



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



## **Mechanism for Dispossession and Intimidation: Demolition Policy in Arab Bedouin communities in the Negev/Naqab**

**June 2019**

## Negev Coexistence Forum for Civil Equality

In 1997, a group of concerned Arab and Jewish residents of the Negev/Naqab (Israel's southern desert region) established the Negev Coexistence Forum for Civil Equality (NCF) to provide a framework for Jewish-Arab collaborative efforts in the struggle for civil equality and the advancement of mutual tolerance and coexistence. NCF, also known as "Dukium" ("co-existence" in Hebrew), conducts campaigns against discrimination in employment and social services, as well as promoting and conducting struggles for distributive justice and for the adoption and implementation of suitable solutions for the residents of unrecognized Bedouin villages in the Negev.

Encouragement of Arab-Jewish partnership in the struggle for civil rights for the Arab citizens in the Negev is central in the activities of the Forum. All of the projects and activities of the organization are based on collaborative action of Arabs and Jews.

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## June 2019

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**Cover photo:** Mahadiyeh Abu Jūdeh. *A Day of Condolences in the Unrecognized Village of Umm al-Ḥīrān*, February 2017

**Back cover photo:** Waḍḥah Abu Jūdeh. *A Visit in the Unrecognized Village of Umm al-Ḥīrān*, July 2018.

## Summary

The policy of demolishing structures is one of the central policies applied by the State of Israel to the Bedouin community in the Negev/Naqab, in order to move and concentrate them in urban townships. This community, which has suffered for years from lack of adequate housing, has been engaged in a protracted struggle against the State over ownership of land in the Negev/Naqab. In 2018, as in previous years, the State of Israel chose to continue to invest large budgets in enforcement, which led to an increase in the number of structures demolished in the Bedouin communities in the Negev/Naqab.

The statistics presented in this report are based on data from the Southern Administration for the Coordination of Enforcement of Land Laws (hereinafter: the Southern Administration) that has been released to the public over recent years by the Negev Coexistence Forum for Civil Equality through the submission of applications under the Freedom of Information Act. In producing this report, NCF collaborated with the Movement for Freedom of Information, which resulted in that for the first time, the Southern Administration provided information on the number of structures used for residential purposes that were destroyed by enforcement authorities. **It should be noted that the data appearing in this report relates only to demolitions in the Bedouin communities.**

This year, we chose to focus on the government policy that has been in place since the freeze of the "Praver-Begin Plan" in 2013 and is at the heart of the conflict between the Bedouin citizens of the Negev/Naqab and the State of Israel: The State's continuing denial of Bedouin ownership rights to the land. Despite the freeze of the Praver-Begin's plan, the dispossession of the population and its concentration in the townships is ongoing, through legislative and planning mechanisms, and under the pretext of advancing socio-economic development.

Since 2013, attempts to forcibly transfer the Bedouin population from the unrecognized villages to officially recognized townships and villages have continued and multiplied, and as a result, the Bedouin community continues to be dispossessed of its lands. For example, the basic tenet of the Kaminitz Committee that Arab citizens of the State of Israel are "criminal offenders" of construction laws and regulations has become dominant and effectuated changes in the Planning and Building Law and in the Penal Law on planning and building offenses.

In addition, the number of **total demolitions** in the Negev/Naqab Bedouin communities **rose to 2,326** in 2018. The constant presence of enforcement forces in the area and the fear of economic and criminal sanctions also led to a drastic increase in the percentage of self-inflicted **demolitions by owners to 88% of all demolitions** in the Negev/Naqab Bedouin communities. Governmental Five-Year Plans for the Bedouin communities, whose declared goal is socio-economic development, have not been successful in bringing about the said development, and the various projects of the current Plan generally exclude the population of the unrecognized villages. All these mechanisms are supplemented by the planning mechanism, through which the Authority for the Development and Settlement of the Bedouin in the Negev (hereinafter: Authority for Development) is able to promote various projects designed to ensure forced transfer from the unrecognized villages to the recognized villages and townships according to the wishes and dictates of the State.

