



## **Forced Displacement | Position Paper**

May 2023

### **I. Introduction**

Since its establishment, Israel has consistently pursued practices of forced displacement, as part of its deliberate and longstanding pattern of seizing Palestinian land for use and ownership by Jewish Israelis. The Israeli state has historically set a clear goal of expanding Jewish land ownership and development with the aim of "Judaizing the land", and has consistently prioritized this objective through a number of laws and policies. In 2018, Israel enshrined this objective into a basic law – with constitutional force – through the Jewish Nation State Law ("JNSL"), which explicitly states that expanding Jewish settlements is a national priority: "The State views the development of Jewish settlement as a national value and will act to encourage and promote its establishment and consolidation."

Bedouin communities in the Naqab (Negev, southern region of Israel) have been severely impacted by these policies adopted by successive Israeli governments towards the Bedouins in the Naqab. Prior to the mass expulsion and seizures of their land by the state of Israel in 1948, approximately 90,000 Bedouin, primarily semi nomadic communities working in animal herding and agriculture, lived in the Naqab. Following the Nakba, only about 11,000 Bedouin remained in the Naqab and were forcibly displaced by the state into a miniscule section of their former land area, called the 'Siyag' - a closed military area, making up only 8% of the area of the Naqab.

Despite the fact that Bedouin communities have lived in the Naqab on these lands for decades, and in some cases, centuries, the state continues to maintain that Bedouins are "trespassers" on this land and refuses to acknowledge their rightful ownership.

From the 1970s until the 1990s, Israeli authorities established seven townships to further concentrate, control, and restrict the Bedouins' access to land and other resources and forcibly urbanizing them. Today, approximately 195,000 people live in government-planned "townships", which suffer from severe underfunding and lack basic and adequate services and infrastructure. These townships are ranked among the poorest in the country in the Central Bureau of Statistics' socio-economic ranking. Two decades ago, Israel recognized another eleven villages but those, as well, still lack basic services and infrastructure.

Today, approximately 90,000 Bedouins in the Naqab still live in 34 villages that remain "unrecognized" by Israel. These villages lack adequate access to basic services and infrastructure

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such as water, electricity, education and health, and their residents are facing a continuous threat of home demolitions and forced displacement.

Israel's policies of forced displacement have taken many forms: the forced displacement of thousands of Bedouin living in villages that are "unrecognized" by the state; the reduction of Bedouins' living space by forced "urbanization"; the establishment of new, segregated Jewish towns, villages, and "individual farms"; and the implementation of so-called 'development plans' located in areas inhabited by Bedouin citizens. The net result of this policy is that today, the total area of all the currently-recognized Bedouin towns and village in the Naqab constitutes only 1% of the total area of the Be'er Sheva District, despite the fact that Bedouin citizens constitute about 37% of the district's total population (approximately 296,000 people).<sup>1</sup> As of 2021, there were 130 towns and villages in the Be'er Sheva district that are defined as Jewish, compared to just 18 recognized Bedouin localities.<sup>2</sup>

The Israeli authorities also created coercive environments aimed at inducing displacement, through their perpetual and intentional failure to approve building permits and lack of provision of services and infrastructure in Bedouin communities in the Naqab. Forced displacement, therefore, is not necessarily a physical destruction of homes or removal of persons from their homes by the authorities, but rather the creation of circumstances which leave residents with essentially no choice but to leave.<sup>3</sup>

Since the current government was inaugurated in December 2022, it has made clear that it intends to further escalate these longstanding policies of forced displacement and land grabs aiming to expand and deepen its Judaization policies for Bedouin inhabited areas. This government is building on a decades-long, successive and institutionalized policy of Judaization that has been furthered through a variety of tools of displacement. The current government put forward in its fundamental guiding principles that it plans to "advance and develop settlement in all parts of the land of Israel – in the Galilee, Negev, Golan Heights, and Judea and Samaria."<sup>4</sup> This proclamation is indicative of an apartheid system in land allocation and expansion that has been building on top of years of longstanding policies.

So far, the government has put forward numerous new tools to advance its Judaization agenda, including centralizing and expanding the power of the "Minister for Development of the Negev, Galilee and National Resilience," notably, the ability to appoint members of the Israel Land Council, National Council on Planning and Building, and district planning committees. This power is now in the hands of the radical right-wing and racist Jewish Power party, led by Itamar Ben

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<sup>1</sup> The Central Bureau of Statistics, "Annual Data for 2021", Table 2.19. This percentage is an approximation, as the CBS reports population data for "Arabs", rather than specifically for Bedouins. However, it is worth noting that the vast majority of individuals that Israel classified as Arabs in the Be'er Sheva district are Bedouin citizens.

