

Apartheid and Discrimination inside the State of Israel

In Israel, Jews and Palestinians are labeled from birth and treated differently throughout their lives. They have unequal access to social and economic privileges including land, education, employment and social welfare. (1, 43)

Separate is Never Equal.

There are over 1 million Palestinian citizens in Israel, 20% of the population, living mostly in separate communities, attending separate schools and shopping at separate stores. These Palestinians face rampant discrimination. The discrimination is sometimes from individuals and, at other times, systemic and codified in law. (3, 44) This separation is a result of legal, systemic Israeli domestic policy. The Population Registry Law (1965), requires all residents to register their ethnic group and religion and to obtain identity cards reflecting these differences. (48) *This discriminatory policy fits the United Nations' definition of Apartheid.*

The United Nations defines Apartheid in this way: [From the:]

International Convention on the Suppression and Punishment of the Crime of Apartheid

Adopted and opened for signature, ratification by General Assembly resolution 3068 (XXVIII) of 30 Nov. 1973, entry into force 18 July 1976.

For the purpose of the present Convention, the term "the crime of apartheid", which shall include similar policies and practices of racial segregation and discrimination as practiced in southern Africa, shall apply to the following inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them:

- a. Denial to a member or members of a racial group or groups of the right to life and liberty of person:
 - i. By murder of members of a racial group or groups;
 - ii. By the infliction upon the members of a racial group or groups of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;
 - iii. By arbitrary arrest and illegal imprisonment of the members of a racial group or groups;
- b. Deliberate imposition on a racial group . . . of living conditions calculated to cause its or their physical destruction in whole or in part;
- c. Any legislative measures and other measures calculated to prevent a racial group or groups from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group or groups, in particular by denying to members of a racial group or groups basic human rights and freedoms, including the right to work, the right to form recognized trade unions, the right to education, the right to leave and to return to their country, the right to a nationality, the right to freedom of movement and residence, the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;
- d. Any measures, including legislative measures, designed to divide the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group or groups, the prohibition of mixed marriages among members of various racial groups, the expropriation of landed property belonging to a racial group or groups or to members thereof;
- e. Exploitation of the labour of the members of a racial group or groups, in particular by submitting them to forced labour;
- f. Persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid. (49)

Examples of discriminatory Israeli laws and official policies:

Citizenship Laws:

-The Jewish Law of Return grants immigrant and residency rights to anyone who claims a Jewish identity (defined as a child or grandchild of a Jew, the spouse of a Jew, the spouse of a child of a Jew, and the spouse of a grandchild of a Jew), but refuses the right of return to Palestinians and their descendants who were expelled in 1948. (2, 3, 4, 44)

- While Jews receive citizenship automatically, under a 2003 law, even Palestinians who marry Israelis are denied citizenship or even the right to live with their family in Israel. Human rights groups like B'Tselem consider these laws racist. (2, 3, 4, 44)

- According to the Office of the United Nations High Commissioner for Human Rights, "A dual system of law discriminates between Jewish Israelis and indigenous Palestinians based on a constructed status of 'Jewish nationality'. This prejudicial application of law is apparent in all processes of the legal system, from the rights to information and fair trial to detention and prison treatment."(5)

Discrimination in residency policy and land expropriation:

- Between 1947-49: 700,000 Arabs were displaced and their villages destroyed. More than 80% of the total Palestinian population was expelled from the country. (9)

- Approximately 30% of the 150,000 Palestinians remaining in Israel were expelled from their homes becoming internally displaced refugees. (10)

- From 1948 to 1966, Palestinians inside Israel were subject to military law while Jews lived under civilian law. During that time, 66% of Arab-owned land was confiscated and transferred for the exclusive use of Jewish citizens. Over 600 Jewish towns were built over former Arab towns. (40)

- The Absentee Property Law, adopted in 1950 (and applied only to Arabs), designated that anyone who left the country in 1948 is an absentee, and that his/her property comes under the control of the state. Arabs who *remain* in the country but who were compelled to leave their land are called "present absentees" and their land eventually used for the benefit of Jewish Israelis. (14)



Today, 140,000 Palestinian Arabs live in over 100 so-called "unrecognized villages," mainly in Galilee and the Negev desert. (46)



Village without power, power line above and generator below.



Village with no access to water with well nearby.



