

# “Unrecognized” Palestinians

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Israel’s population today is about 7,150,000. About 5.4 million are Jews (76%) plus another 400,000 Jewish settlers in over 200 expanding settlements on occupied Palestinian land in the West Bank that includes Palestinian East Jerusalem. They’re the chosen ones afforded full rights and privileges under the laws of the Jewish state for Jews alone.

Palestinian Arabs are another story. Their population is around 5.3 million (plus six million or more in the Palestinian diaspora). Around 3.9 million live in occupied Gaza and the West Bank, and another 1.4 million are Jewish citizens of Israel (20% of the population), including about 260,000 classified as internally displaced. Palestinians get no rights afforded Jews even though those inside Israel are citizens of the Jewish state, have passports and IDs, and can vote in Knesset elections for what good it does them. They’re subjected to constant abuse and neglect, are confined to 2% of the land plus 1% more for agricultural use, and are treated disdainfully as nonpersons.

Arab Israeli citizens live mainly in all-Arab towns and villages in three heartlands – the Galilee in the north; what’s called the “Little Triangle” in the center that runs along the Israeli side of the Green Line separating Israel from the West Bank; and the Negev desert region in the country’s south. These communities aren’t geographically consolidated and are surrounded by established Jewish communities, hostile to Arab neighbors, and with Israel’s full military might backing them. A minority of Palestinians also live uneasily in mixed Jewish-Arab cities like Tel Aviv, Jaffa, Haifa, Acre, Jerusalem in the West Bank and others.

## **The Plight of Palestinian Nonpersons in “Unrecognized Villages”**

The term is Orwellian in its worst sense. How can something real not officially exist? Around 150,000 or more (accurate numbers are hard to come by) Palestinian Arabs today live in over 100 so-called “unrecognized villages,” mainly in the Galilee and the Negev desert. They’re unrecognized because their inhabitants are considered internal refugees who were forced to flee their original homes during Israel’s 1948 “War of Independence” and were prevented from returning when it ended.

These villages were delegitimized by Israel’s 1965 Planning and Construction Law that established a regulatory framework and national plan for future development. It zoned land for residential, agriculture and industrial use, forbade unlicensed construction, banned it on agricultural land, and stipulated where Israeli Jews and Palestinians could live. That’s how apartheid worked in South Africa.

Existing communities are circumscribed on a map with blue lines around them. Areas inside the lines can be developed. Those outside cannot. For Jewish communities, great latitude is

allowed for future expansion, and new communities are added as a result. In contrast, Palestinian areas are severely constricted leaving no room for expansion. Their land was reclassified as agricultural meaning no new construction is allowed. This meant entire communities became “unrecognized” and all homes and buildings there declared illegal, even the 95% of them built before the 1965 law passed. They’re subject to demolition and inhabitant displacement at the whim of Israeli officials. They want new land for Jews and freely take it from Arab owners, helpless to stop it.

All Israeli public land is administered by the Israel Land Authority (ILA) that has a legal obligation to treat all its citizens fairly. Instead and with impunity, it serves Jewish interests only using various methods to do it.

It restricts and prohibits Palestinian land development by:

- putting large Arab areas under its control through the creation of regional councils;
- zoning restrictions mentioned above;
- transferring public land adjacent to Arab communities to Jewish National Fund (JNF) ownership that mandates it’s only for Jews;
- connecting the cost of leasing land to military service that discriminates against Palestinians not required to serve and almost none do;
- declaring national priority town areas for Jews only;
- delaying, restricting and prohibiting local development in Arab communities;
- ignoring Arab needs in regional and national plans;
- allowing Palestinians little or no representation on national planning committees;
- enforcing a policy of forced evictions and demolitions of buildings without appropriate permits. In “unrecognized villages,” no permits are allowed Palestinians on their own land. Entire villages thus face prosecution in the courts and loss of their homes, land and possessions through a state-sponsored policy to remove them judicially.

