

Apartheid Israel-style

Law to keep Jews and Arabs apart

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Theme: [Police State & Civil Rights](#)

In-depth Report: [PALESTINE](#)

The pretty two-storey home with a red-tiled roof built by Adel and Iman Kaadan looks no different from the rows of other houses in Katzir, a small hilltop community in northern Israel close to the West Bank.

But, unlike the other residents of Katzir, the Kaadans moved into their dream home this month only after a 12-year battle through the Israeli courts.

The small victory for the Kaadans, who belong to Israel's Palestinian Arab minority, dealt a big blow to a state policy that for decades has reserved most of the country's land for Jews.

Katzir is one of 695 so-called "co-operative associations", communities mostly established since Israel's creation in 1948, whose chief purpose is to bar non-Jews from residency.

In October, the Israeli parliament moved to enshrine in law the right of these associations, comprising nearly 70 per cent of all communities in Israel, to accept only Jews.

The Constitution, Law and Justice Committee approved a private members' bill that will uphold the right of the communities' admissions committees to continue excluding Arab citizens, who make up one-fifth of the population. The bill is expected to pass its final reading in the coming weeks.

Commentators have compared the legislation with South Africa's notorious apartheid laws such as the Group Areas Act. A leading jurist, Mordechai Kremnitzer, of Hebrew University in Jerusalem, said the bill gave off the "foul odour of racism".

The legislation, both its supporters and opponents are agreed, is a rearguard action to prevent the possibility that other Arab citizens might be inspired to follow the Kaadans' example.

Israel Hasson, of the centrist Kadima party, who was among the bill's formulators, said it reflected "the state's commitment to the realisation of the Zionist vision" in Israel. That vision is embodied in a decades-old "Judaisation" programme to settle as many Jews as possible in the heavily Arab-populated north.

Suhad Bishara, a lawyer with the Adalah legal centre for the Arab minority, said that the long-standing practice of using admissions committees to weed out applications from Arab citizens was being given legal standing for the first time.

“This legislation makes clear in very blunt fashion that the thrust of policy in Israel is towards maintaining segregation in housing between Jewish and Arab citizens,” she said.

The question of control over land, Ms Bishara said, was felt especially keenly by the Arab minority, because the state had nationalised 93 per cent of all territory inside its recognised borders.

Co-operative associations, which are limited to no more than 500 families each, have jurisdiction over most of the country’s habitable land and are regarded by the authorities as a bulwark against an Arab takeover, she said.

Arab citizens, meanwhile, are largely restricted to living in 124 towns and villages, and control 2.5 per cent of Israel’s territory.

Planning and building laws confine the development and expansion of Arab communities, leading to overcrowding. Tens of thousands of Arab families, forced to build in non-zoned areas, live in homes under demolition orders.

Mr Kaadan, 54, a hospital nurse, said he had wanted to move to Katzir to improve his family’s quality of life. Baqa al Gharbiyya, an Arab town 10km from Katzir where they previously lived, was densely populated and lacked public services, while the local schools for his five children were underfunded and crumbling.

Typically, Arab municipalities receive only one third of the budget of Jewish communities.

Mr Kaadan said he had applied to Katzir when he learnt that plots of land there for house-building were heavily subsidised by the state, selling for a fifth of the price demanded in Baqa al Gharbiyya.

The family’s legal fight to win a place in Katzir has been arduous. It took five years for the Supreme Court to rule on the community’s decision in 1995 to reject the Kaadans on the grounds that they were Arab.

Making “one of the most difficult decisions in my life”, Aharon Barak, the court’s president, ordered Katzir’s admissions committee to consider the family’s application, warning that it could not reject them because of their ethnicity.

Katzir, therefore, imposed a new criterion for admission – “social suitability” – that the Kaadans also failed. It was clear to everyone, Mr Kaadan said, that “suitability” referred to the fact that they were not Jews.

When the Kaadans appealed to the court again, the Lands Authority, a state body that manages territory in Israel, relented and sold the family a plot in 2007.

However, the case has continued to reverberate.

Other exclusive Jewish communities in the Galilee sought their own solution to barring the entry of Arab families after Ahmed and Fatina Zbeidat, from the Arab town of Sakhnin, applied to the co-operative association of Rakafet in the Misgav region.

Rakafet's admissions committee ruled in 2006 that the Zbeidats were unsuitable: Fatina was too "individualistic", while her husband lacked "knowledge of sophisticated interpersonal relations". Like the Kaadans, the Zbeidats have appealed to the Supreme Court.

Several Jewish communities near Rakafet hastily changed their bylaws last summer to include a loyalty oath. Typical was Manof's, which requires applicants to share "the values of the Zionist movement, Jewish heritage, settlement of the Land of Israel ... and observance of Jewish holidays".

Ms Bishara, who represents the Zbeidats, said the couple was seeking a ruling against the use of admissions committees in the allocation of land and housing. The judges ordered the government to justify the practice at a hearing next month.

The new legislation, known as the Admissions Committee Bill, is designed to pre-empt any ruling by the court.

Gush Shalom, an Israeli peace group, said it would petition the Supreme Court to strike down the bill if, as expected, it becomes law in the next few weeks.

The liberal Haaretz newspaper called the bill an "outrageous" attempt to preserve "Jewish purity" in communities such as Katzir and Rakafet.

But the rightwing Jerusalem Post newspaper backed the legislation, saying Israeli Jews "should have the right to live in a community where they are not threatened by intermarriage or by becoming a cultural or religious minority".

Jonathan Cook is a writer and journalist based in Nazareth, Israel. His latest books are "Israel and the Clash of Civilisations: Iraq, Iran and the Plan to Remake the Middle East" (Pluto Press) and "Disappearing Palestine: Israel's Experiments in Human Despair" (Zed Books). His website is www.jkcook.net.

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