Village without garbage collection

Palestinians Live in Unrecognized Villages

- These villages are not on any map, have no running water, electricity, connection to sewer systems or public support for schools or health care. Residents cannot get permits to build homes or public buildings. The authorities use a combination of house demolitions, land confiscation, denial of basic services, and restrictions on infrastructure development to dislodge residents from these villages. (17)
- The National Planning and Building Law (1965) retroactively re-zoned lands on which many Arab villages sat as "non-residential." Consequently, despite the existence of these villages prior to the establishment of the state, they have been afforded no official status. (17)
- Palestinian Israelis have been confined to limited areas of Israel. Until recently, Israeli Arabs were not permitted to lease land from the Israeli Land Administration, which controls 93% of the arable land in Israel. This land is either state-owned or owned by the Jewish National Fund whose charter restricts its use only to Jews. Much of it was expropriated from Arabs. While Jewish neighborhoods grow unchecked, segregated Palestinian communities have not been allowed to expand. No new Arab areas have been created while hundreds of Jewish areas have been. (18,19)
- Palestinian neighborhoods have specific land allocations. In Nazareth, for example, the population of 13,000 in 1947 lived on 3,000 acres. In 2007, with a population of 70,000, the city occupies only 3,100 acres, with strict limitations on any expansion. (1)
- Israel's planning authorities continue to disregard the development needs of Arab towns. Without official planning procedures thousands of houses have been built without the necessary permits and face possible demolition. Families living in houses built without permits have no basic services and face eviction and demolition, etc. Israeli Jews are almost never denied building permits. (27)

Discriminatory Funding between Jewish and Arab Israelis

Arab towns and villages regularly receive less funding than Jewish neighborhoods. While Palestinians represent 20% of the population of Israel, between 2000 and 2004, Arab citizens received less than 5% of the overall regular budget of Israel. Israel expends an average of \$1,415 on each Jew annually and \$310 on each Arab. (20)

Disparities in funding for Education

- Schools for Palestinian Israeli children are completely separate. 2001 figures published by the Central Bureau of Statistics in 2004, showed that students in Jewish schools received at least four times as much basic funding as students in Arab schools. (21)
- Human Rights Watch states: "The funding disparities between the two [educational] systems are enormous . . . Palestinian schools lack computers, science equipment, and remedial programs for disabled children and kindergartens. . . The situation for Bedouin children is particularly appalling." (22, 23)

Economic and social privilege of Israeli Jews derive from military service:

- Many official and unofficial economic and social benefits are based on military service. This includes (but is not limited to) mortgage subsidies, partial exemptions from course fees and preference in public employment and housing. While service is compulsory for all but orthodox Jewish Israelis, 90% of Arabs are exempt from service and thus denied these benefits. Orthodox Jews who take advantage of their exemption still receive full benefits. (8, 34)
- Teachers are not permitted to teach Arab history. Israeli textbooks do not show the "Green Line," the internationally recognized border between Israel and the occupied Palestinian territories. Teachers in Arab schools must be approved by the state security service (Shin Bet) and the curriculum is designed to remove references to Palestinian history and culture. (23)

Wide Spread Racial Profiling

- Palestinian citizens of Israel are often discriminated against through denial of access to recreation spaces, swimming pools, water parks and other public places frequented by its Jewish citizens. (38)
- Palestinian citizens are frequently taken aside at Israel's airports and train stations and searched, often invasively. They are more likely to be detained or accompanied to the plane by security personnel. (39)

Discrimination in time of war

Failure to protect Arab citizens during wartime:

Few Arab towns and villages in the north of Israel have public bomb shelters or air raid sirens even though most Jewish communities have them. As a result people in Arab villages died during the invasion of Lebanon while most Jews waited out the war in shelters. (41)

Unequal compensation for war damages

After the Lebanon war, Arab villages were denied compensation for damages, though many Jewish neighborhoods received funds in the form of interest-free loans of \$10,000 available only to Jewish businesses and individuals who had served in the Israeli army. (42)

Discriminatory confinement

Although ignoring the Geneva Conferences in other areas, Israel relies on the sections on "Administrative Detention" which permits confinement without charges or legal rights for up to six months, continually renewable. Israel has "detained" thousands of Palestinians, including Palestinians from within Israel and East Jerusalem. (8)