Another development, which indicates an exacerbation of the official approach and an increase in the pressure put on the Bedouin residents of the Negev/Naqab, was recorded in December 2018 with the **incarceration of the Bedouin human rights defender Sheikh Sayah Abu Madhi'm A-Turi**. Sayah was convicted of 19 charges of trespassing, 19 counts of illegal entry to public space against the law, and more. He was sentenced to ten months' imprisonment, a five-month suspended sentence and a fine of tens of thousands of shekels. The conviction of Sheikh Sayah for offenses of trespassing and the imposition of prison sentences for these offenses may lead to the criminalization of hundreds of thousands of Bedouin citizens of the Negev/Naqab who hold a similar status.

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## **1. Introduction: The Arab Bedouin community in the Negev/Naqab**

In 1948, on the eve of the establishment of the State of Israel, about 65,000 to 100,000 Bedouin lived in the Negev/Naqab region, currently the southern part of Israel. Following the 1948 war, the State began an ongoing process of eviction of the Bedouin from their dwellings. At the end of the 48 war, only 11,000 Bedouin people remained in the Negev/Naqab, while most of the community fled or was expelled to Jordan and Egypt, the Gaza Strip and the Sinai Peninsula. During the early 1950's and until 1966, the State of Israel concentrated the Bedouin people in a closed zone known by the name 'al-Siyāj' (سياج) under military administration. In this period, entire villages were displaced from their locations in the western and northern Negev/Naqab and were transferred to the Siyāj area.

The Planning and Building Law<sup>1</sup> enacted in 1965 led to the classification of most of the Siyāj area as agricultural land. As a result, from the moment the law came into effect, every house built in this area was defined as illegal and all of the houses and structures already standing in the area, were retroactively declared as illegal. In 1966, with the end of the military government, the urbanization process which the State began to plan in the 1950's, was set in motion. The State established seven Bedouin townships, most of them within the Siyāj area, promising residents modern services in exchange for relocation to the urbanized areas. At the same time, the Israeli policy toward the Bedouin community focused on the effort to concentrate the entire population in these seven townships. Since 1999, the State of Israel, in various government decisions, has recognized 11 of the unrecognized villages in the Negev/Naqab. While these decisions ostensibly constituted a significant change from the previous policy under which the only option for the Bedouin population was forced urbanization, in practice, some 20 years later, there is no significant difference between the recognized villages and those which remain unrecognized. In most of the recognized villages there are no detailed urban plans, so that the residents cannot obtain building permits, the demolition policy continues, and basic infrastructures of water, electricity, sewage and roads are either non-existent or lacking.

Today there are still some 35 Bedouin villages in the Negev/Naqab that the State of Israel refuses to recognize, relating to them as "the dispersion" or "illegal villages." Among these villages are historical villages that existed in their present location even before the establishment of the State of Israel, and villages that were uprooted by the State from their historic locations during the 1950's and transferred into the Siyāj area. Israeli planning policies have ensured that villages remain unrecognized and are subjected to house demolitions and legal penalties, and that basic infrastructure and services continue to be denied to these localities. While these policies have proved successful to some extent, in most cases, the unrecognized villages remain standing.

According to the Central Bureau of Statistics, over a quarter of a million Bedouins<sup>2</sup> live in three types of localities: about 35 unrecognized villages, 11 villages recognized by the State, and 7 governmental planned townships built by the State. The Bedouin townships in the Negev/Naqab,

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<sup>1</sup> Planning and Building Law, 1965. <https://tinyurl.com/ycg3dzqi>

<sup>2</sup> Central Bureau of Statistics, 2017. *Localities and population, by district, subdistrict, religion and social groups*, table 2.16

as well as the recognized villages, are all planned as crowded urban localities, completely ignoring the traditional Bedouin lifestyle, which is based in part on agriculture. There are more than 72,000 residents living in villages which the State refuses to recognize, all of whom the State intends to transfer to the currently recognized villages and townships.