It gets worse. No new Palestinian communities are allowed, and existing “unrecognized villages” are denied essential municipal services like clean drinking water, electricity, roads, transport, sanitation, education, healthcare, postal and telephone service, refuse removal and more because under the Planning and Construction Law they’re illegal. The toll on their people is devastating:

- clean water is unavailable almost everywhere unless people have access to well water,
- the few available health services are inadequate,
- many homes have no bathrooms, and no permits are allowed to build them,
- only villages with private generators have electricity enough for lighting only,
- no village is connected to the main road network,

- some villages are fenced in prohibiting their residents from access to their traditional lands,
- in the North, only one school remains open and children must travel 10 - 15 kilometers to attend another; as a result, achievement levels are low and dropout rates high.

It's worse still when home demolitions are ordered. It may stipulate Palestinians must do it themselves or be fined for contempt of court and face up to a year in prison. They may also have to cover the cost when Israeli bulldozers do it under a system of convoluted justice penalizing Palestinians twice over.

### **Discriminatory Israeli Law**

Israel is a signatory to the 1966 International Covenant on Civil and Political Rights (ICCPR). Its Preamble states "the obligation of (signatory) States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedom." It then covers what states must observe in 53 Articles that stipulate the following:

- "All people have the right of self-determination."
- "Each state party....undertakes to respect and ensure to all individuals within its territory the rights in this Covenant, without distinction of any kind" for any reason.
- "Every human being has the inherent right to life," to "be protected by law," and no activity may be undertaken to destroy any rights and freedom covered under this Covenant.
- "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."
- "No one shall be subjected to arbitrary arrest or detention."
- "Everyone....within the territory (shall) have the right to liberty of movement and freedom to chose his residence (and) to be free to leave any country (and not be) deprived of the right to enter (or return to) his own country."
- "All persons shall be equal before the courts and tribunals."
- "Everyone shall have the right to recognition everywhere as a person before the law."
- "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law."
- In states with "ethnic, religious or linguistic minorities (those persons) shall not be denied the (same) right(s)....as the other members."

In Israel, for all intents and purposes, the ICCPR is a nonstarter. It applies to Jews alone, not to Arabs and other non-Jews. Israeli laws allow it by subjecting non-Jews, and specifically Arabs, to three types of discrimination:

- legal direct discrimination guaranteeing Jews alone the right to immigrate and become citizens; it also gives various Jewish organizations in the country quasi-government status serving Jews only.

— indirect discrimination through “neutral” laws and criteria applying principally to Palestinians; government preferences and benefits are predicated on prior military service most Palestinians don’t perform; the categorization of the country into preferential zones for Jews provides them privileges and benefits denied Palestinians.

— institutional discrimination through a legal framework facilitating a pattern of privileges afforded Jews only; they’re allocated through budgets and resources showing preferential treatment for Jews and discrimination against Palestinians; Israeli courts enforce the bias by refusing to hear cases where Palestinians claim their rights have been denied;

— even when courts hear cases and rule favorably, Palestinians get only crumbs; an example was in the early September Supreme Court decision that Israel reroute part of its illegal apartheid wall and return a small portion of stolen land to the people of Bil’in; a far greater issue was ignored by allowing the illegal Modiin Illit settlement on Bil’in land to remain intact; for anti-occupation Gush Shalom, the court decision message to settlers is do as you please, build fast and expect court approval retrospectively.

Israel professes to be a democracy. It is not by any reasonable standard. It defines itself as a Jewish state which contradicts its claimed democratic credentials. It treats Jews preferentially and entitles them to special consideration denied non-Jews who are discriminated against as second-class citizens and denied comparable rights.

Israel has no formal constitution and instead is governed by its Basic Laws that before 1992 guaranteed no basic rights. That year, the Basic Law: Human Dignity and Freedom passed authorizing the Knesset to overturn laws contrary to the right to dignity, life, freedom, privacy, property and to leave and enter the country. The law states “There shall be no violation of the life, body or dignity of any person. All persons are entitled to protection” of these rights, and “There shall be no deprivation or restriction of the liberty of a person by imprisonment, arrest, extradition or otherwise.”

For a nation committed to violence, the irony is particularly galling that a section of the Basic Law also deals with “The Right to Life and Limb in Israeli Law.” It states “Israeli law has abolished the death penalty for murder (and corporal punishment).” It notes this penalty exists in principle but only under limited circumstances such as for treason during war and under the Law for the Prevention and Punishment of Genocide. It further notes Israel’s 1998 Good Samaritan Law requires assistance be given in situations “of immediate and severe danger to another.” Omitted from the Basic Law is the right to equality so all rights in it apply to Jews only.

