

Negev Coexistence Forum
For Civil Equality

منتدى التعايش السلمي في
النقب من أجل المساواة المدنية

פורום דו-קיום בנגב
לשוויון אזרחי



NGO Report – Information on Human Rights in Israel:

Presented to the United Nations Human Rights Council on the occasion of the 15th session of the Universal Periodic Review (UPR) Working Group

Submitted by
Negev Coexistence Forum for Civil Equality (NCF)

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Introduction

This report was prepared by the Negev Coexistence Forum for Civil Equality. It provides information to the United Nations Human Rights Council on the occasion of the 15th session of the Universal Periodic Review (UPR) Working Group in January-February 2013. The report focuses on Israel's human rights record regarding the Arab-Bedouin population in the Negev-Naqab, Israel's southern desert region, and aims to provide the working group with additional information and a critical perspective regarding what is occurring in the Negev.

The Negev Coexistence Forum for Civil Equality was established in 1997 to provide a framework for Jewish-Arab collaborative efforts in the struggle for civil equality and the advancement of mutual tolerance and coexistence in the Negev. NCF, also known as "Dukium" in Hebrew, is unique in being the only Arab-Jewish organization that remains focused solely on the specific problems confronting the Negev.

Israel's commitments to the Human Rights Council

The 2009 report of the Human Rights Council during its tenth session outlined the steps Israel committed to carry out to improve its human rights record. Israel decided to adopt recommendation 28, "ensuring full protection of the rights of minorities."¹ More specifically, the report stated that, "Israel intended to strengthen efforts to ensure equality in the application of the law, to counter discrimination against persons belonging to all minorities, to promote their active participation in public life, such as through additional Government resolutions to raise the percentage of the Arab minority in the civil service."²

Furthermore, Israel stated it would work to ensure the "best protection of human rights and follow-up to the implementation of international instruments" and address "the remaining gaps between the various populations in Israeli society."³

The following report will outline how Israel has not only failed to uphold its commitments (which it vowed to carry out during the first phase of the UPR) vis-à-vis the Bedouin community in the Negev, but how the state has actually increased its infringements on Bedouin rights. The stark disparities in the level of services offered in Bedouin and Jewish municipalities in the Negev, low Bedouin participation in government offices, the state's home demolition policy, and the government's recently passed Praver Plan will be the main focus of this report, and will prove how Israel fails to ensure the "best protection of human rights" for Bedouin citizens.

¹ Report of the Human Rights Council on its tenth session, A/HRC/10/29, 9 November 2009, 159.

² Ibid, 159.

³ Ibid, 159.

Bedouin citizens of Israel: A protected minority

Bedouin Arabs are an indigenous population that has been living in the Negev for hundreds of years. Today, a total of approximately 200,000 Bedouin citizens of Israel live in the Negev in government-planned townships, newly-recognized villages and so-called “unrecognized villages.”

There are seven government-planned townships in the Negev which are home to approximately 124,000 Bedouin residents: Rahat, Tel Sheva, Segev Shalom, Lakia, Arara, Quseifa and Hura, according to Israeli Central Bureau of Statistics (CBS) figures from 2010.⁴ These townships are rife with crime and unemployment and rank among the lowest socio-economic municipalities in Israel.

According to the CBS, a further 53,000 Bedouin live in the so-called “unrecognized villages.” These villages do not appear on any commercial maps or government planning documents, no road signs indicate their existence, and they do not have local building plans – a requirement for housing and infrastructure. This means there are no water pipes, homes are not connected to the national electricity grid, there are no phone lines, roads are not developed, and medical clinics and schools are absent. As there is no municipality serving these villages, basic services such as rubbish removal and sewerage are not provided, nor can the residents exercise their right to participate in municipal elections. While some Bedouin villages also fall within the jurisdiction of Jewish localities, their residents are still prevented from participating in local elections.