Although members of the Bedouin community comprise over one-third of the population in the Negev/Naqab, only 12.5% of the recognized communities in the area are designated for this community. In practice, the main policy of the State of Israel towards its Bedouin citizens in the Negev/Naqab is a policy of demolition of buildings, dispossession and forced urbanization. This policy applies to all forms of forced Bedouin localities with no exception – planned townships, recognized villages, and unrecognized villages.

## **2. The land Dispute as a Basis for the Demolition Policy in the Negev/Naqab**

At the heart of the ongoing conflict between the Bedouin citizens in the Negev/Naqab and the State of Israel is the State's ongoing denial of Bedouin ownership rights over their lands and the policy of dispossession. Most of the State's plans for the Negev/Naqab, particularly the Praver-Begin plan,<sup>3</sup> have ignored the needs of the Bedouin population and violated their most basic rights. The purpose of these plans, both in the past and present, is to "resolve" the land and housing issues of the Bedouin community, and to concentrate the Bedouin population in urban and semi-urban localities (the government townships and the recognized villages).

### **2.1. Historical Developments**

In the middle of the nineteenth century, the Negev/Naqab was the permanent living space of the Bedouins and was divided among the various tribes, who relied mainly upon farming crops with minimal water requirements and animal herding on approximately two million dunams of land for their livelihood. After the establishment of the State of Israel in 1948, the Bedouin were expelled from most of their lands and only 10–15% of the original population remained in Israel – 11 Bedouin tribes, that were concentrated in the Siyāj area around Be'er Sheva. Another seven Bedouin tribes were already living in that area. From 1948 to 1967 the Bedouins lived under military rule during which the military governor had absolute control of the movement, employment, land use, and many other aspects of the community's life. During that time, they were forbidden to leave the Siyāj area without written permission from the military governor.<sup>4</sup>

Land belonging to Bedouins who became refugees, as well as significant portions of land owned by the Bedouin who remained in Israel, were expropriated and nationalized by the Israeli authorities under a number of laws, including the Absentee Property Law (1950)<sup>5</sup> and the Land Acquisition Law (1953).<sup>6</sup> In addition, the State began to establish the townships and initiate the process of urbanization that was imposed on the Bedouin population in the Negev/Naqab. New laws, such as the Planning and Building Law, have re-designated most of the Bedouin lands as agricultural areas, nature reserves or military areas, designations which preclude the establishment or existence of villages. As a result, all existing Bedouin residential structures in those areas were declared illegal

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<sup>3</sup> The Association for Civil Rights in Israel, 2014. *The Unrecognized Villages – "Praver-Begin Plan"*. <https://tinyurl.com/y4nuel76>

<sup>4</sup> Negev Coexistence Forum for Civil Equality, 2012. Processes of dispossession in the Negev/Naqab: The Israeli Policy of Counter Claims against the Bedouin-Arabs, pg. 6

<sup>5</sup> Absentee Property Law, 1950. <https://tinyurl.com/y2ckm8kl>

<sup>6</sup> Land Acquisition Law, 1953. <https://tinyurl.com/y6p2aq4x>



and the phenomenon of the "unrecognized villages" was born, i.e. villages that were established, for the most part, prior to 1948 and with no planning status thus illegal under Israeli law.<sup>7</sup>

In 1970, the State of Israel announced a land rights resolution plan with regard to the Bedouin lands in the Siyāj area. This procedure allowed the Bedouin to file claims for land ownership. In total, 3,200 claims were submitted to the Land Registry, covering an area of about 991,000 dunams. Another 600,000 dunams of tribal grazing land were not recognized as part of the plan,<sup>8</sup> and the ownership of 200,000 dunam in the central Negev/Naqab region was "resolved" by way of registering them as State land without prior knowledge of the Bedouin plaintiffs, the Al 'Aazāzmeh tribe.

