

I. Summary

Tens of thousands of Palestinian Arab Bedouin, the indigenous inhabitants of the Negev region, live in informal shanty towns, or “unrecognized villages,” in the south of Israel. Discriminatory land and planning policies have made it virtually impossible for Bedouin to build legally where they live, and also exclude them from the state’s development plans for the region. The state implements forced evictions, home demolitions, and other punitive measures disproportionately against Bedouin as compared with actions taken regarding structures owned by Jewish Israelis that do not conform to planning law.

In this report, Human Rights Watch examines these discriminatory policies and their impact on the life of Bedouin in the Negev. It calls on Israel to place an immediate moratorium on home demolitions in the Negev and establish an independent mechanism to investigate the discriminatory and often unlawful way in which land allocation, planning, and home demolitions are implemented.

The state controls 93 percent of the land in Israel, and a government agency, the Israel Land Administration (ILA), manages and allocates this land. The ILA lacks any mandate to disburse land in a fair and just fashion, and members of the Jewish National Fund, which has an explicit mandate to develop land for Jewish use only, constitute almost half of the ILA’s governing council, occupying all the seats not held by Israeli government ministries. While the Bedouin were traditionally a nomadic people, roaming the Negev in search of grazing land for their livestock, they had already adopted a largely sedentary way of life prior to 1948, settling in distinct villages with a well defined traditional system of communal and individual land ownership. Today they comprise 25 percent of the population of the northern Negev, but have jurisdiction over less than 2 percent of the land there.

Planning in Israel is highly centralized, and state planners fail to include the Palestinian Arab population, especially the Bedouin, in decision making and in developing the master plans that govern zoning, construction, and development in Israel. Even though Bedouin villages in the Negev pre-date Israel’s first master plan

in the late 1960s, state planners did not include these villages in their original plans, rendering these longstanding communities “unrecognized.” As a result, according to Israel’s Planning and Building Law, all buildings in these communities are illegal, and state authorities refuse to connect the communities to the national electricity and water grids, or provide even basic infrastructure such as paved roads. Israeli policies have created a situation whereby tens of thousands of Bedouin citizens in the Negev have little or no alternative but to live in ramshackle villages and build illegally in order to meet their most basic shelter needs.

While the Bedouin suffer an acute need for adequate housing and for new (or recognized) residential communities, the state rarely provides these opportunities. Meanwhile, even though some of the more than one hundred existing Jewish rural communities in the Negev sit half empty, the government is developing new ones. While in theory anyone can apply to live in these rural Negev communities, in practice selection committees screen applicants and accept people based on undefined notions of “suitability,” which exclude Bedouin. The ILA recently defended the role of the selection committees, saying “social cohesion in small communities is important.”¹

Israel’s planning authorities have taken this discriminatory logic to an extreme with the creation of 59 individual farms in the Negev over the past 10 years. The state has allocated vast land tracts almost exclusively to individual Jewish families and fenced off the land at government expense in a bid to “preserve state land.” Often, government ministries and the ILA allow individuals to establish the farms before they have secured building permits, on land zoned for other purposes, and local authorities connect these illegal outposts to water and electricity grids without hesitation. Meanwhile, the same officials claim that they cannot provide unrecognized Bedouin villages, with hundreds or even thousands of residents, with utilities because the villages are built illegally and the population is too dispersed. Several Bedouin told Human Rights Watch that the state had allocated their ancestral land to individual farms. Mohamed Abu Solb, an Israel Defense Forces veteran, took Human Rights Watch to the site of the village where he had grown up, from which the authorities had evicted him and his family in 1991, ostensibly for

¹ “Living in Sophisticated Rakefet,” *Haaretz* (Tel Aviv), February 16, 2007.

military purposes. Sixteen years later there are no signs of the army, but one of the individual farms, a lush cactus ranch, prospers on this confiscated land next to the Abu Solb clan's destroyed village of Kornub.

Since the 1970s Israeli authorities have demolished thousands of Bedouin homes in the unrecognized villages, many of them comprising no more than tents or shacks. In the past year alone Israeli officials have demolished hundreds of structures, and placed warnings of intended demolition on hundreds more. Israeli officials contend that they are merely enforcing zoning and building codes, but the state systematically demolishes Bedouin homes while overlooking or retroactively legalizing illegal construction by Jewish citizens. According to Ministry of Interior records, in January 2005 all 242 outstanding judicial demolition orders in the southern region of Israel were against Bedouin structures. Israel denies security of land tenure to the Bedouin and then exploits this insecurity to destroy their homes.

Planning officials carry out "administrative" home demolitions without any judicial oversight. Even in cases where, by law, officials must obtain a judicial warrant for demolition, judges issue the warrants during court proceedings without the presence of the Bedouin home owner, who is almost never identified or notified of the proceedings. In recent years, most Bedouin have given up any attempt to appeal home demolition orders in court since historically no Israeli judge has overturned a home demolition order in the unrecognized villages. Bedouin and their lawyers claim that they have no effective right to appeal: bringing such court cases is costly and futile, they say, and judges may add criminal charges for building or maintaining an "illegal" dwelling that can have consequences such as jail time or a hefty fine for the homeowner. Some Bedouin have demolished their own homes in an attempt to avoid such charges and to salvage as much as possible from their homes.

Israel's systematic violation of Bedouin land and housing rights appears to be increasing. Ministry of Interior records show that governmental demolitions in the Negev region more than doubled from 143 in 2005 to 367 in 2006. On May 8, 2007, Israeli authorities demolished 30 structures in the unrecognized village of Twayil Abu Jarwal, the largest single demolition to date and the sixth time homes in this village were demolished in the past year. In some villages, Israeli authorities have delivered

warning notices or demolition orders to entire neighborhoods or the whole village, such as in al-Sira, next to the Nevatim air base, where on September 7, 2006, officials distributed six judicial demolition orders, and demolition warnings to the rest of the village. In July 2007 all the homes with warnings received demolition orders.

