



The House Demolition Policy in the Negev-Naqab

International Human Rights Day 2014

פורום דו-קיום בנגב לשוויון אזרחי
منتدى التعايش السلمي في النقب من أجل المساواة المدنية
Negev Coexistence Forum For Civil Equality



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Cover photo: A convoy of bulldozers and police vehicles in the Bedouin recognized village of Kuchle. Photography: Activestills



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Introduction

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”

The Universal Declaration of Human Rights, article 25 (1).

The human right to housing is recognized in a number of international conventions and is considered a basic component of the right of any human being to adequate standard of living. The State of Israel is obliged to protect the human right to housing by virtue of the International Covenant on Economic, Social and Cultural Rights, ratified by Israel in 1991, as well as Israel’s own Basic Law: Human Liberty and Dignity, 1992. It is noteworthy that the right to housing is a fundamental right and precondition for the actualization of a number of additional rights, such as the rights to education, health and social security.

There is no doubt that the right to housing is not guaranteed to a large number of Israel’s citizens and residents. The public housing crisis, rising housing prices and other processes have undermined the right to housing. One community whose members regularly endure the violation of the right to housing is the Negev’s Arab Bedouin.

Arab Bedouin in the Negev currently number about 220,000 people,¹ residing in three types of settlements: governmental planned towns, recognized villages and

¹ Israeli Central Bureau of Statistics (CBS), *Statistical Abstract of Israel 2014*, table 2.15.

unrecognized villages. Residents in all of these localities suffer a continual policy of house demolition that has eroded residents' right to housing.

Israel established planned towns as part of an urbanization process begun in the late 1960s. This coercive process was presented to members of the Arab Bedouin community as the only settlement alternative under which the State would be able to provide infrastructure and a range of public services. By the 1990s, six towns and one city had been established in the Negev, whose population now numbers approximately 140,000.² Despite promises made by Israeli authorities that forced urbanization would yield improved services and infrastructure, the Bedouin towns are consistently rated the lowest on Israel's socio-economic index,³ services therein are partial, and each demonstrates high rates of unemployment. The dearth of land for housing proportional to natural population growth has prompted unregulated housing construction, to which the state responds with the widespread demolition of houses.

The unrecognized villages are existing localities not recognized by the state. In total, there are about 40 unrecognized villages populated by some 75,000 residents.⁴ The unrecognized villages include villages that predate the establishment of Israel, as well as villages that were forcibly relocated by state authorities throughout the 1950s. Notwithstanding state displacements, these villages do not appear on Israel's official maps and state authorities treat them as "diaspora" or "illegal settlements." The residents of unrecognized villages are afforded minimal education and health services and their houses remain disconnected from public water and electricity.

² Israeli CBS, *Local Authorities 2012*.

³ Israeli CBS, *Israel's Socio-Economic Index 2008*, table a2.

⁴ Estimated figure, received through the subtraction of the number of residents in governmental planned towns (note 2) from the total Muslim inhabitants in the Negev (note 1).

Every structure in an unrecognized village is deemed illegal by the state and is therefore at risk of demolition.

Each of the 11 recognized villages has received state recognition only within the past ten years. All fall under the jurisdiction of either the *Neve Midbar* (Hebrew for oasis) or *al-Kasum* regional council. Despite having gained recognition, the status of these villages remains similar to that of the unrecognized villages. Services are highly limited; many residents are not connected to public electricity or water, and most even lack paved roads. Furthermore, given the lack of public development plans, residents are unable to receive construction permits and their houses are likewise vulnerable to demolition by state authorities.

The house demolition policy remains one of the primary concerns of all Bedouin communities in the Negev. The lack of construction permits in most of the recognized villages and all of the unrecognized villages; frequent house demolitions, executed without provision of alternative housing; the ever worsening lack of private housing and insufficient public housing—all contribute to a continual violation of the Bedouin community's right to housing.