## **2.2. The Contention of the State of Israel: The Arab Bedouin Lands in the Negev/Naqab are "Mawat Lands"**

"Mawat land", "dead land," was defined in the Ottoman law of 1858 as vacant and uninhabited land, which is far enough from the nearest settlement that the loudest voice of a person in that settlement cannot be heard, or alternatively, either a mile and a half away or half an hour walk from said settlement.<sup>9</sup> According to Article 103 of the Ottoman law, a person who cultivated such lands, i.e. turned them into agricultural lands, would be entitled to register the land as his own, even if he did so without permission from the Ottoman regime. In 1921, in an attempt to increase their control of public lands in Mandatory Palestine, the British enacted the Lands Ordinance (Mawat) which amended Article 103 of the Ottoman Law so as to require obtaining permission from authorities before the land could be cultivated. The British allowed only two months for anyone claiming rights to such land to register them under their name.

Unlike the Ottomans and the British, the State of Israel and the Israeli judicial system decided to implement the definition of "Mawat" in a way that distorted the meaning of the original law. The Supreme Court chose to interpret the requirements for the definition of land as "Mawat land" in a very broad manner, effectively reducing the amount of land to which its rightful owners were entitled.

## **2.3. State Policy of Counterclaims**

In 1975, the state appointed a special body, known as the Albeck Committee,<sup>10</sup> to deal with Bedouin claims of land ownership. "The Albeck Report was the basis for all the government proposals concerning the resolution of land ownership."<sup>11</sup> The Committee recommended that the State not examine the merits of the claims, but rather conduct "negotiations" so as to reach an accord with the Bedouin plaintiffs, including the offering of compensation. The Committee also supported the government's position that the Bedouin lands are in fact Mawat lands which can therefore be reclassified as State land, claiming that this policy conforms to both Ottoman and British law. Thus, the State chose to follow a bureaucratic-administrative track, rather than handling

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<sup>7</sup> See footnote 4.

<sup>8</sup> Justice Ministry, 1975. *Team of Experts Concerning Land Issues, the Siyāj and Northern Negev Areas – Final Report*, pg. 3

<sup>9</sup> Kedar, A., Amara A., Yiftachel, O. (2018). *Emptied Lands: A Legal Geography of Bedouin Rights in the Negev*, PART II. Critical Legal History of the Dead Negev Doctrine.

<sup>10</sup> See footnote 8, pg. 7.

<sup>11</sup> Shir Spector-Ben Ari, 2013. 'Regulation of Bedouin Settlement in the Negev' [Hebrew]. *The Knesset Research and Information Center*, pg. 8. <https://tinyurl.com/y34lw5qe>

thousands of claims by way of legal process. The percentage of compensation has changed over the years, but it was, and still remains, low and insufficient for the needs of the Bedouin claimants, even though it is clear to the State that the Bedouin claimants see the compensation as unjust.<sup>12</sup>

The Committee also recommended that the government act "beyond the letter of the law,"<sup>13</sup> by granting compensation in a negotiated process, on the condition that the plaintiffs waive all their claims against the State and voluntarily move to one of the Bedouin localities planned by the State.<sup>14</sup> In accordance with these recommendations, the government began negotiations but at the same time froze all ownership claims.<sup>15</sup>

According to the Goldberg Report,<sup>16</sup> only 380 claims (12% of all claims) were settled as of 2008, covering an area of 205,670 dunams (about 18% of the total claimed land).<sup>17</sup> Thousands of claims remained unresolved, and many of the claims were "resolved" under duress of the auspices of a law known as the "Peace Law."<sup>18</sup> The Israeli government was determined not to deal with 3,200 land claims and preferred to relate to the disputed land as State land.