Israeli officials insist that Bedouin can relocate to seven existing government-planned townships. But in fact alternative housing there is not readily available, and these towns are currently ill-equipped to handle a further influx of residents. Most Bedouin reject the idea of relocating to the townships, where poverty and crime rates are high, basic socioeconomic infrastructure is lacking, and they cannot continue traditional means of livelihood such as herding and grazing. Most important, the state requires Bedouin who move to the townships to renounce their ancestral land claims, which is unthinkable for most Bedouin who have such claims to land. This land has often been passed down from parent to child over several generations. In recent years the government and planning authorities have officially recognized six Bedouin villages that were previously unrecognized, and established three new villages/townships. However, these communities are suffering from bureaucratic foot dragging, poor financing, and borders that do not provide sufficient agricultural land for villagers' livelihoods or land reserves to allow the next generation to remain in the villages. Planning authorities continue to demolish the existing Bedouin homes that, unfortunately for their owners, fall outside the new officially (and arbitrarily) drawn village borders. In addition, the government has offered no housing solution to tens of thousands of Bedouin in the 39 remaining unrecognized villages.

The government has made developing the Negev region one of its strategic goals. In November 2005, the government adopted the Negev 2015 plan, a US\$3.6 billion 10-year scheme aimed at increasing the Jewish population of the Negev by 200,000 by developing upscale residential neighborhoods, fast transportation networks for commuters, high tech establishments, and better educational facilities. While the plan does propose upgrades to the appalling infrastructure and educational facilities in the government-planned Bedouin townships, it completely ignores the needs of the Bedouin living in unrecognized villages in the Negev. Bedouin advocates point

out that while Israel created fast-track measures to accommodate a million new immigrants from the former Soviet Union in the 1990s, the state still refuses to address the longstanding land and housing needs of the Negev's indigenous population.

The state's motives for these discriminatory, exclusionary and punitive policies can be elicited from policy documents and official rhetoric. The state appears intent on maximizing its control over Negev land and increasing the Jewish population in the area for strategic, economic and demographic reasons. For example, while promoting the building of new Jewish towns in the Negev in 2003 government officials stated that their aim was "creating a buffer between the Bedouin communities," "preventing a Bedouin takeover," and ensuring the security of the (Jewish) residents of the Negev.² The government has been able to exploit Jewish Israelis' suspicion of and prejudice against the Bedouin population to engender support for these policies. The state and the media often perpetuate images of the Bedouin as criminals, trespassers, and a potential third column, who should be controlled, cracked down upon and forced off the land of the unrecognized villages which they are deemed to have "stolen" from the state. In December 2000 Ariel Sharon, then leader of the Likud party, wrote "The Bedouin are grabbing new territory. They are gnawing away at the country's land reserves."³

International law permits governments to expropriate land and carry out evictions only in "the most exceptional circumstances." Even in these exceptional circumstances, human rights principles require the government to consult with the affected individuals or communities, identify a clear public interest for the eviction, and ensure that the eviction is carried out with due process that allows those affected a meaningful opportunity to challenge the eviction. The government must also provide appropriate compensation and adequate alternative land and housing arrangements. In almost all the cases Human Rights Watch investigated for this report, the state has met none of these criteria. Instead, the authorities typically left families to the charity of relatives or community organizations, who provided

² Oren Yiftachel, "Inappropriate and Unjust: Planning for Private Farms in the Naqab," *Adalah Newsletter*, vol. 24, April 2006.

³ Ariel Sharon, "Land as an Economic Tool for Developing Infrastructure and Significantly Reducing Social Gaps," *Land*, December 2000, quoted in Abu Ras, "Land Disputes in Israel," *Adalah Newsletter*.

temporary shelter. In some cases, as quickly as Bedouin rebuilt, the authorities returned to demolish the new structures. Even in cases of threatened wide-scale demolitions or evictions, the authorities did not inform the Bedouin about the future use of their village land or attempt to justify the necessity of the evictions.

Key Recommendations

To the Government of Israel

- Establish an independent mechanism, such as a special commission, to investigate the ways in which land allocation, planning, and home demolitions are implemented with regard to the rights and entitlements of the Bedouin population. The commission's work should be guided by the right to housing as defined in Israel's international human rights obligations and should give special regard to any discriminatory and arbitrary impact that current policies and practices have on the Bedouin population.
- Conduct a comprehensive examination of Bedouin citizens' residential needs, in consultation with the communities, and create a national master plan and corresponding regional and local outline plans to address their housing and community needs.
- Impose a moratorium on all Bedouin home demolitions and evictions until the aforementioned review has taken place and appropriate measures have been taken to ensure that the rights and interests of the Bedouin will be fully respected and protected in future implementation of planning and development policy.
- Enact legislation that provides the greatest possible security of tenure to residents of houses and land, and ensures that any evictions are carried out in a non-discriminatory way and in accordance with international human rights norms.

To the United States and other international donors

- Ensure that any aid funds allocated to, or used by, Israel for development of the Negev region are not used for further home demolitions and are conditioned on non-discrimination in planning, land allocation, and development.

To the United Nations special rapporteur on adequate housing and the special rapporteur on the situation of human rights and fundamental freedoms of indigenous people

- Request an invitation to conduct a visit to the Negev to study the problem in more depth and make recommendations addressing indigenous land claims.