

Topic: **Land and Planning**

Updated: **June 2014**

General

- A 2008 report by the Association of Civil rights in Israel (ACRI), described land distribution and planning as an area in which Arab citizens suffer from “the most severe deprivation.”²
- The Or Commission cited the land issue as one of the root causes of the civil unrest that led to the October 2000 events.³ Its report called it “the most sensitive, explosive and unifying issue”⁴ for the Arabs, charged with “emotion and nationalist context.”⁵
- The Or Commission stated that notwithstanding the nationalist sentiments that the land issue raises, the state is obliged to treat its Arab citizens according to the principles of distributive justice.
- The Head of the Commission Justice Or, state that “the Arab Sector has legitimate needs, that stem, *inter alia*, from its natural growth. The State must allocate land to this sector [...] on the basis of egalitarian principles.”⁶ The Commission’s position on this issue, he added, was supported by the Supreme Court judgment in the Ka’adan case (see below).
- The Lapid Committee, established by the government in 2003 to implement what the Or Commission had recommended, directed government agencies to sell land to Arab towns based on the size and needs of the inhabitants.
- In 2013, the government endorsed The Praver-Begin Plan, designed to relocate Bedouins currently residing in unrecognized villages in the Negev to existing Bedouin townships in exchange for compensation in the form of both money and land. It is currently in the process of

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² The Association of Civil Rights in Israel (ACRI), *The State of Human Rights in Israel and the Occupied Territories – 2008 Report* (Jerusalem, December 2008), p. 10.

³ Mossawa, *ibid.*

⁴ Prof. Shimon Shamir, *The Arabs in Israel – Two Years after the Or Commission Report* (Tel Aviv University: The Konrad Adenauer Program for Jewish-Arab Cooperation, 2006), p. 21.

⁵ Justice Theodor Or, *A Year to the State Investigative Commission on the October 2000 Events* (Tel Aviv University: The Konrad Adenauer Program for Jewish-Arab Cooperation, 2004), p. 18.

⁶ Or, *ibid.*

being implemented by the Government of Israel. (See Bedouin in the Negev Fact Sheet).⁷

⁷ *Ha'aretz*, June 25, 2013.

Land Ownership

- After the establishment of the State in 1948, the government assumed control over all state-owned lands, formerly in the possession of the British Mandatory Authority, as well as property abandoned by Palestinian refugees who fled the area.
- The acquisition and confiscation of formerly British-held and Palestinian-owned land was legalized in a series of land ordinances and laws, including the Absentees' Property Law (5710-1950) and the Land Acquisition Law (5713-1953).
- No official figures have ever been released on the extent of confiscations of Arab land. The issue remains highly disputed.
- The 1950 Absentees' Property Law created a new category of Israeli Arab citizens often referred to as "present absentees" (also known as "internal refugees" or "internally displaced Palestinians"). These are Arab citizens whose villages had been destroyed in the course of the 1948 war, but who remained in Israel and resettled in adjacent Arab localities. Since they were not physically present at the site of their properties at the time the law was enacted, they were denied title to their land.
- In 1960, the Knesset passed the Basic Law: Israeli Lands. This law defined government-owned and Jewish National Fund-owned land as state property. The administration of these lands was placed under the authority of the newly-established Israel Land Administration (ILA).⁸ As a result, 93.5% of the land in Israel is in the public domain, defined either as property of the state, administered by the ILA (80.4%), or privately owned by the JNF.
- Land in the public domain is not sold to either Jews or to Arabs, but is leased by the ILA⁹ for 49 or 98 years.
- 6.5% of Israel's land is evenly divided between Arab and Jewish private owners.

The Jewish National Fund (JNF)

- Until recently, The Jewish National Fund (JNF), which was set up in 1901 to purchase land for the settlement of Jews in Eretz Yisrael, operated under a restriction that it could not lease land to non-Jews.
- In March 2000, the Supreme Court ruled that the state must consider favorably a request by Adel Ka'adan, a resident of Baqa al-Gharbiyye, to lease a plot of land and build a house in the Jewish settlement of Katzir, on JNF land. The Court stated that the state could not discriminate between Jews and non-Jewish citizens in the allocation of State land.¹⁰
- In June 2009, Attorney General Menachem Mazuz stated that JNF's lands must be administered

⁸ David Kretzmer, *The Legal Status of the Arabs in Israel* (Boulder, Colorado, Westview Press, 1990), pp. 60-61, cited by Alexander Safian, "Can Arabs Buy Lands in Israel?", *Middle East Quarterly*, vol. 4, no. 4, December 1997. See:

<http://www.meforum.org/article/370>.