Sources

1. <http://www.endtheoccupation.org/downloads/AAFWhyApartheid.pdf>
2. <http://www.crisisgroup.org/home/index.cfm?id=2528&l=1>
3. <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2003/08/01/MN110656.DTL> <http://www.acri.org.il/english-acri/engine/story.asp?id=255>
4. http://www.monabaker.com/pMachine.more.php?id=A2104_0_1_0_M http://www.ifamericansknew.org/cur_sit/racism.html
5. <http://www.state.gov/g/drl/rls/hrpt/2008/nea/119117.htm>
6. <http://www.ohchr.org/english/bodies/cedr/docs/ngos/jointngo5-PartIII-1.pdf>
7. Haaretz, Jan. 13, 2009 <http://www.haaretz.co.il/hasen/spages/1054867.html>
8. Haaretz, Jan. 13, 2009 <http://www.haaretz.co.il/hasen/spages/1054867.html>
9. <http://www.haaretz.com/hasen/spages/826915.html> http://www.adalah.org/eng/pressreleases/pr.php?file=09_04_14
10. <http://electronicintifada.net/bytopic/171.shtml> <http://www.badil.org/Refugees/refugees.htm> <http://www.adalah.org/features/Absentee/Adalah%20Letter%20to%20Mazuz%20Absentee%20Property>
11. <http://amerikanbeat.net/2009/01/25/on-the-nature-of-israeli-apartheid>
12. <http://www.cjpmc.org/DisplayDocument.aspx?DO=795&RecID=149&DocumentID=219&SaveMode=0>
13. <http://www.indypendent.org/2007/12/09/israeli-democracy-arabs-need-not-apply/>
14. <http://www.cjpmc.org/DisplayDocument.aspx?DO=795&RecID=149&DocumentID=219&SaveMode=0>
15. <http://www.palestineremembered.com/Acre/Right-Of-Return/Story441.html> http://en.wikipedia.org/wiki/Land_and_Property_laws_in_Israel#The_27Absentees_Property_Law.27
16. <http://www.adalah.org/eng/publications/violations.htm> <http://www.caabu.org/pdf/Israeli-Arabs-final.pdf>
17. <http://www.mfa.gov.il/MFA/Foreign%20Relations/Israels%20Foreign%20Relations%20since%201947/1947-1974> <http://dic.academic.ru/dic.nsf/enwiki/6831561> http://en.wikipedia.org/wiki/Jewish_National_Fund
18. <http://www.adalah.org/eng/jnf.php>
19. Palestine Conciliation Commission- Progress Report to the United Nations General Assembly- A- 1985- November 1951 volumes 1-2: 1947-1974
20. <http://www.indypendent.org/2007/12/09/israeli-democracy-arabs-need-not-apply/> <http://www.shalomctr.org/node/382> <http://www.peykarandees.org/noFarsi/Condition.html> <http://www.caabu.org/pdf/Israeli-Arabs-final.pdf>
21. <http://www.hrv.org/en/reports/2008/03/30/map>
22. <http://semitism.net/2005/02/09/OLD97>
23. <http://www.indypendent.org/2007/12/09/israeli-democracy-arabs-need-not-apply> <http://www.adalah.org/eng/intladvocacy/cedr-major-finding-march98.pdf>
24. http://www.fmep.org/analysis/articles/israels_arab_minority.html <http://www.jifp.org/factsheets/arabinsisrael.htm> <http://www.mossawacenter.org/files/files/File/mossawa%20news%202005.pdf>
25. <http://www.interfaithpeaceinitiative.com/apartheid.php> <http://www.jewishcurrents.org/2003-jan-murakin.htm> <http://www.state.gov/g/drl/rls/hrpt/2003/27929.htm>
26. <http://electronicintifada.net/v2/article4525.shtml>
27. <http://www.hrv.org/en/news/2004/08/11/israel-budget-discriminates-against-arab-citizens> <http://www.hrv.org/reports/2001/israel2/ISRAEL0901-01.htm> <http://www.hrv.org/reports/2001/israel2/ISRAEL0901-10.htm>
28. <http://abs.sagepub.com/cgi/content/abstract/49/8/1075> <http://www.hrv.org/reports/2001/israel2/ISRAEL0901-06.htm> http://www.hrv.org/reports/2001/israel2/ISRAEL0901-06.htm#P1339_191271
29. <http://www.peykarandees.org/noFarsi/Condition.html> <http://www.haaretz.com/hasen/spages/796896.html> http://www.jewishsf.com/content/2-0-/module/displaystory/story_id/21480/format/html/displaystory.html
30. <http://www.wrmea.com/backissues/0999/9909019.html>
31. <http://www.vnetnews.com/articles/0.7340.L-3481668.00.html> <http://www.vnet.co.il/english/articles/0.7340.L-3480345.00.html>
32. <http://www.guardian.co.uk/world/2006/mar/24/israel>
33. <http://www.vnetnews.com/articles/0.7340.L-3480345.00.html>
34. <http://www.vnetnews.com/articles/0.7340.L-3480345.00.html>
35. <http://www.acri.org.il/eng/Story.aspx?id=556> <http://www.icahd.org/eng/news.asp?menu=5&submenu=1&item=482>
36. <http://www.palestineremembered.com/Jaffa/Jaffa/Story12399.html> <http://www.al-awda.org/pdf/factsheet.pdf>
37. <http://www.arabhra.org/hra/SecondaryArticles/SecondaryArticlePage.aspx?SecondaryArticle=1743>
38. <http://www.zmag.org/znet/viewArticle/2007> <http://www.interfaithpeaceinitiative.com/apartheid.php>
39. <http://lists.kabissa.org/lists/archives/public/pha-exchange/msg04365.html>
40. <http://www.2.ohchr.org/english/bodies/cedr/docs/ngos/jointngo6-PartIII-2.pdf>
41. <http://www.iataskforce.org/pdf/Inter-Agency%20Task%20Force%20on%20Israeli%20Arab%20Issues%20Foundation%20Forum%20Education%20Seminar%20-%202006%202007.pdf>
42. <http://www.iataskforce.org/pdf/Inter-Agency%20Task%20Force%20on%20Israeli%20Arab%20Issues%20Foundation%20Forum%20Education%20Seminar%20-%202006%202007.pdf>
43. <http://www.state.gov/g/drl/rls/hrpt/2005/61690.htm>
44. http://archive.salon.com/news/feature/2000/11/03/israeli_arabs/index2.html
45. <http://www.amnesty.org/en/library/info/MDE15/003/1997> http://www.btselem.org/English/Administrative_Detention/Israeli_Law.asp
46. http://www.law.nyu.edu/ecm/dlv/groups/public/@nyu_law_website_journals_journal_of_international_law_and_politics/documents/ecm_pro_059607.pdf
47. <http://www.haaretz.com/hasen/spages/796747.html> <http://www.adalah.org/newsletter/eng/dec06/hra-report.pdf> <http://www.haaretz.com/hasen/spages/827861.html>
48. <http://www.haaretz.com/hasen/objects/pages/PrintArticleEn.jhtml?itemNo=851098> <http://www.peykarandees.org/noFarsi/Condition.html> <http://www.imemc.org/article/52108> <http://www.imemc.org/article/52108>
49. http://www.oxfam.org.uk/what_we_do/where_we_work/palterr_israel/bedouin.htm
50. <http://www.haaretz.com/hasen/pages/ShArt.jhtml?itemNo=275276&contrassID=2&sbSubContrassID=0&listSrc=Y&itemNo=275276> <http://web.amnesty.org/library/index/engmd150332004>
51. <http://www.adalah.org/eng/intladvocacy/CESCR-land.pdf> <http://www.icahd.org/eng/articles.asp?menu=6&submenu=2&article=336>
52. <http://www.wdemocracynow.org/article.pl?sid=06/08/14/1358258> <http://electronicintifada.net/v2/article5703.shtml>
53. <http://www.haaretz.com/hasen/spages/763244.html>
54. <http://www.independent.co.uk/news/world/middle-east/racist-marriage-law-upheld-by-israel-478291.html>
55. <http://www.badil.org/Publications/Press/2007/press438-07.htm>
56. <http://www.adalah.org/eng/intladvocacy/cedr-major-finding-march98.pdf> <http://www.adalah.org/newsletter/eng/oct07/emhm.pdf>
57. <http://www.caabu.org/pdf/Israeli-Arabs-final.pdf>
58. <http://www.adalah.org/eng/int07/adalah-cred-feb07.pdf>
59. <http://www.geocities.com/savepalestinenow/israellaws/essays/israellawessay.htm>
60. <http://www.indypendent.org/2007/12/09/israeli-democracy-arabs-need-not-apply/>
61. <http://www.hrv.org/legacy/reports/2001/israel2/>
62. <http://electronicintifada.net/v2/article6664.shtml>
63. <http://www.guardian.co.uk/commentisfree/2007/apr/30/dontcallitdiscrimination>
64. <http://www.hrv.org/legacy/reports/2001/israel2/>

