

# Apartheid Housing: Israeli Court Upholds 'Discriminatory' Laws

As rights groups warn of 'apartheid housing' situation, Bethan Staton meets a Palestinian citizen of Israel shut out of community living

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A view of the Ramat Shlomo settlement from behind a fence (AFP).

*Sami Miaari was looking for a new home for his family when he first made enquiries about moving to Misgav, in Israel's north, two years ago.*

*The first step for the lecturer, who works at Tel Aviv University, was to approach the offices of the Misgav Regional Council. There, he thought, he'd find the forms to apply to one of Misgav's Admissions Committees - the bodies that screen potential new residents of Israel's small community towns.*

But the staff at the office, Miaari told Middle East Eye, said they couldn't help. He should go, they said, directly to the villages themselves.

Miaari did just that. But at the first village, he was again told that the forms he needed were unavailable. At a second community town, he says, he was directed back to the offices of the regional council. In a third, he found another dead end. The door to the communities of Misgav, it seemed, were barred shut.

Wondering where the problem lay, Miaari asked a Jewish friend for some help. "The admissions offices are lying," the friend told him. "They don't want to give you the documents."

"That's when I got to the point where I thought: I really need to start legal proceedings against these communities," Miaari said. He believes he was prevented from living in Misgav because he is Arab - a Palestinian citizen of Israel. Misgav Regional Council did not respond to Middle East Eye's request for comment on the claims.

Since he was refused, Miaari has been working with Adalah, the Legal Centre for Arab Minority Rights in Israel, to fight his case. They hold that Admissions Committees like the one operating in Misgav discriminate against minorities: people with disabilities, gay people, Mizrahi Jews and, most of all, Arabs. Since 2011, Adalah has petitioned for the cancellation of the Admissions Committees Law, which legitimises these institutions, arguing that its "primary objective" is to "marginalize Arab citizens and prevent them from accessing housing on 'state land' in many communities."

The fight, however, has just been dealt a serious blow: last week, Israel's Supreme Court voted to uphold the Admissions Committees Law, enshrining the legality of the controversial legislation.

That means that 434 community towns in the Negev and Galilee will continue to screen new arrivals, accepting or rejecting applications to allow them to settle in these small communities. Decisions are made by a committee that includes representatives from the World Zionist Organisation and the Jewish Agency. The committee bases its choice on a range of criteria, including "suitability to the community's social life" and the "social and cultural fabric of the town."

These nonspecific definitions, critics say, are what makes the law so dangerous. Legally, committees are prohibited from rejecting applicants because of their ethnicity, religion, sexuality or other minority identity. But a refusal on discriminatory grounds can easily be masked by vague justifications. "If you don't want someone, you can just say he is not suitable for the community," Salah Mohsen at Adalah told Middle East Eye. "And this isn't a criterion you can check or examine."

In the past, questionable grounds for refusal have been challenged by those barred from communities. When Fatina and Ahmed Zubeidat, recently-married architects, were prevented from moving to Rakefet - also in the Misgav region - on the basis of "social unsuitability", Adalah took up their case. The family spent six years fighting the "humiliating" decision, and in 2011 the Supreme Court eventually ordered Rakefet to award them a plot of land. The law itself, however, remained.

While critics hold that the law is likely to affect many minorities, several features mean it's Palestinians who are likely to be most marginalised by its terms. A "Zionist vision", Adalah notes, counts among the "special criteria" that communities can use as grounds for refusal.

The Galilee and Negev, where the law applies, are areas where the highest numbers of Arab citizens of Israel live.

Statements from supporters and sponsors of the law, [documented by Human Rights Watch in 2011](#), also suggest that an objective of the legislation is to create exclusively Jewish communities. In a 2009 speech to the Knesset, for example, Yisrael Beiteinu representative David Rotem said the bill would allow communities to be "established by people who want to live with other Jews," and later told a radio interviewer that it could create communities "where everybody is an army veteran, a Yeshiva alumni, or something of that sort."

Speaking to Middle East Eye this week, Rotem denied that the bill would discriminate against Israeli Arabs, or that it had the intention of doing so. "I just want to know who is going to be my neighbour. It's based on criteria about how much you can be a part of the community," he said. On the question of whether communities would welcome Arab citizens of Israel, he said "it would depend" on the communities concerned.

"It's not so bad to have a Jewish community. No-one will accept you in an Arab village," Rotem argued. Unconcerned about issues of discrimination and the marginalisation of minorities, he believes the law is working well. "It has allowed communities to decide whether they want you in the community or not," he explained.

For its part, Adalah does not fundamentally object to exclusive communities: it's "totally

understandable” Mohsen says, that groups such as Haredi Jews may want to maintain a particular way of life. But the organisation argues that the law is expressly designed to exclude Arab citizens from Jewish towns - a policy that entrenches a regime of “apartheid housing” and perpetuates the systematic marginalisation they already face.

People like Sami Miaari and the Zubeidat family often have good reasons to want to move to Jewish communities. Today, the land available to the Arab communities of Israel is seriously, and increasingly, limited: despite constituting around 20 percent of the population, Palestinian citizens of Israel are thought to own less than five percent of the country’s land. Arab municipalities control just 2.5 percent of state lands, and while 13.2 percent of the population live in Arab local authorities, they get just 9.1 percent of local council funds. The result is a shortfall not just in housing, but in education, health and other services too. According to Adalah, up to 93 percent of land in Israel is under direct control of the state and the Jewish National Fund.

“We don’t have enough supply of land to give opportunities for young people to construct their houses in order to start a new life. We don’t have such opportunities, because the government doesn’t want to give the Arabs land,” Sami Miaari says. “I’m from a very small family. We left our land in 1948, and we don’t have even one centimetre left to even construct our houses in Sakhnin.

“When I see advertisements for these Israeli communities, they say ‘You are welcome, we want you to join us.’ So if you advertise for all of the citizens here, I am one of them; I want to join one of these communities.”

For those campaigning against it, the Admissions Committees Law is not a discrete problem. It’s at the heart, they say, of a system that has dispossessed Palestinians from their historic land in favour of Jewish Israelis since the creation of the state of Israel in 1948, leaving Arab communities at the margins of a society in which one race is privileged above others.

“We are not speaking about small details and things, we are talking about the very important domain of life; we are thinking about land which is a site for development, for housing, for everything.” Salah Mohsen told Middle East Eye.

“And during these years, land policy in Israel has worked in one way. It has taken from Arabs, and given to Jewish Israelis.”

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