⁹ Safian, *ibid*.

¹⁰ Arik Rudnitzky and Elie Rekhess, "Israel, State of: Arab Population." Michael Berenbaum and Fred Skolnik (editors), *Encyclopedia Judaica*. vol. 10. 2nd edition (Detroit: Macmillan Reference USA, 2007), pp. 728-733.

on the basis of equality between Jews and Arabs. Concurrently, however, the State and the JNF signed an agreement stipulating that the JNF will transfer its ownership of lands in Israel's central region to the State in exchange for available and undeveloped lands in the Negev (Southern) and Galilee (Northern) regions. The Association for Civil Rights in Israel responded to the agreement, saying that "allocation of lands in the Galilee and the Negev exclusively for the benefit of Jews will only exacerbate the plight of the Arab population living predominantly in the Galilee and the Negev."¹¹

Land Shortage

- Not enough land is allocated to Arab towns to meet current construction and development needs. As a result of discrimination in the national allocation of lands, Arab towns lack public spaces for local institutions, and development is curtailed due to lack of land.¹²
- Arabs constitute about 20 percent of Israel's population, yet the Arab local councils' area of jurisdiction constitutes only 2.5 percent of the country. About 3.5 percent of the country's land is owned by Arab citizens.¹³ However, according to Professor Arnon Sofer of the University of Haifa, the Bedouin alone control, but do not own, 10% of state lands.¹⁴
- In January 2010, Knesset Member Ahmad Tibi, leader of the TA'AL (AMR, Arab Movement for Renewal) said that the Israeli authorities strive "to strangle Arab towns and prevent their natural expansion. This is one of the major causes for the permanent clash between us and the authorities."¹⁵
- MK Mohammad Barakeh (HADASH – DFPE, Democratic Front for Peace and Equality) commented in 2013 on the explosiveness of the land issue calling: "for a popular struggle, to be headed by the Arab local government heads, on behalf of the expansion of the master plans; at the end of the day", he said "the state is not doing a favor when it expands these communities, but rather restoring, if only to a small extent, that which was expropriated over the course of many years."¹⁶

Land for Employment and Public Construction

- Total land area allocated for job opportunities (in dunams,¹⁷ per 1,000 persons) in Jewish communities was about 5.5 times greater than the area allocated in Arab communities (37.6 and 6.8, respectively).
- Land allocated for industrial use was about 6.1 times greater (35.7 vs. 5.8), and land

¹¹ Tal Dahan, *The State of Human Rights in Israel and the Occupied Territories: 2009 Report* (Tel Aviv: The Association for Civil Rights in Israel, 2009), pp. 20-21. See: <http://www.acri.org.il/pdf/state2009en.pdf>.

¹² Shamir, *ibid*, p. 21.

¹³ Ali Haider (editor), *The Equality Index of Jewish and Arab Citizens in Israel: The Sikkuy Report 2008* (Sikkuy – The Association for the Advancement of Civic Equality, November 2009), p. 29.

¹⁴ *Makor Rishon*, January 27, 2011.

¹⁵ *Panorama*, January 8, 2010.

¹⁶ *Ha'aretz*, March 30, 2013.

¹⁷ 1 dunam = app. 0.25 of an acre.

allocated for commercial use was two times greater (2 vs. 1).¹⁸

- Land in dunams per 1,000 persons used for public buildings (schools, community centers, healthcare clinics, hospitals, areas for public and religious services, leisure and tourism) was two times greater in Jewish communities than in Arab communities (11.2 and 5.7 dunams, respectively).¹⁹
- According to Arab Center for Alternative Planning (ACAP) statistics, each Jewish citizen in the Galilee has 600 square meters (~6460 square feet) allocated for future development, while each Arab has 220 square meters (~2370 square feet).²⁰
- Amin Fares, an economist at Mossawa, an Israeli-Arab rights group, found that the Arab sector was allocated 7.6% of the government development budget in 2008 (NIS 994 million out of NIS 12.4 billion). Fares also found that less than 56% (NIS 420 million out of NIS 747 million) of the government development budget in 2007 was actually spent. Fares explained that the remaining 44% of the budget was not used due to delays in completing master plans for the Arab sector and lack of investment.²¹
- In August 2007, Mossawa demanded that NIS 3.8 billion be added to the NIS 2.7 billion set aside for the Arab sector to close infrastructure and development gaps between it and the Jewish sector.²²