<sup>2</sup> The Central Bureau of Statistics, "Annual Data 2021", Table 2.16.

<sup>3</sup> Report of the Secretary General, Human rights situation in the Occupied Palestinian Territory, including East Jerusalem, A/HRC/34/39, 16 March 2017, paras 22, 27

<sup>4</sup> 37th Israeli Government Guiding Principles (Hebrew), [https://www.adalah.org/uploads/uploads/Guiding\\_principles\\_government.pdf](https://www.adalah.org/uploads/uploads/Guiding_principles_government.pdf).

Gvir. The government has also stated it will prioritize the “preservation of state land”, in part, by providing private farms to Jewish Israeli individuals, a discriminatory practice historically used to grab Bedouin land and redistribute it for use by Jewish Israelis only.

The agreements further commit the government to promoting ‘agricultural development’ as a guise for continued Israeli Jewish development and settlement to “maintain the nation’s land”<sup>5</sup> – a practice that has historically been used by Israel to Judaize the majority of Palestinian areas.<sup>6</sup> The agreements further state that 14 new towns will be established in the Naqab, at least 11 of which will be for Jewish Israelis.

## **II. Methods Israel uses to deepen Judaization and forcibly displace Bedouins in the Naqab**

As stated above, forced displacement in the Naqab is often carried out through the implementation of various ‘development and infrastructure’ projects, such as the establishment of forests, trains, highways, military installations, and military zones. Notably, such initiatives are primarily concentrated in the Siyag area, where Bedouin communities continue to reside, even after being relocated there by the Israeli government in the 1950s and 1960s.

It is important to note that the underlying assumption of the Israeli government when advancing development plans in the Naqab is that Bedouin citizens are an obstacle to development rather than potential beneficiaries of development. This suggests that these communities should be displaced for the benefit of others. Accordingly, when planning these so-called “development and infrastructure” projects, no real alternatives are considered to preserve the communities and serve them and their development. In fact, many alternatives suggested by Bedouin communities have been outright rejected by the authorities.

The following section outlines several examples of Bedouin communities in the Naqab that are facing threat of forced displacement originating from plans that Israel is pursuing to benefit Jewish Israeli citizens and to displace, further segregate, grab land, and forcibly urbanize Bedouin communities.

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### **Phosphate mine**

In 2018, the Israeli government approved a ‘National Master Plan for Mining and Quarrying’, which authorized the construction of phosphate mines covering a combined area of 26,354 dunams (6,512 acres) in Sde Barir and Zohar South. The planned construction of the Sde Barir mine – directly adjacent to the Bedouin village of al-Fur‘ah (recognized village) – requires the demolition of several homes in the village – as well as of a regional school that serves many unrecognized

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<sup>5</sup> See, for example, Shas-Likud coalition agreement (Section 78); Religious Zionism-Likud coalition agreement (Section 148).

<sup>6</sup> Prof. Oren Yiftael, *Inappropriate and Unjust: Planning for Private Farms in the Naqab*, *Adalah’s Newsletter*, Vol. 24, April 2006: <https://www.adalah.org/uploads/oldfiles/newsletter/eng/apr06/ar1.pdf>.

villages in the area – and will pose a serious health risk to residents who live in the proximity of the minefield.

In January 2019, Adalah, together with 168 residents of Al-Fur'ah, the Regional Council of Unrecognized Villages (RCUV), the Association for Civil Rights in Israel, Bimkom, and Physicians for Human Rights-Israel, filed a petition to the Israeli Supreme Court against the plan. The petitioners argued that the National Council for Planning and Building's approval of the plan was made without considering the environmental and health impact on the affected Bedouin communities.

In October 2021, the Court issued a decision that required a new environmental impact survey to be conducted before any further progress was made towards building a phosphate mine. According to the Court, the survey must take into account the potential health risks that the mine may pose to the people of Al-Fur'ah, and the option of not proceeding with the plan must be considered. Based on this ruling, the Bedouin Authority has decided to freeze the planning of Al-Fur'ah due to concerns that the mine would make it infeasible.

