



Adalah Position Paper

December 2019

The Illegality of Israel's Plan to Transfer Palestinian Bedouin Citizens of the State into 'Refugee Displacement Camps' in the Naqab (Negev)

The State of Israel is taking the first steps towards establishing 'refugee displacement camps' designed to house tens of thousands of Palestinian Bedouin citizens of the state. The state is planning to "urgently" evict them from their homes in unrecognized villages across the Naqab (Negev) desert without offering them any permanent and just housing solutions. This position paper explains the ramifications of the plans and the ways in which they violate the human rights of the Bedouin community.¹

I. The purpose of the plans

Israel's Southern District Planning and Building Committee convened on 6 October 2019 to discuss two plans – 652-0767921 and 624-0765792 – "Temporary Residential and Public Building Solutions for the Bedouin Population in the Negev" (Hereinafter: "the plans"). The purpose of the plans, as described in their directives, is to enable "temporary solutions for housing, public needs and related services for the Bedouin population". The plans' explanatory notes specify that the scope of the development and barriers to constructing local infrastructure do not make it possible to implement immediate housing solutions for the residents of the unrecognized villages. Therefore, according to the notes, temporary housing complexes are required to facilitate the residents' 'urgent' transfer.

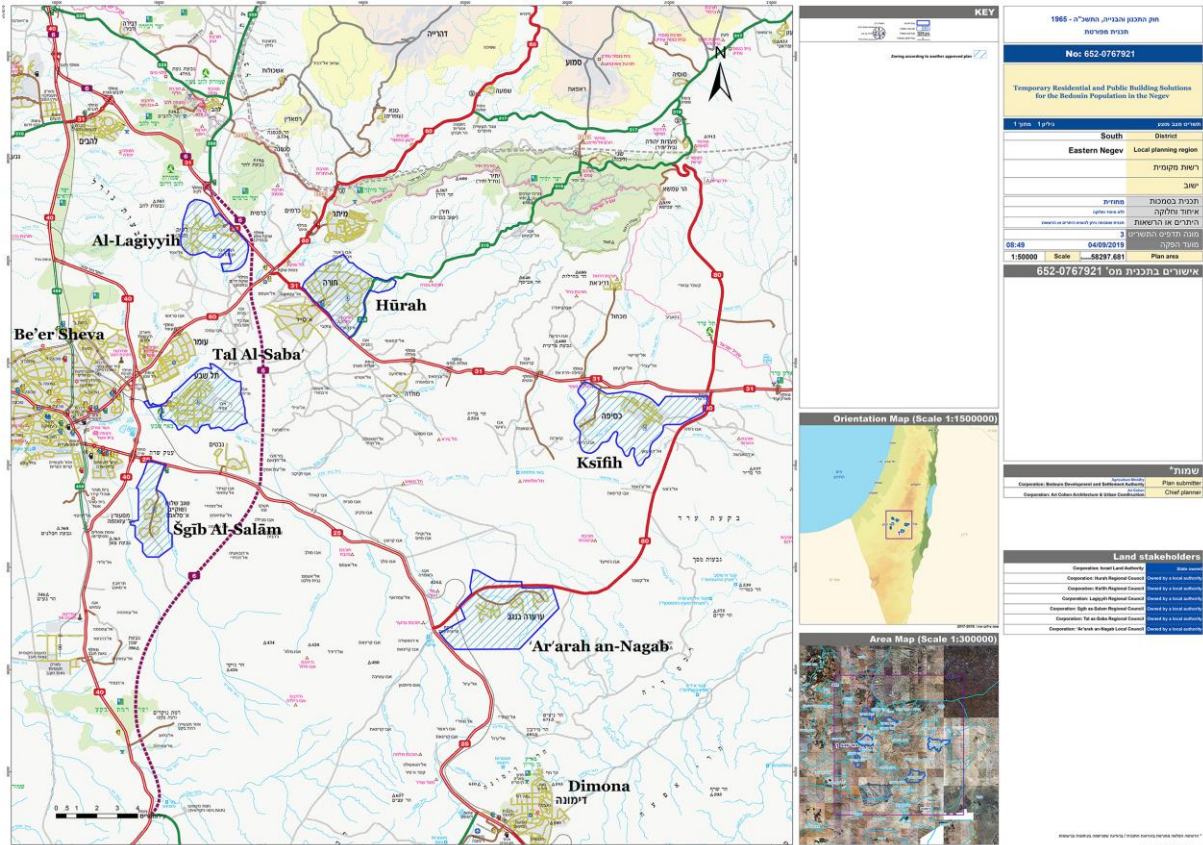
The plans' basic aim is to transfer the residents of unrecognized Palestinian Bedouin villages – where they have lived for decades and some of which have existed since before the state's establishment in 1948 – to temporary structures (mobile or modular) for a period of up to six years (Article 4.1.2(a) of the plans' directives). In effect, the plans constitute another step by the State of Israel to forcibly transfer the Palestinian Bedouin population of the unrecognized villages in the quickest possible way, despite the lack of adequate and appropriate housing solutions for them. The plans' sole concern is to clear the land without regard for the displaced population. Thousands of families, children, and the elderly will be devastatingly affected by these plans.