An additional 25,000 Bedouin citizens live in ten villages that have been recognized over the past decade; now run by organized, local administrations, these villages are now known as the Abu-Basma Regional Council. While these villages have been officially recognized, a gloomy picture is portrayed even in the state’s own auditing findings regarding the services available within the regional council.⁵

The situation of the Bedouin in the Negev has been identified as a matter of concern by the Human Rights Committee, in its review of Israel’s compliance with the International Covenant on Civil and Political Rights⁶, by the Committee on the Economic, Social and Cultural Covenant⁷, and by the Committee on the Elimination of All Forms of Racial Discrimination (CERD), in its review of Israel’s compliance with the Convention on the Elimination of All Forms of Racial Discrimination⁸.

⁴ National Bureau of Statistics Website, Population and density per square kilometer in localities numbering 5,000 residents and more, on 31 December 2010, retrieved 18 March 2012 <http://www.cbs.gov.il/shnaton62/st02_15.pdf>

⁵ State Comptroller Report 2010, pp. 695-697, <<http://www.mevaker.gov.il/serve/showHtml.asp?bookid=604&id=193&frompage=701&contentid=12085&parentid=12085&bctype=2&startpage=10&direction=1&sw=1280&hw=954&cn=%E4%EE%E5%F2%F6%E4%20%E4%E0%E6%E5%F8%E9%FA%20%E0%E1%E5%20%E1%F1%EE%E4>> at 19 January 2012 (in Hebrew).

⁶ CCPR/C/ISR/CO/3, para. 24 (2010).

⁷ CESCR????????

⁸ CERD/C/ISR/CO/13, para. 25 (2007).

James Anaya, the United Nations' Special Rapporteur on the rights of indigenous peoples, also noted that the United Nations Declaration on the Rights of Indigenous Peoples sheds further light on the obligations of the Israeli state in relation to the Bedouin.⁹ Despite this, Israel has failed to identify the Negev Bedouin as an indigenous minority. In a document entitled "Report by the Special Rapporteur on the rights of indigenous peoples, James Anaya," Anaya rejected the state's position that it did not accept the classification of its Bedouin citizens as an indigenous minority, stating that:

... the longstanding presence of Bedouin people throughout a geographic region that includes Israel, and observes that in many respects, the Bedouin people share in the characteristics of indigenous peoples worldwide, including a connection to lands and the maintenance of cultural traditions that are distinct from those of majority populations. Further, the grievances of the Bedouin, stemming from their distinct cultural identities and their connection to their traditional lands, can be identified as representing the types of problems to which the international human rights regime related to indigenous peoples has been designed to respond.¹⁰

The Praver Plan

The Israeli Prime Minister's Public Policy Office released the Praver Plan in May 2011. This plan was approved by the Israeli cabinet on September 11, 2011, and would forcibly displace 30,000 Bedouin citizens from their current homes and villages in the Negev.¹¹

Disputed land ownership claims must be settled as a precondition for any of the planning solutions offered to the residents of unrecognized villages;¹² much less than half of the current land claims will be recognized by the state under the Praver Plan. The total Bedouin land claims represent five percent of the entire Negev area, which is negligible in light of the fact that the Bedouin represent 32 percent of the Negev population. We estimate that eventually, the Bedouin will receive compensation for ten percent or less of their remaining land claims and not necessarily for their original land.¹³

There are an estimated 200,000 people currently living in both recognized and unrecognized Bedouin villages in the Negev. If the Praver Plan were to be implemented, NCF understands that

⁹ "Report by the Special Rapporteur on the rights of indigenous peoples, James Anaya", A/HRC/18/35/Add.1, 22 August 2011, p 30 <<http://www2.ohchr.org/english/issues/indigenous/rapporteur/docs/A-HRC-18-35-Add-1.pdf>> at 26 January 2012.

¹⁰ Ibid.

¹¹ Jack Khoury, Zafir Rinat and Oz Rosenberg, 'Cabinet approves plan to relocate Negev Bedouin', Ha'aretz, Israel, 19 September 2011 <<http://www.haaretz.com/print-edition/news/cabinet-approves-plan-to-relocatenegev-bedouin-1.383842>> at 22 January 2012.

¹² Association for Civil Rights in Israel, 'Summary of the Implementation Outline to the Goldberg Report for the Arrangement of Bedouin Settlement in the Negev', pg 5.

