

**ECONOMIC, SOCIAL AND CULTURAL RIGHTS –
LAND AND HOUSING RIGHTS**

Written intervention submitted by
Adalah – The Legal Center for Arab Minority Rights in Israel

Adalah wishes to raise its concern over the State of Israel's discriminatory land and housing policies which severely impair the economic, social and cultural welfare and rights of Arab Bedouin citizens of Israel in the Naqab (Negev) region in the South of Israel, to which they are indigenous. This intervention discusses land decisions, plans and practices pursued by Israel to force the Bedouin into overcrowded and underdeveloped towns, while providing Jewish citizens with access to the rest of the land space.

Background

Since 1948, discrimination in land planning, allocation and settlement through laws and policies has brought 93% of land in Israel under direct state control. The Israeli Land Authority (ILA), a governmental body, administers all "Israel lands" – lands controlled by the state, the Development Authority and the Jewish National Fund, – amounting 19.5 million dunams (around 78 million acres), 12,194,000 of which is located in the Southern District.

Israeli land and housing policy in the Naqab seeks to combat what the state perceives as the demographic threat posed by the Bedouin population by seizing their lands and concentrating them on the smallest possible area, restricting them to poorly-developed urban settlements, while awarding the vast majority of the land space to Jewish citizens. The Arab Bedouin in the Southern District number close to 140,100 people, constituting 15% of the total population, projected to rise to 320,000 by 2020.¹ Just over half of the Bedouin population lives in seven towns purpose-built by the state and seven villages in the process of gaining state recognition (the 14 Bedouin towns and villages), which together have jurisdiction over *a mere 0.8% of land in the District*.

Around half of the Arab Bedouin in the Naqab live in around 40 "unrecognized" villages, which the state refers to as "illegal clusters." The state views their inhabitants as "trespassers"² on state land to be expelled, although many have been living on these lands – their ancestral lands – for generations prior to the establishment of the state in 1948. Others, expelled from their ancestral lands by the state, were forced to move to their current locations by the military government imposed on Palestinian citizens of Israel between 1948 and 1966, and thus face a second threat of expulsion. The state does not acknowledge the land ownership rights of the Bedouin in the Naqab. State attempts to assert land ownership claims are vehemently disputed. The "unrecognized" villages are excluded from state planning and governmental maps, have no local councils, and receive little-to-no basic services, including water, electricity, health and education facilities and sewage. Unable to obtain building permits and facing the constant threat of state

¹ Central Bureau of Statistics (CBS), *Statistical Abstract of Israel*, (2005, No. 56), Table 2.10.

² Attorney General of Israel's Response to Adalah's petition H.C. 2887/04, *Salem Abu Medeghem, et. al. v. Israel Lands Administration, et. al.*

demolition orders, many families do not construct their homes from solid, weather-resistant materials.

Israel insists that it is addressing the infrastructural deficiencies of the “unrecognized” villages by relocating their inhabitants to the government-planned towns. However, contrary to the state’s claims, these towns are not suited to the needs of and not designed for “the common good of the Bedouin population.” Although they have been “planned,” they lack sufficient infrastructure, suffering from inadequate or non-existent sewage systems, health and education facilities, telecommunications and public services. The state planned these towns – with almost no community participation – to be almost entirely urban, resulting in restricted economic activity, as Arab Bedouin traditionally engage in agriculture and rearing livestock. All of the planned towns are classified by the state in the lowest ranking of its socio-economic scale³ and plagued by the highest unemployment levels in Israel, reaching 34.7% in 2003.⁴ The land allotted for housing units is far smaller than in traditional Bedouin homes, which greatly limits Bedouin women’s freedom of movement. The inadequate provision or total lack of public transport between the towns serves to further isolate women. Jewish citizens in the Naqab, by contrast, are free to choose from urban and agricultural communities, as well as vast “individual” settlements.

The following are discriminatory land allocation policies and policies of forced dispossession and displacement of the Arab Bedouin in the Naqab adopted by the State of Israel in recent years.