This report illuminates Israel's policy of house demolition in the Negev, exploring both demolition by authorities and the growing phenomenon of independent demolitions by owners. We then present up-to-date (2014) figures about demolitions in the Negev. In the following section, we elaborate on the work of the "Coordination Directorate of Land Law Enforcement" (herein, The Coordination Directorate) and its recent report, referencing the main points of the Coordination Directorate and the ways that Israel's demolition policy violates the most fundamental rights of Bedouin community members in the Negev.



A man sits by the ruins of his house in the Bedouin unrecognized village of Wadi al-Na'am, May 18, 2014. Photography: Activestills

House demolition policy in the Negev

State demolition of Bedouin houses in the Negev can be traced to the Israeli Planning and Construction Law of 1965. In the wake of this legislation, various planning bodies defined land uses throughout Israel. The entire region containing the unrecognized villages was demarcated exclusively for agriculture, that is, not for residential use. Despite the land having been inhabited for years, all of the houses located in these villages were retroactively deemed illegal. Far from sufficient to meet the needs of the broader Bedouin population, the seven governmental planned towns established by Israel are already unable to accommodate their own natural growth. Government decisions in the past ten years, including the recognition of 11

villages, have likewise failed to remedy the Bedouin housing crisis. In practice, most of the newly recognized villages lack detailed outline plans; houses that existed prior to official recognition are still deemed illegal. Indeed, only a small number of construction permits have thus far been issued in these villages.⁵

In addition to existing houses defined retroactively as illegal, the dire housing situation among Bedouin communities in the Negev compels another layer of illegal construction as the state has failed to provide alternatives. Instead, Israeli authorities favor a harsh policy of house demolitions. Within the 'green line' territories, such measures are taken in the greatest part against the Bedouin community.

In recent years, many residents in unrecognized villages report that the refurbishing of a house, even minimalistically, results in the immediate issue of a demolition order and destruction of the entire house. Young couples who build houses towards their wedding celebration in order to begin their lives together likewise receive demolition orders and experience repeat demolitions. Such actions sometimes take place even before their actual wedding. In sum, community members are unable to legally build or repair their houses. Those who choose to do so face demolition and homelessness.

The deficiency of housing plots in the governmental planned towns, lack of public planning and allocation of construction permits, and state antagonism towards the unrecognized villages lead to dozens of demolition operations in the Negev each year. In many cases, Israeli authorities offer no alternatives to owners, leaving families completely without shelter. While it appears that most of the demolitions are implemented by the authorities, in recent years, owners have come under increasing state pressure to demolish their own houses.

⁵ Ministry of Justice, *Fourth Periodic Report by the State of Israel before the Committee on Civil and Political Rights concerning of implementation of the International Convention on Civil and Political Rights*, August 2013, Annex 1, p.5.

Demolition by authorities

Since the establishment of the Coordination Directorate, housing demolitions in the Negev have become a concerted, inter-agency affair. Operational supervisors of the Ministry of the Interior, Israel Land Authority (ILA) and Green Patrol (Ministry of Agriculture's unit that supervises open spaces)—alongside civil police and private demolition contractors—all arrive simultaneously to execute a demolition order. According to announcements published by the ILA, a single day may witness the demolition of over twenty structures.⁶ By and large, these demolitions take place without prior notice: Israeli forces arrive at the house, evict the residents—arbitrarily preventing or enabling them to collect their belongings—and swiftly demolish the entire property.



House ruins in the Bedouin recognized village of Kaser a-Sir, August 26, 2013. Photography: Activestills

⁶ Israel Land Authority, *A revolution in the struggle against illegal construction in the Negev: 28 constructs were demolished – 13 of which by the invaders themselves*, press release, 16.09.2014.

Demolition by owners

In recent years, we have witnessed an increase in independent demolitions, that is, demolitions executed by the owners themselves. The reason for the change is threefold. First, state authorities threaten to impose demolition expenses upon the owners. Second, by ruining their own houses, owners may attempt to salvage equipment and construction materials. Third, owners hope to minimise the resulting trauma experienced by their family members.