In 2004, following Government Decision 216<sup>19</sup> and the adoption of a new development plan for the Negev/Naqab region, the Southern District Attorney's Office and the Israel Land Administration (now the Israel Land Authority) began to pursue a counterclaim strategy<sup>20</sup> and to handle the hearing of 3,200 claims that had been frozen for over 30 years and were never heard in the courts. This policy marks the decision of the State of Israel to move from a "negotiating" approach with the Bedouins to an oppositional approach based on forced settlements. The filing of counterclaims not only legitimizes the actions and policies of the State, but also puts tremendous pressure on the Bedouin citizens to accept the solutions proposed by the government, without any ability to influence the proposals. Although the Bedouin residents of the area lived and cultivated land in the Negev/Naqab for hundreds of years, and enjoyed the actual recognition and autonomy granted to them by the Ottoman and British authorities, the Israeli courts did not recognize their rights to ownership of the land. That, in addition to unique circumstances surrounding the proof offered to the courts concerning the Bedouins' historical rights to the land (see below), the courts have ruled in all the cases brought before them in favor of the State.

The state and the courts do not recognize the authenticity and/or relevancy of traditional documents held by some of the Bedouin plaintiffs, among them: land sale and purchase contracts, mortgage contracts, and documentation of taxes on land or crops paid to the Ottoman and/or

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<sup>12</sup> See footnote 4, pg. 7.

<sup>13</sup> See footnote 8, pg. 7.

<sup>14</sup> At the time of the Committee's recommendation, there were only two recognized Bedouin villages (Tel As-Sabi and Rahat).

<sup>15</sup> Swirski, S., Hasson, Y. (2006). "Invisible citizens: Israeli government policy toward the Negev Bedouin: Executive summary". *Adva Center*, pp.16–19. <https://tinyurl.com/y22j4jbg>

<sup>16</sup> The Committee for Policy Proposal for the Regulation of Bedouin Settlement in the Negev (Goldberg Report), December 11, 2008, <https://tinyurl.com/yxrkumob>

<sup>17</sup> See footnote 13 in the report, pg. 13, section 34.

<sup>18</sup> Following and in accordance with the peace agreement with Egypt, a military airfield was established in Tel El-Malah, on lands belonging to the Bedouin and on which they lived. It was necessary to enact the "Peace Law" so as to validate the use of the land for the military base. For further reading: The Land Acquisition Law in the Negev (Peace Treaty with Egypt), 1980. <https://tinyurl.com/y6exyuh2>

<sup>19</sup> Government Decision 216, April 14, 2003, *The Plan for the Bedouin Sector in the Negev*. <https://tinyurl.com/yxp3jwrv>

<sup>20</sup> See footnote 4 in Government Decision 216, pg. 12 – 14



British authorities.<sup>21</sup> Furthermore, the courts undervalued the oral testimonies of Bedouin elders, choosing instead to rely on the reports of European missionaries of the eighteenth century regarding the nature, ownership, and working of land. This approach relies almost entirely on Western sources and ignores the traditional way of life and culture of the Bedouins concerning land management and acquisition.<sup>22</sup>

In conclusion, the Israeli governmental policy of filing counterclaims has serious implications for the Bedouin plaintiffs, many of whom have either dropped out of court hearings or chose not to come from the start with the understanding that in any case they cannot win a trial or appeal the State's position. The high costs, the lack of formal/recognized documentation, and the lack of trust in the judicial system contributed to their avoidance of legal procedures and increased the rate of "resolution" of the land disputes by encouraging the Bedouin to view the legal system as non-responsive to their claims. Israel's policy deviates drastically from that of the Ottoman and British administrations that preceded it, abusing a law enacted more than a century ago; freezing all legal processes for 35 years before the filing of counterclaims (after many of the Bedouin claimants have died); avoiding the establishment of a legal framework that will examine Bedouin rights and allow the use of unofficial documents and oral testimonies. All of the aforementioned represent only part of the flaws in the process of resolving the Bedouin land claims in the Negev/Naqab. This policy paints the Bedouin as "criminals," "outlaws" and devoid of any rights to land in the Negev/Naqab. The State's success rate in claims against the court stands at 100 percent, so it is no wonder that the Bedouins do not look to the court system for succor.