¹³ An interview by Haia Noach, Executive Director of NCF, with Eli Atzmon, former Deputy Director of the Bedouin Administration on 22 January 2012.

there will be a shortfall of approximately 27,000 lots in the recognized towns for Bedouin families.¹⁴ The state is currently unable to meet the demand of new lots in the government-planned townships, and subsequently, is without the additional accommodation needed to implement the Praver Plan.

NCF also expects that the state is preparing to use force to implement the Praver Plan, especially given a recent report that the Israeli police established a special unit to enforce evacuations and demolition of Bedouin homes and villages. The unit is comprised of 200 police officers and was created with the cooperation of the Prime Minister's Office. It is expected to be deployed at the beginning of August 1, 2012.¹⁵

On July 5, the European Parliament passed a resolution condemning Israel's treatment of its Bedouin citizens, and urged the Israeli government to scrap the Praver Plan.¹⁶ Describing the Bedouin as an "indigenous people leading a sedentary and traditionally agricultural life on their ancestral lands," the European Parliament called "for the protection of the Bedouin communities of the West Bank and in the Negev, and for their rights to be fully respected by the Israeli authorities" and condemned "any violations (e.g. house demolitions, forced displacements, public service limitations)."¹⁷

In March 2012, the UN Committee for the Elimination of Racial Discrimination (CERD) also advised Israel to cancel the Praver Plan. "The State party should withdraw the 2012 discriminatory proposed *Law for the Regulation of the Bedouin Settlement in the Negev* [the Praver Plan], which would legalize the ongoing policy of home demolitions and forced displacement of the indigenous Bedouin communities," CERD found.¹⁸

Lastly, there was no consultation process with the Bedouin community regarding the formulation of the Praver Plan. In other words, there was no opportunity for the affected indigenous community to provide their input. The Israeli government expects to implement the Praver Plan within five years. This is an unduly limited period of time that will coerce the Bedouin to abandon their rights and claims to their land. It is highly unlikely that satisfactory solutions and compensation will be reached and implemented within this timeframe. Further, after the five-year timeframe expires, any remaining land claims will be immediately registered in the name of the state. This is unprecedented.

¹⁴ An interview by Haia Noach, Executive Director of NCF, with Eli Atzmon, former Deputy Director of the Bedouin Administration on 22 January 2012.

¹⁵ "Israel Police establishes unit to enforce demolition of Bedouin homes," *Haaretz*, Israel, 17 April 2012, <<http://www.haaretz.com/national/israel-police-establishes-unit-to-enforce-demolition-of-bedouin-homes-1.424805>> at April 24, 2012.

¹⁶ European Parliament resolution of 5 July 2012 on EU policy on the West Bank and East Jerusalem ([2012/2694\(RSP\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:2012R0298)), <<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2012-0298+0+DOC+XML+V0//EN&language=EN>> accessed July 13, 2012.

¹⁷ *Ibid.*

¹⁸ "Consideration of reports submitted by States parties under article 9 of the Convention, Concluding observations of the Committee on the Elimination of Racial Discrimination, Israel" CERD/C/ISR/CO/14-16, 9 March 2012.

House demolitions widespread

House demolitions illustrate the State's practice of double standards and discriminatory actions; while it demolishes the homes of its Bedouin citizens, it has retrospectively authorized the illegal establishment of several Jewish settlements and farms in the Negev.

By way of background, “individual farms” are a tool used by the state to provide individual Jewish families with hundreds and sometimes thousands of dunams of land (one dunam is equal to 1,000 square meters) for their exclusive use, and to keep the land out of the reach of Arab citizens of Israel in the Negev. An amendment passed in July 2010 retroactively recognized dozens of relatively new individual farms and conferred upon the Negev Development Authority the power to make recommendations to the Israel Land Administration (ILA) to allocate lands for additional individual settlements. This amendment affords official status to Jewish farms, while the unrecognized Bedouin villages are denied recognized status and continue to live without basic services.