Starting in 2011, ILA supervisors began threatening owners to collect demolition expenses from residents. While these threats appear effective, leading to a drastic increase in independent demolitions, in the past three years since the policy was declared, only three such claims have been filed and all remain tied up in the courts.⁷ Ilan Yeshurun, director of the southern district land protection division of the ILA, described the success of this policy:

“The assertive enforcement policy of the ILA, within which invaders are required to cover eviction costs incurred by the State [...] is yielding great results on the ground. The significant increase in the rate of evictions that are carried out by the invaders in order to avoid claims saves the public millions of shekels.”⁸

As such, although the recovery of demolition expenses has not yet manifested in practice, state authorities are already using the threat of litigation to intimidate owners into demolishing their own houses.

In the midst of a demolition by state authorities, owners cannot salvage building materials: doors, windows and all useful infrastructure is ruined by heavy machinery. Coupled with the lack of prior notice, which prevents families from removing their personal belongings, more and more owners opt to demolish their

⁷ Letter from the ILA, 24.07.2014

⁸ ILA, *a rare accomplishment in Negev enforcement: 18 invaders in the Negev decided to return the land to the State in order to avoid legal claims*, press release, 10.09.2014.

homes independently. By so doing, they may recover expensive construction materials and spare their personal possessions, including furniture and electric appliances.

The majority of demolitions take place unannounced, with state forces arriving during working hours when only women and children are present in the village. In order to spare their family members the traumatic exposure to police forces, bulldozers and heavy demolition tools, some owners prefer to handle the demolition themselves.

Ostensibly, the three reasons presented here explain the dramatic recent increase in independent demolitions. While refusing a demolition warrant constitutes a form of resistance to state policy, heavy penalties comprise a powerful deterrent from taking such a stand.

Testimony: a community member whose relative's house was demolished shares what he saw

“The forces arrived at the village around 10:30. They came in order to demolish the house of a family member who built it in preparation for his wedding, which was supposed to take place a week and a half after the demolition. Despite the pleading of people present at the site, the forces refused to give us even a few minutes to remove the property from the house. They demolished the house with everything that was in it—television, refrigerator, bedroom furniture, living-room set, laundry machine, trees and a cat.

The house was full of people and they removed all of them. The cops fired rubber coated metal bullets and tear gas at us and many were injured. They arrested five people, shot at my ant; a girl was shot in her hand and another had her arm broken. One person was wounded in his back after being shot. They pushed an old lady with a cane. A total of six people ended up in the hospital. Those people who were there will never forget this—children, elders. One guy with glasses was punched in his face and his glasses broke; they hit a handcuffed man. Residents came back from the hospital with casts and metal plates.

We felt that the police belittled us and we respect the law. In the meantime, due to the demolition, the wedding was postponed and the guy moved back in with his mother. He suffers from depression and anxiety.”

House Demolitions in the Negev - a snapshot

During the surveyed period, hundreds of houses and other structures were demolished in the Negev. Some of these demolitions were carried out in waves by the authorities, and others individually by the owners themselves. This section presents comparative data of the Ministry of Interior regarding demolitions implemented by both means in the recognized villages, unrecognized villages, and governmental planned towns.

Table 1: House demolitions in the Negev between July 2013 and June 2014⁹

	July 2013 through December 2013 (six months)	January 2014 through June 2014 (six months)	Total demolished structures in the entire 12 months
Demolished by authorities	87 (20%)	98 (23%)	185 (22%)
Demolished by owners	347 (80%)	327 (77%)	674 (78%)
Total demolished structures	434	425	859

Table 1 displays the Ministry of Interior's data about house demolitions in the Southern District. Over the course of a single year, a total of 859 houses and other structures were demolished in the southern district. Out of the total demolitions, the owners themselves executed 78% and about 22% took place amidst sweeping, day-

⁹ Data was provided in correspondence with the Ministry of Interior (letters from the 10.8.2014 and 26.10.2014). In previous years, ministerial data was separated by religious affiliation (Jewish and non-Jewish). Officials of the Ministry of the Interior claim not to have access to information from 2014. Extrapolating from existing records, over 90% of demolitions in the southern district were likely to have taken place in Bedouin localities.

long operations. It would appear that state pressure on owners has convinced the vast majority of owners to undertake the demolition themselves.