Taking the history of the Palestinian Bedouin citizens in the Naqab into account, the basis of any planning process for the unrecognized villages should be recognition and planned regulation in their existing residences. Instead, the plans in question continue to impose upon the residents of unrecognized villages the same reality they have been subjected to for decades: a life of temporariness brought about by repeated forced displacement from one place to another.

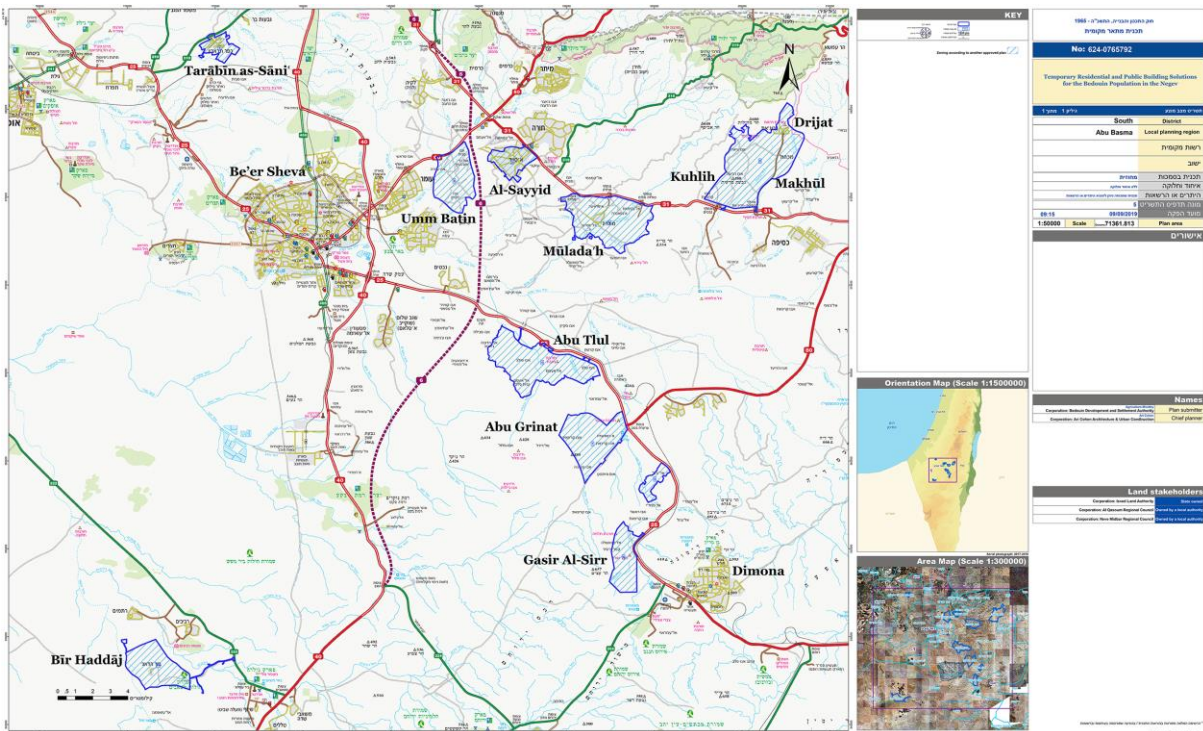
¹ Adalah, together with the Regional Council for the Unrecognized Villages in the Negev, Shatil, and the Negev Coexistence Forum for Civil Equality, has sent letters to the Israeli planning committee and other authorities demanding that these proposed plans be rejected and stopped. See Adalah Press Release, "Israel launches plan to force its own Bedouin citizens into refugee camps," 10 October 2019, available at: <https://www.adalah.org/en/content/view/9826>

II. Maps of the plans

(a) Plan 652-0767921



(b) Plan 624-0765792



III. The devastating consequences of the plans

The plans will have devastating consequences for the entire Palestinian Bedouin population of the Naqab, both in the unrecognized villages and in the recognized townships where the temporary housing/refugee displacement camps are to be constructed.