- In November 2002, Israel approved a policy of “individual settlement” to “protect state lands.” A major manifestation of this policy is the *Wine Path Plan*, which provides for the establishment of 30 “individual settlements” in the central Naqab. “Individual settlements” are generally inhabited by a single Jewish family provided with hundreds, even thousands, of dunams of land for their exclusive use. The aim of these settlements is to populate the Naqab with Jewish citizens while excluding Arab citizens from the land. In 2003, there were 59 individual settlements in the Naqab, stretching over 81,000 dunams of land.⁵
- In April 2003, the government announced its *Decision Regarding the Bedouin Sector in the Negev*, which sets forth of policy guidelines and government expenditure for: (i) contesting and settling ownership claims and land arrangements; (ii) “enforcing the state’s rights to land and enforcing the planning and building laws;” (iii) completing the development and infrastructure of the seven planned Bedouin towns; and (iv) the planning of the seven villages in the process of being recognized.

Although the plan’s declared goal is to “alter and improve the situation of the Bedouin population in the Negev,” its *de facto* aim is to seize control of the remaining Bedouin land in the region by eradicating the “unrecognized” villages, concentrating the Bedouin population in the overcrowded, and inappropriately- or un-planned recognized towns, thereby increasing the percentage of land used by Jewish citizens. No funds are allocated under the plan for planning and infrastructure in the seven villages in the process of gaining recognition. Approximately 40% of the budget is allocated for home demolitions, evacuations, and compensation for those who relinquish their land ownership claims.

³ CBS, “Characterization and Ranking of Local Authorities,” February 2002.

⁴ ADVA Center, “Invisible Citizens,” Executive Summary, October 2005.

⁵ Hamdan, H., “The Policy of Settlement and “Spatial Judaization in the Naqab,” Adalah’s Newsletter, Volume 11, March 2005, p. 6.

Following the approval of the plan, the state intensified its efforts to demolish Arab Bedouin homes in the Naqab. The ILA estimates the number of unlicensed structures in the “unrecognized” villages at approximately 60,000, including 25,000 homes.⁶ The Interior Ministry puts this figure at 30,000 homes.⁷ In addition to home demolitions, the ILA has implemented a dangerous and illegal program of digging up and spraying toxic chemicals over agricultural crops – 26,500 dunams to date – belonging to Bedouin residents of the “unrecognized villages.” In response to a petition submitted by Adalah challenging crop spraying, the ILA stated that, while unauthorized by the Agriculture Ministry, the practice is an effective means of solving the problem of Bedouin “trespassers” allegedly “encroaching” on “huge swathes of land belonging to the state.”⁸

- In November 2005, Israel announced a *Strategic Plan for Naqab Development*, which includes a budget of 70 billion NIS to develop the Naqab by increasing its population from 535,000 to 900,000 over ten years. The aim is to alter the Naqab’s demography by concentrating the Bedouin in congested urban areas, thus facilitating Jewish population growth and development.
- In January 2006, Israel’s National Security Council released a plan to evacuate Arab Bedouin from the “unrecognized” villages to the 14 Bedouin towns and villages. The plan’s authors argue that the Bedouin population is an obstacle to the development of the Naqab and that the solution lies in their relocation within a proposed timeframe of two years. Under the plan, the state will forcibly evict Bedouin residents who refuse to relocate voluntarily. Those who voluntarily relocate will not receive the value of their property as compensation; rather, the state will provide a lump sum to their community. The state has compared the proposed relocations to its evacuation in August 2005 of settlements in Gaza, which have been deemed illegal under international law, suggesting that it may intend to employ military force to expel Bedouin citizens from their land.

Given severity of Israel’s denial of the land and housing rights of the Arab Bedouin population in the Naqab, Adalah calls on the Commission on Human Rights issue a resolution condemning Israel’s discriminatory policies and urging it to:

1. Recognize the “unrecognized” villages and provide their residents equal access to basic services and infrastructure, including water, electricity, and health and educational services.
2. Cease all policies aimed at confiscating Arab Bedouin land for the purpose of privileging Jewish citizens.
3. Apply the principles of non-discrimination on grounds of national belonging in accordance with its obligations under international human rights law to all decisions, plans and practices which affect the Arab Bedouin in the Naqab.

⁶ *State Comptroller Report 52B*, 2000, p. 111. (Hebrew)

⁷ *Ibid.*

⁸ H.C. 2887/04, *Salem Abu Medeghem, et. al. v. Israel Lands Administration, et. al.* See Concluding Observations of the CESCR: Israel. 23/05/2003. E/C.12/1/Add.90, para 43.