Table 2: House demolitions in governmental planned towns, recognized villages and unrecognized villages between July 2013 and June 2014¹⁰

	July 2013 through December 2013 (six months)	January 2014 through June 2014 (six months)	Total demolished structures in the entire 12 months
Demolished in unrecognized villages ¹¹	196 (45%)	203 (48%)	399 (46%)
Demolished in planned towns and recognized villages	238 (55%)	222 (52%)	460 (54%)
Total demolished structures	434	425	859

Table 2 presents comparative data collected from the Ministry of Interior regarding demolitions in recognized villages, unrecognized villages and governmental planned towns between July 2013 and June 2014. The data demonstrates that while in the past, residents of unrecognized villages were the principle victims of Israeli house demolition policy, during the second half of 2013 and first half of 2014, only 46% of demolitions took place in territories with no municipal authority. The majority (54%) of demolitions were executed in towns and recognized villages.

The data presented in this report attests to Israel's unceasing demolition policy in the Negev. Indeed, the state shows no sign of retreat from this policy. The Bedouin community remains under threat, with no solution on the horizon.

¹⁰ See supra note 9.

¹¹ These figures refer to demolitions that took place in territories with no municipal authority.



House demolition in the Bedouin recognized village of Kuchle, February 26, 2014. Photography: Activestills

The Coordination Directorate of Land Law Enforcement in the Negev

The Coordination Directorate was created under the auspices of the government decision that approved the so-called 'Praver Plan' in 2011.¹² This decision resolved to establish a unit under the Ministry of Public Security to coordinate the enforcement of land law in the Negev. The Coordination Directorate was established in 2012 alongside the *Yoav* special police unit to implement the policies.¹³ Despite official decision to shelve the Praver Plan, the Coordination Directorate continues

¹² Government decision 3707 from 11.09.2011

¹³ Ministry of Public Security, *The Coordination Directorate of Land Law Enforcement in the Negev*, http://mops.gov.il/ABOUT/DEPARTMENTS/LANLAWDIRECTORATE_S/Pages/LandLawDirectorate.aspx

to operate in the Negev. The government has yet to legislate any plan to regulate settlement in the region.

The 2013 annual report of the Coordination Directorate exposes its operational modalities. The Coordination Directorate works in concert with the Ministry of the Interior, ILA, Green Patrol, Israeli Police and the Authority for the Regulation of Bedouin Settlement in the Negev (alternately, the “Authority”). Alongside tens of inspection days throughout the year, the Coordination Directorate implements two to five concentrated, day-long demolition operations each month. It is noteworthy that the aforementioned report was initially kept confidential within the relevant government departments; parts of the report were only made public through leaks to the media. Following a request to reveal the report under the ‘Freedom of Information Law,’ the Ministry of Public Security was compelled to publish the entire report.

The report defines “products of activity” as the number of houses and other structures demolished. In addition, the Coordination Directorate treats enforcement as leverage in negotiations between local residents and the Authority for the Regulation of Bedouin Settlement in the Negev, designed to compel relocation to the governmental planned towns. For instance, an operation targeting residents of houses that stood in the way of a road development project is described as follows: “...we met with the residents to encourage them to enter negotiations with the Authority in order to advance the development work.”¹⁴ The description of the operation clarifies that the Authority uses old juridical demolition orders “in order to propel a move towards negotiation between residents and the Authority.”¹⁵ This

¹⁴ The Ministry of Public Security, *Director Coordinate of Land Law Enforcement in the Negev – Annual Report 2013*, p.5

¹⁵ *Supra* note 14, p.5

operation also utilized demolition as a measure “to goad a desire to enter the process [of regulation].”¹⁶ In other instances, the Coordination Directorate works to obtain new demolition orders for families that are reluctant to enter regulation processes: “contact is established between the head of family... and authority representatives, though sluggishly. The Ministry of Interior is planning to take measures to open [demolition] files if he [head of family] does not enter a regulation process.”¹⁷