### **3. The Demolition Policy in Arab Bedouin Communities in the Negev/Naqab**

The right to adequate housing is a recognized basic right in international law, anchored in a number of treaties that the State of Israel is signatory to. The UN Committee on Economic, Social and Cultural Rights (CESCR) stresses that it is a right that must be interpreted broadly and include the right to live in security, in peace and in dignity. The Committee further states that the right to adequate housing envelops protection against arbitrary eviction and destruction of housing and the right to choose where to live. In addition, the definition of appropriate housing must take into account the cultural identity of its residents.<sup>23</sup> The policy of demolishing constructions in Bedouin communities in the Negev/Naqab systematically violates their right to adequate housing, even in its most limited interpretation.

The demolition policy is central to the way that the State of Israel relates to the Bedouin community in the Negev/Naqab, its main objective being the forcible transfer of the Bedouin population from the unrecognized villages to the townships. For years, the Bedouin community has been suffering from a severe housing shortage without adequate response, with tens of thousands of people living in homes that have been served with demolition orders, usually due to the inability to obtain a building permit. Moreover, members of the Bedouin community are waging a protracted struggle over ownership of land, ownership which the state denies.

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<sup>21</sup> See footnote 4 in Government Decision 216, pg. 14. <https://tinyurl.com/y3dve4tb>

<sup>22</sup> See footnote 21 (here).

<sup>23</sup> Office of the United Nations High Commissioner for Human Rights. The Right to Adequate Housing. Fact Sheet No. 21/Rev.1. <https://tinyurl.com/yaolj2mv>

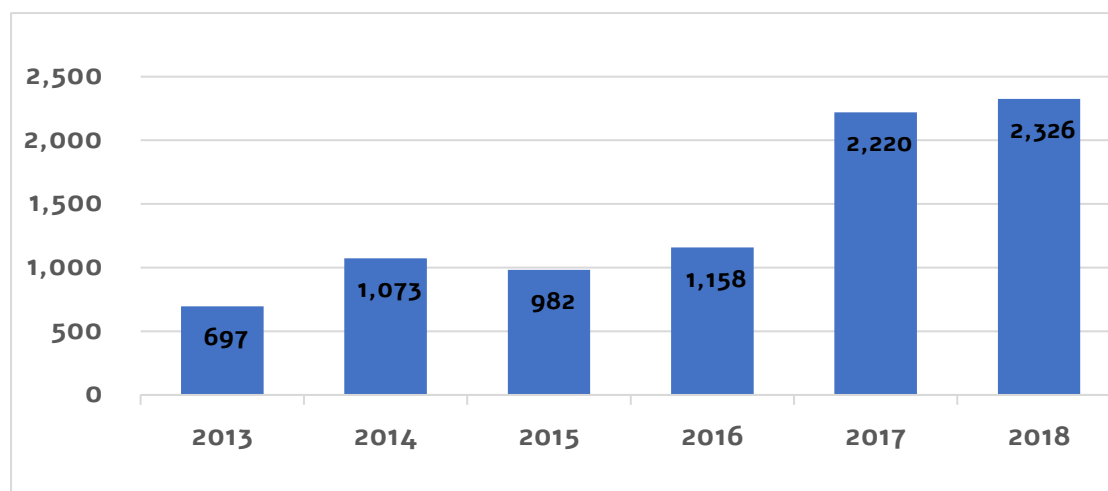
In 2018, there was a 5% increase in total number of demolitions, as compared to 2017, and an increase of approximately 31% in the number of demolitions by owners ("self-demolitions"). The Government of Israel has chosen to continue to invest large budgets in an enforcement and "regulatory" mechanism, accompanied by the constant presence of inspectors and police forces on the ground, using aerial photography implemented by drones, threats that are vaguely disguised as "negotiations" on the part of representatives of the Authority for the Development and Settlement of the Bedouin in the Negev (hereinafter: the Authority for Development) and more.