(a) **The unrecognized villages**

The plans should be understood in the context of an announcement made in January 2019 by the Bedouin Development Authority in the Negev (hereinafter: "the Bedouin Authority") of its plan to evict 36,000 Bedouin citizens for the needs of "economic development projects" and the expansion of military training areas. These plans include, but are not limited to, the following initiatives:

- **An industrial zone in Ramat Beka** encompassing an area of 11,283 dunams. This plan endangers the homes of thousands of Palestinian Bedouins in the Naqab from the villages of Abu Qrinat, Umm Mitnan, Wadi el-Mashash, Wadi al-Na'am, Sawaween, and Abu Tlul.²
- **Expanding the Road 6 highway** further south on an area of approximately 21,000 dunams, threatening the homes of thousands of Bedouins from the villages of Al-Mas'adiya, El-Zrin, Khirbet al-Watan, Bir al-Hamam, Wadi Al-Khalil, Khashem Zane, Sawaween, al-Shabi, Wadi al-Na'am, and Wadi el-Mashash.³
- **Military training zones** to be established and the clearing of tens of thousands of dunams, including the areas of the villages of al-Baqiya'a, Western Al-Bat, and residential areas north of Road 31 until the town of Arad.
- **The Beer Sheva-Arad railway plan** which encompasses approximately 4,700 dunams, limiting the possibilities for the development of the villages of Kuseife, Ar'ara, and Al-Fura'a, and endangering homes in the unrecognized villages of al-Za'arura, Ghaza, al-Mazr'a, Katamat and Al-Bhira, and cutting off 16 access roads to these villages.⁴
- **The Dimona-Yeruham railway plan** encompassing 3,400 dunams, which threatens the homes of the residents of the unrecognized village of Rakhma.⁵
- **A high-voltage power line** extending across 18,200 dunams which endangers the homes and lands of thousands of Bedouins in the villages of al-Ser, Wadi al-Na'am, and Wadi el-Mashash.⁶
- **Phosphate mining plan** in Sde Barir and Zohar South, encompassing 26,000 dunams, endangering the homes of thousands of Palestinian Bedouins in the village of Al-Fura'a and in

² Local Master Plan 621-0479709 – "The Ramat Beka Special Industrial Zone". An objection to the plan submitted by Adalah and Bimkom: Planners for Planning Rights in Israel on behalf of local residents was rejected in 2019. See Adalah Press Release, "Israeli military industries moving massive testing facility to south, 1,200 Bedouin structures at risk of forced displacement," 2 December 2018, available at: <https://www.adalah.org/en/content/view/9644>

³ Tama 31 or 2/21, Tama 31 or 3/21, Tama 31 or 4/21. An objection and petition to the plan submitted by Bimkom: Planners for Planning Rights in Israel and The Association for Civil Rights in Israel were Rejected in 2011 (HCJ 3459/10 *Atiyyah Elathamini, et. al v. The Government of Israel* (2011)): <https://law.acri.org.il/he/2476>

⁴ Local Master Plan 652-0203216 – "The Arad Railway". An objection to the plan submitted by Adalah and Bimkom: Planners for Planning Rights in Israel was rejected in 2018. See Adalah Press Release, "Adalah, Bimkom reject plans for Arad train line that will harm 50,000 area Bedouin residents," 21 August 2017, available at: <https://www.adalah.org/en/content/view/9206>

⁵ Local Master Plan 607-0193185 - "The Dimona-Yeruham Railway". An objection to the plan submitted by Bimkom: Planners for Planning Rights in Israel, Adalah, and Rakhme village committee was rejected in 2018. See Adalah Press Release, Planned Dimona-Yeruham train line will cause severe harm to local Bedouin residents, 9 October 2017, available at: <https://www.adalah.org/en/content/view/9267>

⁶ TAMA10/c/9 – "Partial detailed National Master Plan for the electrical grid"

the unrecognized villages of Al-Zarura, Ghaza, and Katamat, and creating sanitation and health hazards that will affect the residents of those villages.⁷

- **Evacuation procedures** currently in various stages in the villages of Ras Jrabah (evacuation orders for the expansion of Dimona),⁸ and evacuation warnings in al-Baqiya'a village and Elbat Elgharbi.

(b) The recognized townships

The state intends to establish refugee displacement camps in and around most of the recognized Palestinian Bedouin townships - Al-Qassoum regional council, Neve Midbar regional council, the Naqab Arara, Hura, Kuseife, Lakiya, Segev Shalom and Tel Sheva – covering a total area of over 129,658 dunams. In order to achieve these goals, the plans supersede all other outline plans concerning the aforementioned Bedouin local councils to the new plans' provisions.