According to the report, the Coordination Directorate works closely with the Authority on matters pertaining to “regulation-promoting enforcement.” These examples suggest that this is not random enforcement directed at illegal construction, but rather the systematic targeting of specific families—coordinated between various enforcement authorities—according to their willingness to enter regulation processes with the Authority. The Coordination Directorate’s report underscores evidence presented in the previous section of an increase in demolitions implemented by owners: “independent demolitions continue to outnumber the initiated ones, which attests to the persistence of deterrence.”¹⁸

¹⁶ Supra note 14, p.6

¹⁷ Supra note 14, p.6

¹⁸ Supra note 14, p.8

Conclusion

The threat of house demolition is a daily reality for members of the Bedouin community in the Negev. Alongside the presentation of the policy and its modes of operation—demolitions executed by authorities or by owners themselves—this report brings new data to light concerning the scale of the phenomenon and on the enforcement authorities themselves. These authorities regularly violate the most basic rights of the Arab Bedouin community, particularly its rights to housing and to an adequate standard of living. Without offering solutions to the dire housing crisis in the Negev, the government continues to enforce the house demolition policy, entrenching the Bedouin community's problems even further.

In its report to the Human Rights Committee of the UN, the State of Israel argued that its demolition policy does not indiscriminately target the Bedouin community.¹⁹ This report suggests otherwise. A person may reside in a governmental planned town, a recognized village or an unrecognized village, but remain threatened by a demolition policy to which he would not be subjected had he lived in another place. There is no doubt that this policy, enacted inside the green line, overwhelmingly targets the Bedouin community of the Negev. The fact that the Coordination Directorate, a body established to enforce land law in the Negev, measures its success by the number of Bedouin houses demolished annually, strongly attests to the 'special treatment' afforded this particular group of Israeli citizens.

One of the new and most concerning figures exposed in this report is the drastic increase in the number of houses demolished by their owners. This figure is

¹⁹ Ministry of Justice, Fourth Periodic Report by the State of Israel before the Committee on Civil and Political Rights concerning of implementation of the International Convention on Civil and Political Rights, August 2013, p.18.

especially concerning in light of the fact that government threats to reclaim demolition costs from owners are spurious; only three such claims have been made by the ILA, with none yet resolved in the courts.



Bulldozer in action during the demolition of the village of Al-Arakib, June 12, 2014. Photography: Activestills

Another exceptional fact exposed here concerns the rising rates of house demolitions in governmental planned towns and recognized villages. Indeed, about 54% of demolitions took place in such settlements, which in the past were less vulnerable to this policy. It appears that members of the Bedouin community have no way to avoid demolitions; if the state so frequently enacts this policy in response to building violations in recognized villages and governmental planned towns, then it is clear that the problems of planning—or lack thereof—are immense and in need

of immediate solutions. These figures attest to the incompetence of the state in offering durable solutions to the housing crisis of the Bedouin community in the Negev.

The report of the Coordination Directorate, made public in full only following a request for disclosure under the freedom of information law, reveals a grim reality according to which authorities brandish demolition orders in order to intimidate owners and goad them into negotiations over the rights to their land and place of residence in Israel. As discussed, the Coordination Directorate executes old demolition orders, issues new ones and targets families who are unwilling to enter negotiations with state authorities. Under these circumstances, demolitions are not executed in response to “illegal” construction, but rather serve as a tool in the state’s battle against the Bedouin community for recognition of their villages and land rights.

On the International Day of Human Rights 2014, there has been no improvement in the actualization of the right to shelter and an adequate standard of living among the Bedouin community in the Negev. As long as Israel maintains its demolitions policy against this disadvantaged community, and in the absence of alternative solutions to the issues of land allocation, construction and housing in the Negev, the rights of the Bedouin community will continue to be violated. The vast resources dedicated to house demolitions should instead be diverted towards the defence, rather than the violation, of the human rights of the Negev’s Bedouin community.

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