MasterPlans

- In 2003, the Or Commission noted that the absence of master plans and local zoning schemes were serious obstacles to legal residential construction for the growing Arab population.²³
- Master plans for most Arab towns and villages are either in preparation, or are pending approval.²⁴
- Determination of Arab towns' municipal boundaries is an acute and sensitive issue. Areas of Arab towns were drastically reduced in the past and today, Arab townships and cities constitute merely 3.5% of all municipal areas in Israel.²⁵
- Although population density in these areas is overwhelming, expansion of Arab townships is often hampered by the existence of adjacent Jewish towns, major highways, or security installations.²⁶

¹⁸ Central Bureau of Statistics (CBS), cited in: *The Sikkuy Report 2006: The Equality Index of Jewish and Arab Citizens in Israel* (Jerusalem - Haifa, March 2007), p. 44.

¹⁹ CBS, cited in the *Sikkuy Report*, 2006, p. 45.

²⁰ *The Jerusalem Report*, January 9, 2006.

²¹ *Calcalist* June 24, 2008.

²² *Ha'aretz*, August 9, 2007.

²³ Shamir, *ibid*, p. 20.

²⁴ Shamir, *ibid*, pp. 20-21.

²⁵ Shamir, *ibid*, p. 21.

²⁶ *Ibid*.

- As Shimon Shamir, a member of the Or Commission noted, “Resolution of these [land] issues is extremely protracted, criteria are unclear, the Arab population is not sufficiently involved in the process, [and] the planning and approval procedure is arduous.”²⁷
- In May 2008, the Ministry of Interior announced that nine new master plans were approved in Uzayr, Rumana, Muqeibila, Na’ura, Arab al-Aramshe, Al-Manshiyya, Zibda, Sandala, Kaukab Abu al-Hija and Tamra Zu’abiyya.²⁸
- The land shortage, and delays in master plan preparation and approval, have created the problem of illegal (or, as sometimes referred to “unauthorized”) construction, which has “reached enormous proportions.”²⁹
- The Or Commission demanded a resolution of the problem of illegal construction but stated that “wherever the situation cannot be legitimized [...], the State must act to decisively enforce the law.”³⁰
- In effect, no real progress has been made in recent years to resolve this problem, either through retrospective legitimization or through enforcement (see: Fact Sheet on Bedouin).³¹
- The 2012 budget included over 120 million NIS for city planning, of which only 4% only went to the planning of cities for minorities.³²

“Land Day”

- “Land Day” is observed annually on March 30th commemorating the event which took place that date in 1976, when Arab demonstrators, protesting expropriation of land in the Galilee, clashed with security forces. Five Israeli Arab citizens and one Palestinian were killed by police and army forces.
- Arab protests were provoked by the Israeli government decision in early 1976 to expropriate 20,000 dunams (5,000 acres) in the Galilee for development purposes. Although less than one-third of the 20,000 dunams were Arab-owned, the Arab public interpreted the move as a continuation of 1950s policy of massive land confiscations, particularly since the act was referred to by the government as part of Israel’s efforts to “Judaize” the Galilee.
- Rallies, marches, and a general strike, were organized by the Nationwide Committee for the Defense of Arab Lands.
- Since then, Land Day has become a national symbol of steadfastness and attachment to Palestinian land, not only in Israel but throughout the Palestinian world.
- In Israel, the annual commemoration is a day of political protest against the government, particularly concerning land and housing issues. (also see fact sheet on National

²⁷ Shamir, *ibid*, p. 21.

²⁸ *Globes*, May 19, 2008.

²⁹ Shamir, *ibid*, p. 21.

³⁰ *Ibid*, p. 22.

³¹ *Ibid*.

³² The Mossawa Center, “The Mossawa Center’s Analysis of the Government State Budget 2012: Key Statistics in Land, Housing and Planning Concerning the Arab Minority in Israel” (Haifa: 2012), 1.

Identity for more about the political aspects of Land Day and the annual protest).