Palestinian Arabs have none, yet can stand for public office in the Knesset. Some do, a few are elected but have no power beyond a public stage to state their views and be shouted down or ignored. They’re also constrained by the 1992 Law of Political Parties and section 7A(1) of the Basic Law that prohibits candidates for office from denying “the existence of the State of Israel as the state of the Jewish people.” No candidate may challenge the fundamental Jewish character of the state or demand equal rights, privileges and justice under the law for Arabs and Jews. The essential Zionist identity is inviolable, the rule of law works for Jews alone, and Palestinians are denied all rights, equal treatment and justice under a legal system for Jews that discriminates against Arab Muslims. In South Africa it was called apartheid.

## **The Current Plight of Palestinian Israeli Citizens in the Negev**

About half the 160,000 Bedouin Arabs today face forced displacement in the Negev. Why? Because they live in dozens “unrecognized villages” making their homes illegal under Israeli law. They face imprisonment and fines if they refuse to leave so their land can be cleared, homes demolished, and the area Judaized for a Negev development plan. It’s described as “A Miracle in the Desert” that aims to populate the area with a half million new Jewish residents in the next decade. Plans are for 25 new communities and 100,000 homes on cleared Bedouin lands. For the past two years, Israel has been ethnically cleansing the Negev and erasing Bedouin villages to make it possible.

All Bedouin Arabs in “unrecognized villages” face what those living in Tawil Abu Jarwal endured in January. The entire village was destroyed when the Israeli military (IDF), a large police contingent and special task forces, a helicopter and bulldozers came in January 9. They demolished all 21 of its homes that consisted of shacks, brick rooms and tents. It followed a month earlier assault when 17 other homes were destroyed and their residents forcibly displaced. The people became homeless, and 63 of them in January were children. In late 2006, Israel’s interior minister, Roni Bar-On, announced his intention to destroy all 42,000 “illegal structures” in the Negev in a bandit declaration of planned forced ethnic cleansing against people helpless to stop it.

It’s happening in Al-Sadir, Tel-Arad, Amara-Tarabin and on June 25 to Bedouin families in the small villages of Um al-Hiran and Atir that are homes to about 1000 people. Hundreds of police and Israeli security forces destroyed over 20 of their homes to make way for a Jewish community called Hiran to replace them. People living in them lost everything including their possessions they had no chance to remove. Haaretz reported Atir villagers lived there for 51 years after being transferred to the area in 1956 under martial law. The article continued saying the Israeli Regional Council of “Unrecognized Villages” will move displaced families to a refugee camp in the center of Jerusalem (where Bedouins don’t wish to live) “as part of the government’s (forced ethnic cleansing) relocation project” to make the “desert bloom” for new Jewish only communities.

This is what all Negev Bedouin Arabs now face unless something can stop it. Large numbers of them attended an early August protest conference. It was held in solidarity with unaffected Palestinians who together called on Arab and other countries to support their right to remain in their homes and denounce Israel’s racist apartheid laws.

Arab Knesset member, Talab Al Sane, spoke on their behalf. So did Hussein Al Rafay’a, head of the regional council of the “unrecognized villages,” who said Israel wants Palestinians to be refugees in their own lands and has been forcing them into this status by a policy of home demolitions and continued displacement. Arabs once owned 5.5 million dunams of land (550,000 hectares) in the Negev, he said. They now own less than 200,000 (20,000 hectares) and are threatened with losing all of it. “We will resort to the Security Council, and the international court (in the Hague) to provide the residents and their lands with needed protection.”

With an assured US veto in the Security Council and Israel’s record of ignoring UN resolutions and World Court rulings against it, there’s little chance for success and every likelihood legal Israeli Arab citizens will continue being displaced from their own land.

### **Advocacy for Palestinian Arabs in “Unrecognized Villages”**

Israel denies all Palestinians their basic rights. However, those living in so-called

“unrecognized villages” face a special threat – demolition of their homes, loss of their land and possessions, and frightening displacement that will make them refugees along with millions of others in their own land. Few organizations advocate on their behalf, but a group that does is called The Association of Forty.