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### **Ramat Beka - Military Industrial Zone**

In January 2019, the Israeli authorities announced a plan to relocate a military-industrial zone from Jewish-populated areas in central Israel to the Naqab. The proposed facility is planned to cover an area the size of Haifa and Tel Aviv combined and will forcibly displace thousands of Bedouin residents.<sup>7</sup> The plan will severely restrict the development of several Bedouin villages and bring about the demolition of approximately 1,213 structures, including homes. According to the plan, 44% of the area will be used for experiments in “explosives, vehicles, chemicals ...” and is expected to expose thousands of Bedouin residents to health risks.<sup>8</sup>

The proposed Ramat Beka military-industrial zone plan affects several Bedouin villages, including Abu Qrinat/Umm Matnan, Wadi Al-Mshash, Wadi Al-Na'am, Swaween, and Abu Tuloul. Several organizations, including Adalah, Bimkom, and RCUV, objected to the plan in 2018, however, the Southern District Planning and Building Committee rejected it.<sup>9</sup>

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Israel is using not only national infrastructure and development plans to forcibly displace Bedouin communities but is also directly grabbing ancestral lands of Bedouins with the aim of uprooting villages and communities, to establish Jewish towns in their place. One egregious example is the case of Ras Jrabah.

### **Ras Jrabah**

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<sup>7</sup> This area has already been designated for military purposes and there is one factory there but through this plan, the military zone will become much more active.

<sup>8</sup> Ramat Beka Special Industrial Zone, Local Master Plan 621-0479709. See Adalah's press release, [Israel's plan to force Bedouin from their homes to clear way for military testing zone delayed due to Adalah, Bimkom legal action](#), June 2020.

<sup>9</sup> *Id.*

Ras Jrabah is a Bedouin village of approximately 500 residents, located in the southern Naqab, unrecognized by Israeli authorities. In 2019, the Israel Land Authority filed 10 eviction lawsuits against 127 residents of Ras Jrabah and their families, and Adalah is representing them in a legal fight against their displacement in front of the Be'er Sheva District Court. The government is planning to displace the residents of Ras Jrabah to make way for a new neighborhood in the primarily Jewish city of Dimona.

The government's plan to evacuate Ras Jrabah and forcibly transfer its residents to the government-planned Bedouin township of Qasr Al-Sirr is an example of systematized spatial and racial segregation, as the responsible planning authorities have refused to even consider the possibility of including the residents of Ras Jrabah within the planned new neighborhood of Dimona.

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### III. Legal Framework

As forced displacement's core tenets, goals, and consequences are harmful, dangerous, and result in the removal of native people from their land, it has long been illegal under international law and is considered a "gross violation of human rights", by, for example, the UN Commission on Human Rights.<sup>10</sup>

This prohibition against forced displacement is grounded in the right to adequate housing under international law, which is based in the International Covenant on Civil and Political Rights, Article 17.1, which proclaims the right of all persons to be free from forceful eviction without adequate protection. Though Israel has signed and ratified this international treaty, it continues to blatantly ignore its central tenets. In addition, homelessness is nearly always compounded by a variety of external factors that exist as a result of or in conjunction with such displacement: sky high rates of unemployment, severe poverty, and decades of generational trauma, which particularly impact women, children, and the elderly at alarmingly high rates. Consequently, such violations can often lead to the contravention of other internationally protected rights, such as "the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions."<sup>11</sup>

The International Covenant on Economic, Social and Cultural Rights further protects the right to be free from forced evictions, requiring states to use "all appropriate means" to protect the right to "adequate food, clothing and housing".<sup>12</sup> As well, in 2019, the UN Committee on Economic, Social and Cultural Rights recommended in its Concluding Observations that Israel, among other directions, "Immediately stop the eviction of Bedouin people living in unrecognized villages from

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<sup>10</sup> UN CESCR, Gen. Comment 7.

<sup>11</sup> *Id.*

<sup>12</sup> International Covenant on Economic, Social and Cultural Rights, Article 2.1, Article 11.1, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

their homes and ancestral lands and recognize their villages...Improve living conditions and infrastructure in all Bedouin residential localities in the Negev area.”<sup>13</sup>

UN Habitat has also specifically emphasized that the right to adequate housing, by definition, includes the right to be free from “forced evictions and the arbitrary destruction and demolition of one’s home.”<sup>14</sup> This right notably includes “security of tenure” which requires that occupants are guaranteed “legal protection against forced evictions, harassment and other threats.”<sup>15</sup> Bedouins living in unrecognized villages, in particular, clearly are prevented from realizing this right, as Israel doesn’t recognize their rights on their lands and considers them to be trespassers, which means that they face the constant threat of eviction.