As it is impossible to acquire a building permit in these unrecognized villages, all homes are rendered illegal and face the constant threat of demolition. Since the 1970s, the government has routinely demolished thousands of homes in unrecognized villages and in recent years, this policy has slowly intensified. In February 2010, the authorities vowed to triple the yearly quota of home demolitions as a means to coerce the Bedouin communities to abandon their ancestral lands.¹⁹

In 2011, more than 1,000 Bedouin homes in the Negev were demolished, doubling the number from the previous year.²⁰ This is a record of the demolitions directly documented by the NCF and as such represents only a portion of the total demolitions.

Lack of services in unrecognized villages and Bedouin towns

Today, approximately half the Bedouin population lives in so-called “unrecognized” villages in the Negev. The unrecognized villages in the Negev lack basic services such as running water, electricity, waste removal, telephone lines, paved roads, schools and medical clinics.

The state issues demolition orders on houses that were built without permits. However, it fails to provide an avenue for authorized construction within the unrecognized villages (except for special permits [Simush Choreg] for a handful of schools and clinics). Since the villages are not acknowledged by the state, there are no master plans for buildings, construction and infrastructure, and as result, the Negev Bedouin houses are considered illegal. The Bedouin have experienced an escalation of home demolitions over the past years by the Israeli authorities, which are using increasingly aggressive force.

¹⁹ Haia Noach, A Report on the Right to Housing: Housing Demolitions of Bedouin Arabs in the Negev-Naqab (2010) Negev Coexistence Forum for Civil Equality, <http://dukium.org/user_uploads/pdfs/NCF_Human_Rights_Day_2010_report%207Dec2010_v4.pdf> at 15 January 2012.

²⁰ Haia Noach, A Report on the Right to Housing: Housing Demolitions of Bedouin Arabs in the Negev-Naqab (2010), Negev Coexistence Forum for Civil Equality <http://dukium.org/user_uploads/pdfs/NCF_Human_Rights_Day_2010_report%207Dec2010_v4.pdf> at 15 January 2012.

According to a recent study by Dirasat, the Arab Center for Law and Policy, about a quarter of all Arab towns and villages in Israel lack detailed development plans and have no hope of receiving building permits.²¹

The Bedouin of the Negev also live in seven government-planned towns. These towns are among the most socio-economically-disadvantaged in Israel. They suffer from high rates of poverty, unemployment and crime, low levels of education and poor health. Most of the towns are overcrowded and ill-equipped to absorb new residents.

The towns are neither attractive nor offer acceptable residential options, as little has been invested by the government in their development.²² Between 2008 and 2010, only a fraction of government budgets for planning and development was allocated for the development of existing and new Bedouin towns.²³

Despite the fact that all the Bedouin towns have a low socio-economic rating (Group 1) and high unemployment levels, there are no employment offices in any of the towns, except for Rahat. This means that thousands of people are forced to travel to Be'er Sheva, Dimona, or Arad to sign up at the unemployment office in order to receive unemployment compensation. On the other hand, the Jewish town of Yeruham, which has a smaller population than any of the Bedouin towns (with the exception of Segev Shalom), has its own unemployment office.²⁴

There is no public housing available in any of the Bedouin towns, despite the fact that they are located at the bottom of the socio-economic scale of all towns in Israel. There are also no offices of the Amidar Company, which provides public housing or offices for receiving rental assistance for those who are eligible. On the other hand, all the Jewish towns have Amidar Company branches, offices for receiving rental assistance, and public housing is available in these towns, as well.²⁵

²¹ Fadi Eyadat, 'Study: Gov't policy prevents building permits in Arab communities', Ha'aretz, Israel, 30 July

2010 <<http://www.haaretz.com/print-edition/news/study-gov-t-policy-prevents-building-permits-in-arabcommunities-1.304894>> at 22 January 2012.

²² Human Rights Watch, "Off the map: Land and Housing Rights Violations in Israel's Unrecognized Bedouin Villages" (2008) p. 17 <http://www.hrw.org/en/node/62284/section/4#_ftn26> at 24 January 2012.

²³ Mossawa Center, Report on the state budget suggestions for the years 2009-2010 (2009) <<http://www.mossawacenter.org/files/files/File/budget%202009/State%20Budget%202009-2010.pdf>> at 15 January 2012 (in Hebrew).