It’s a grassroots NGO in Israel committed to promoting social justice for Israeli Arabs and to gain official recognition for their “unrecognized villages.” It was formed in December, 1988 when Arab and Jewish residents from several of the affected villages and other areas formed the Association. It now “represents the residents of the ‘unrecognized villages’ and their problems, and promotes support locally and internationally” on their behalf. It seeks official recognition for the villages, an improvement in their living conditions, and “full rights and equality for the Arab citizens of the state” of Israel.

Its work consists of initiating “the preparation and implementation of active projects within these villages such as paving roads, improving existing roads and helping the residents to achieve their rights, to connect their villages to the network of water, electricity and telephones, to establish and operate kindergartens and clinics for mother and child care, and to obtain educational non-curricular activities for the schoolchildren....” It publishes a monthly newspaper, Sawt Al-Qura, has photographic exhibitions, films and documentaries that reflect the plight of the villages. It also organizes study days, holds local and international conferences, and participates in other international ones.

### **The Palestinians Enduring Struggle for Freedom and Justice**

Palestinians today live under horrendous conditions. By any standard, they’re appalling, repressive and in violation of fundamental human rights principles under the Universal Declaration of Human Rights stating:

- “All human beings are born free and equal in dignity and rights.”
- “Everyone is entitled to all the rights and freedoms....in this Declaration, without distinction of any kind.”
- “Everyone has the right to life, liberty and security of person.”
- “Everyone has the right to recognition everywhere as a person before the law.”
- “All are equal before the law and are entitled....to equal protection.”
- “Everyone has the right to own property (nor shall anyone) be arbitrarily (be) deprived of his property.”

Israel offers these rights to Jews alone. It denies them to Palestinian Arab Muslims in violation of its own Basic Law professing “Fundamental human rights....founded upon recognition of the value of the human being, the sanctity of human life, and the principle that all persons are free.” It continues stating the Basic Law of Israel “is to protect human dignity and liberty....(that) There shall be no violation of the property of a person....(that) All persons are entitled to protection of their life, body and dignity....(that) All government authorities are bound to respect the rights under this Basic Law.”

The Basic Law also states Israel is a Jewish state, and the message is clear. All rights, benefits, privileges and protections are for Jews alone. All others are unwelcome, unwanted,



unprotected, and unequal under the law. For them, justice unrecognized is justice denied and for Palestinians it's willful and with malice.

They face constant harassment, abuse and near daily assaults in the West Bank and even worse treatment under virtual imprisonment in Gaza. Their democratically elected government was ousted by a US-Israeli orchestrated coup in June to the shameless applause of Western leaders and silence from Arab ones. They're now isolated, surrounded and dangerously close to a humanitarian disaster affecting 1.4 million people.

It's no better for Israeli Palestinian citizens. They're nonpersons in their own land, are treated like intruders, given no rights, face constant harassment and mistreatment, get no justice, and face imminent loss of their homes, land, freedom and lives any time Israeli authorities wish to act against them. Yet they persist and endure as do their brethren in the Occupied Territories. They reach out to the world community, press their case, and a delegation from occupied Palestine stated it at the World Social Forum in Nairobi, Kenya in January.

It was a call to action and cry for help for "freedom, justice and (a) durable peace" and an end to six decades of repression. It called for a "global Campaign for Boycott, Divestment and Sanctions against Israel until it ends its apartheid-like regime of discrimination, occupation and colonization, and respects the right of return of Palestinian refugees and internally displaced persons."

It called for "Consumer boycotts of Israeli products; boycott of Israeli academic, athletic and cultural events and institutions complicit in human rights abuses; divestment from Israeli companies (and) international companies involved in perpetuating injustice, and pressuring governments to impose sanctions on Israel..."

Silence is not an option, and people of conscience can help. Noted author and documentary filmmaker, John Pilger, believes "something is changing," and he saw it in a recent full page New York Times ad having a "distinct odour of panic." It called for boycotting Israel, and Pilger senses the "swell...is growing inexorably, as if an important marker has been passed (and it's) reminiscent of the boycotts that led to sanctions against apartheid South Africa....once distant voices," notes Pilger, have "gone global," it caught Israel off guard and may signal change. But not easily or fast and may not happen at all unless global pressure becomes mass public outrage that this injustice no longer will be tolerated by people of conscience anywhere.

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