Several UN Special Rapporteurs have affirmed that for Bedouins throughout the Naqab – as well as those in numerous other areas across historic Palestine – the constant threat of forced displacement that they face through the persistently unstable housing situation amounts to violations of law. The UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination stated in 2012 that “The Bedouins in the Negev...are the new frontiers of dispossession of the traditional inhabitants, and the implementation of a strategy of Judaization and control of the territory.”<sup>16</sup>

The United Nations Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and in Israel, adopted after Israel’s violent repression of the May 2021 Uprising, has stated in its foundational report that, “Bedouin and herder communities are at a particular risk of demolitions, forced evictions and forcible transfer. Israeli authorities have used overt coercion in forcing them to leave their homes and make way for Israeli use of the land.”<sup>17</sup> These practices are visibly two-fold: first, to remove Bedouins from their land and second, to use that land to make way for Jewish residents and/or services that exclusively benefit Jewish Israelis.

Despite these protections under international law, Israeli courts have apparently remained unmoved: continually rejecting Bedouins’ claims to remain on their homelands. As numerous Bedouin communities are handed eviction notices and seek to obtain redress through the courts in order to remain on their land, they are turned away time and time again, left without any legal remedies.

This pattern continues to be true even in cases in which the Supreme Court has acknowledged that the Bedouins are not “trespassers” on their land but nonetheless finds that it’s within the

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<sup>13</sup> [www.un.org/unispal/document/committee-on-economic-social-and-cultural-rights-concluding-observations-on-the-fourth-periodic-report-of-israel-advance-edited-version/](http://www.un.org/unispal/document/committee-on-economic-social-and-cultural-rights-concluding-observations-on-the-fourth-periodic-report-of-israel-advance-edited-version/).

<sup>14</sup> [https://www.ohchr.org/sites/default/files/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS21_rev_1_Housing_en.pdf).

<sup>15</sup> *Id.*

<sup>16</sup> Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Ms. Raquel Rolnik, Feb. 2012, <https://www.ohchr.org/en/statements/2012/02/special-rapporteur-adequate-housing-component-right-adequate-standard-living-and>.

<sup>17</sup> <https://daccess-ods.un.org/tmp/6815690.9942627.html>.

discretion of the state to displace them. One critical and emblematic example is that of the village of Umm al Hiran, to which Bedouin residents were located through a military displacement order in 1956. After living in the village for nearly five decades, in 2003, all residents were served with demolition orders by the state in order to make way for the new Jewish town of Hiran to be built. After a court intervention that eventually worked its way up to the Supreme Court, the Supreme Court ruled in 2015 that the state could carry out its demolition and eviction plan in order to build a town “with a Jewish majority.”

This failure by the courts to uphold the rights of Bedouins to be free from displacement is not unique to the residents in Umm al Hiran. Cases by the residents of the villages of Atir and Al Araqib have all ended similarly: with the Supreme Court wholesale endorsing the state’s assertions that Bedouins reside in their villages in the Naqab at the discretion of the state and can be displaced effectively at any time. The Court’s actions consistently demonstrate that not only is the judiciary failing to stop the state’s racist and segregationist actions, but they are indeed a key player in the state’s efforts to displace Bedouins from their land and make way for Jewish settlements and benefits.

#### **IV. Conclusion**

Israel’s long standing policies of displacement and segregation in the Naqab have resulted in far-reaching adverse effects for the Bedouin citizens residing in the Naqab. These policies have led to massive land grabs, with more and more land designated for the exclusive use of the Jewish population, leading to the creation of segregated housing, towns, and villages. These policies have also resulted in a reduction in the living and development areas allocated to Bedouin communities and villages, have entrenched a planning regime that is systematically racist and segregationist, and have had enormous ramifications in erasing the traditional Bedouin economy of agriculture and cattle herding. The Jewish Nation-State Law, in particular, purports to give the state further constitutional framework to pursue its policy of Judaization, including in the Naqab.

The costs of forced displacement on the populations that are targeted are endless and impact families and communities for generations. Lack of access to land and adequate housing is compounded by economic hardship, lack of any basic infrastructure, such as transportation, medical services, educational institutions, and access to running water, as is the case of the Naqab Bedouins, which result in the creation of coercive environments that induce displacement. When these basic needs are not met, slews of secondary effects also arise, such as physical and psychological trauma, arbitrary violence, arrests and imprisonment for opposing evictions, racial segregation, loss of culturally significant sites, land grabs of personal property, and increased social isolation.<sup>18</sup>

Through the years, these policies and trends are intensifying, furthering the marginalization and harming Bedouin communities, in violation of their rights. The continuation of such policies is a

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<sup>18</sup> *Fact Sheet No. 25: Forced Evictions and Human Rights*, Vienna Declaration And Programme Of Action (Part 1, para. 30), adopted by the World Conference on Human Rights, Vienna, 23 June 1993 (A/CONF.157/24 (Part 1), chap. III).

grave violation of human rights, and it is crucial that the international community takes action to hold Israel accountable for these injustices and protect the rights of the Bedouin citizens in the Naqab.