All of the above local councils, which are classified as Socio-Economic Level 1 in Israel (i.e. lowest level), suffer from severe scarcity of land, development and planning. Some even lack the most minimal basic infrastructure and public services. Because of this, the transfer of Palestinian Bedouin citizens living in the unrecognized villages to the refugee displacement camps in the townships will have devastating consequences on several levels:

- These plans will transform these townships, limiting their possibilities for development, and will severely impede the lives of their current residents. The plans will exacerbate the housing and land shortage in these townships by appropriating some of the areas already designated for the local residents' pressing development needs.
- The plans will exacerbate the appalling socio-economic conditions that exist in these towns and further burden their socio-economic infrastructure, potentially leading to their complete collapse.
- The plans will burden the infrastructure systems and local services that barely meet the existing needs of the current population in these townships. Some of the localities designated for the absorption of the residents of unrecognized villages have no infrastructure at all, like the Neve Midbar and al-Qassoum regional councils.

IV. The illegality of the plans

1. **The plans adopt the principle of temporary housing for the Palestinian Bedouin population in the Naqab, and do not meet the minimum conditions of adequate housing.**⁹ The temporary structures noted in the plans have numerous problems, including: no security of tenure; no availability of services, materials, facilities and infrastructure; do not guarantee habitability, physical safety or provide adequate space; provide no accessibility for

⁷ TAMA 14/b - "National Master Plan for Mining and Quarrying". Adalah, together with 168 Al-Fura'a residents, the Regional Council for the Unrecognized Villages in the Negev, the Association for Civil Rights in Israel, Bimkom, and Physicians for Human Rights-Israel filed a petition to the Israeli Supreme Court on 21 January 2019 against the mine project. The Court has issued a "order to show cause" requiring the state to justify the legality of the project. See HCI 512/19 *Younes Dhabsha v. The National Council for Building and Planning (case pending)*. Press Release, "Bedouin families, human rights groups to Israeli Supreme Court: Stop construction of dangerous phosphate mine in Naqab desert," 25 February 2019, available at: <https://www.adalah.org/en/content/view/9686>

⁸ Adalah is representing the residents of Ras Jrabah in eviction lawsuits filed against them by the State of Israel. See Beer Sheva Magistrates' Court Case No. 16715-05-19, *The State of Israel v. Al Hawashleh, et. al* (case pending).

⁹ See joint UN-OHCHR and UN-HABITAT Factsheet number 21 on the right to adequate housing: https://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf.

disadvantaged and marginalized groups; and cut communities off from employment opportunities, health-care services, schools, childcare centers and other social facilities.

In this context, special emphasis should be placed on the resulting lack of security and traumatic effects of forced displacement and the temporariness of housing on Bedouin women and children from the unrecognized villages. Most residents were born into 'coercive temporariness' and will grow up in another 'forced temporariness'. Children in particular are among the most vulnerable to all rights violations: "Children's health, educational advancement and overall well-being are deeply influenced by the quality of housing in which they live. Lack of adequate housing, forced evictions or homelessness tend to have a profound impact on children due to their specific needs, affecting their growth, development and enjoyment of a whole range of human rights, including the right to education, health and personal security".¹⁰

2. **The plans establish two planning systems in the Naqab for Israeli Jewish and Palestinian Bedouin citizens of the state – *separate and unequal*.** One system relies on a planning network that works for the benefit, well-being, and future development of Israeli Jewish citizens and communities, and places the Israeli Jewish citizen at the center of the process. The second system relies on a planning network that seeks displacement and transfer of Bedouin citizens to temporary housing, and subordinates the entire Palestinian Bedouin population to an oppressive reality without their consultation.
3. **The plans reframe a civil, housing matter of vital importance into a matter that resembles an emergency situation requiring swift evacuation and temporary relocation.** The creation of two different planning systems with different purposes and procedures for different ethnic groups, while creating distinct emergency plans for the Palestinian Bedouin population, constitutes an extremely grave violation of both the rule of law and the right of equality before the law.
4. **The plans adopt a policy of ethnic segregation and discrimination in relation to geographical and local planning.** They establish a coercive mechanism in the fields of housing and distribution of land resources, while determining locations of residence according to ethnic affiliation and the principles of segregation. The plans' blueprints will create islands of residential complexes for the Palestinian Bedouin population, supposedly on a temporary basis, for the sole, racist purpose of evacuating areas not designated by the state for Palestinian Bedouin inhabitation.

¹⁰ Ibid.