had signed with him, it will take him two years to prepare a new plan for the metropolitan Beer Sheva area, and thus they requested that the case be dismissed. The Court refused this request.

On 31 March 2003, the petitioners again asked for an urgent hearing. Without acceding to this request, the Court informed the government, 3 April 2003, that they had 15 days to provide the petitioner with a realistic assessment of the likely progress of the whole petition

which only 25 were accessible to Palestinians with the correct permits.³⁸¹ However, the permit system severely limits passage for Palestinians and has proven inadequate to ensure normal daily life.³⁸²

Palestinians residing in “closed areas” between the Green Line and the barrier face an uncertain future in terms of their personal and lands’ status. Approximately 5,000 Palestinian residents in Jenin, Qalqilya and Tulkarem districts are required to apply for permits to remain living in their homes.³⁸³

With respect to the large number of Palestinians needing to enter the seam zone to access their farmland, UNRWA monitoring indicates that permit eligibility has become increasingly dependent on proof of ownership of land as opposed to security considerations. In addition, in certain areas, applicants who have previously received permits are now being rejected on the grounds that they lack clear title to the land in question.³⁸⁴

Internally displaced Palestinians as a result of the construction of the Wall in the OPT

The Wall generates new internally displaced persons (IDP) in the Occupied Palestinian Territories. According to a recent survey by the Palestinian Central Bureau of Statistics, approximately 15,000 have been forcibly displaced as a direct result of the construction of the Wall. [See Annex 15.1-15.2 for details on displaced households and individuals as a result of the Wall]

The Wall also serves to accomplish a policy of de-Palestinization of Jerusalem. Indeed, between 70,000 to 100,000 Palestinians residents of East Jerusalem may lose their residency rights (Jerusalem ID). The loss of residency rights will affect the refugee population of the only refugee camp in East Jerusalem, Shu'fat camp, where it is estimated that 10,920 registered refugees hold Jerusalem IDs but where, due to financial constraints, an additional 20,000 non-

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(including progress in the planning process, and the community's participation in it). The judge also observed that the petitioners were fearful that the planning process would take years, would exclude them, and would end without providing an answer to the petitioners' concerns. The petitioners are currently waiting for the government's response.

The State claims (at para. 380 of its report) that "in Israel every interested party can initiate a plan, and build a town with the approval of the relevant authorities...for example, an agrarian farm is being promoted by Bedouins on their lands in the Negev (Kuchle Farm)." The Bedouins had raised that proposal almost ten years ago, but no Gol authority has approved it yet.

Proposing a landless, zero-growth township-like settlement for Arab citizens is theoretically possible, as the State has done so elaborately in the Naqab. However, that does not mean that all citizens have the right to effective self-expression, cultural adequacy, livelihood, habitability, equality of citizens to benefit from public goods and services, nor self-determination in the matter. Rather, a complicated net of discriminatory legal and planning procedures restrict physical planning for the Bedouins to a single urban or suburban configuration, while the community's preferred planning model that meets its *traditional practices and lifestyle* is agrarian farms.

Overt discrimination also is manifest in the "Wine Road" program, whereby, Gol refuses any form of agrarian planning for the Bedouin localities. It has initiated a plan to establish 30 single household farms (29 Jewish and one token Bedouin household) on a combined area of tens of thousands of acres currently claimed by Bedouins.

Prime Minister Ariel Sharon has offered an explanation for this discriminatory policy: "The Bedouin are seizing new areas and eroding the State's last reserves of land...In order to protect the Negev, action must be taken by means of 'individual settlement' or 'the granting of territories in custodianship.'"³³⁶

refugees holding Jerusalem ID also reside. [See Annex 12.4.] The case of Shu'fat Camp in Eastern Jerusalem).³⁸⁵

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