²⁴ Doron Karasenty and Haia Noach, "Availability and Accessibility of Government, Commercial, Public and Health Services in Arab Villages and Structural Discrimination Against Arab Employees in Government Offices in the Negev," 21 March 2012, <www.dukium.org/eng/wp-content/uploads/2011/06/NCF-Racism-Report-May-2012.pdf> accessed July 12, 2012, page 14.

²⁵ Ibid, 14-15.

Participation in government offices

Ensuring that Israel's Bedouin population is adequately represented in government offices in the Negev is a civil and moral obligation that the Israeli government must fulfill towards its Bedouin citizens and an essential step in the integration and advancement of this compartmentalized population group. Unfortunately, the state has failed to increase the number of Bedouin citizens that hold government positions.

The year 2012 was designated as a year for promoting an adequate representation of Arabs in the public sector, according to decision number 2759 of the Israeli government, issued on 11 November 2007. According to this decision, entitled "Adequate Representation of the Arab, Druze, and Circassians Sectors in Government Services," members of these population groups should constitute ten percent of government workers by the end of 2012.²⁶ It should be noted that this objective was originally set for the end of the year 2010, but was postponed because the government offices failed to meet the objective.

A parliamentary investigation committee headed by Israeli parliament member Ahmed Tibi was established in 2008 to deal with the issue of Arab employment in public service. On 25 January 2009, the government allotted 800 new government jobs to bolster the decision of 2007.²⁷

Despite the government decision and the allotment of additional jobs, the annual report of the Commission of Government Service regarding adequate representation of the Arab, Druze, and Circassian population in Government Services for 2009 reveals that there was an increase of only 0.3 percent in the number of Arab employees in government service since 2008. In other words, while there was a slight, slow increase in the number of Arabs working in government jobs each year, in 2009, they still only constituted 6.97 percent of all government workers.²⁸ Consequently, the objective that was set for this year will not be met unless a supreme effort is made.

Conclusion

Forced urbanization of the Negev Bedouin population – and the displacement, destruction and human rights abuses that come with this urbanization policy – is not a viable solution but an element of a policy of dispossession that threatens both the Arab-Bedouin rights to land and resources and their way of life as an indigenous minority in Israel.

²⁶ Website of the Prime Minister, 12 March, 2012, Decision 2479 *Adequate Representation of the Arab, Druze, and Circassians in Government Services*, <<http://www.pmo.gov.il/PMO/Archive/Decisions/2007/11/des2579.htm>>Prime

²⁷ "The Israeli government has allotted 800 new government jobs for Israeli Arabs," Ha'aretz, 6 January 2009, <<http://www.haaretz.co.il/hasite/objects/pages/PrintArticle.jhtml?itemNo=1058722>>, Accessed Ha'aretz, 17 March 2011.

²⁸ Government Service Commission Website, Jan. 12, 2012, Adequate Representation of Arabs, Druze, and Circassians in Government Service, Report for 2009. <<http://www.civil-service.gov.il/NR/rdonlyres/40EBBBD2-11AF-4871-B076-42AE16231867/0/ethiopiansReport2009.pdf>>

Freedom to choose his own residence is repeatedly withheld from every Bedouin residing in the Negev, from the restriction of his living space, to the potential forced relocation of thousands through the Praver-Amidror Plan. A governmental plan like the Praver Plan, which is forcefully and unilaterally imposed upon the already disadvantaged Bedouin community, will only further undermine the delicate social fabric of the Negev and inflame Arab-Jewish relations.

In order to protect the rights of the Bedouin minority in Israel, the state must respect the Bedouin population's right to its ancestral land and traditional livelihood, and specifically, abandon the proposed Praver-Amidror Plan.

The Israeli authorities must also immediately cease the policy of demolishing houses and unrecognized villages, dismantle police units set up specifically to safeguard Bedouin home demolition and eviction operations, ensure the delivery of essential services to the Bedouin in both recognized towns and unrecognized villages, encourage Bedouin citizens to work in government offices, and implement equal planning criteria to the Jewish and Bedouin population in the Negev (including the allocation of more funds for Bedouin towns).