General Sources

- <http://www.acri.org.il/eng/story.aspx?id=499>
<http://www.crisisgroup.org/home/index.cfm?id=2528&l=1>
<http://www.nif.org/get-involved/nif-in-a-box/Israel-s-Arab-Citizens-Background-Tools-for-Discussion.pdf>
<http://www.adalah.org/eng/intladvocacy/cedr-major-finding-march98.pdf>
<http://www.adalah.org/newsletter/eng/oct07/emhm.pdf>
<http://www.caabu.org/pdf/Israeli-Arabs-final.pdf>
<http://www.adalah.org/eng/int07/adalah-cred-feb07.pdf>
<http://www.geocities.com/savepalestinenow/israellaws/essays/israellawessay.htm>
<http://www.indypendent.org/2007/12/09/israeli-democracy-arabs-need-not-apply/>
<http://www.hrv.org/legacy/reports/2001/israel2/>
<http://electronicintifada.net/v2/article6664.shtml>
<http://www.guardian.co.uk/commentisfree/2007/apr/30/dontcallitdiscrimination>
<http://www.hrv.org/legacy/reports/2001/israel2/>

**The Israeli Law Resource Center tracks apartheid laws,
which can be found at**

www.geocities.com/savepalestinenow/internationallaw/fulltext/apartheidconvention.htm