This year, as last year, enforcement efforts focused on three aspects: **increased enforcement** aimed at preventing construction and "fresh incursions", which empowers enforcement authorities to use reasonable force to evict any person who rebuilt his home after its demolition or returned to the area he was evicted from within 30 days of the "incursion"; **"enforcement promoting regulation"**, in the context of which various enforcement procedures are initiated, including the threat of issuance of demolition orders, filing of lawsuits and even the demolition of buildings belonging to citizens who refuse the demand of the Authority for Development to transfer them from their place of residence and enter into forced "negotiation"; and **"regulation promoting enforcement"**, a course of action, which was first initiated in 2016, in which the Southern Administration works in cooperation with the Authority for Development to implement specific settlement "solutions" for citizens so as to resolve disputes concerning "illegal construction" as per Israeli governmental policy without the need to resort to "enforcement" measures. In other words, the Southern Administration and the enforcement agencies are also involved in both the process of "regulation" and negotiations aimed at resolving disputes concerning "illegal construction", while, conversely, the Authority for Development takes an active part in enforcement activities.<sup>24</sup>

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<sup>24</sup> The Southern Administration for the Coordination of Enforcement of Land Laws, *Negev Coexistence Forum copy: Summary of 2018 Work Year*.

**Figure 1: Demolition of Structures in the Negev/Naqab Arab Bedouin Communities, 2013–2018**



As per the data presented in this diagram, between 2013 – 2014 the rate of structure demolitions in Bedouin communities in the Negev/Naqab increased by 54%, from 697 to 1,073. In 2015, there was a slight decline of about 8.5% in the number of structures demolished, but in 2017 there was a dramatic increase of more than 90% as compared to 2016. In 2018 there was another 5% increase in demolitions bringing the total number of demolitions to 2,326.

**Figure 2: Demolitions of Structures in the Negev/Naqab Arab Bedouin Communities by Type of Building, 2018**

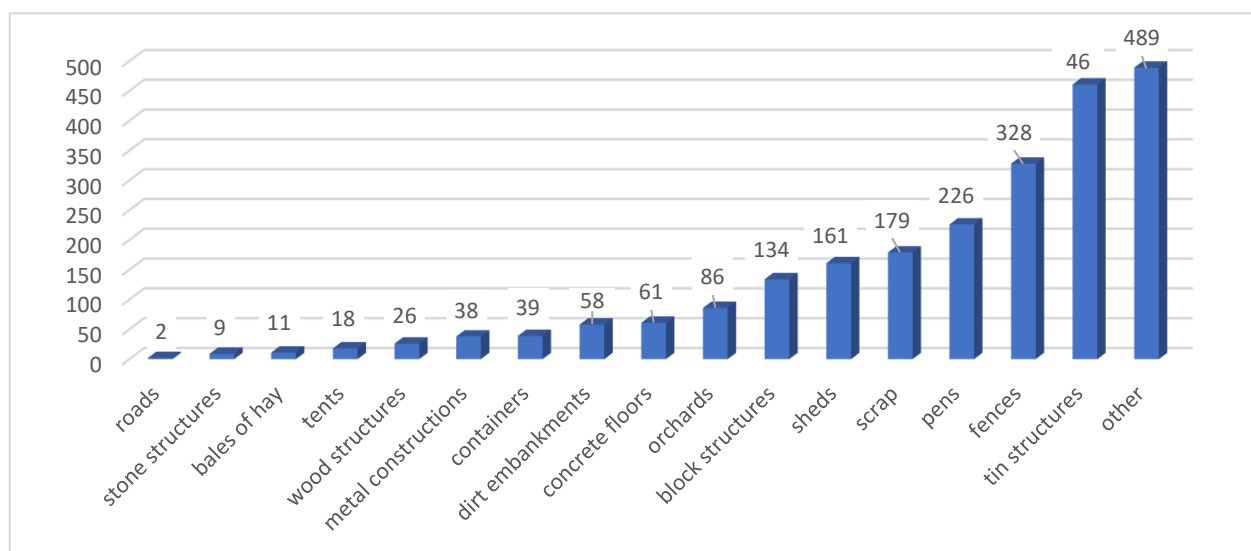
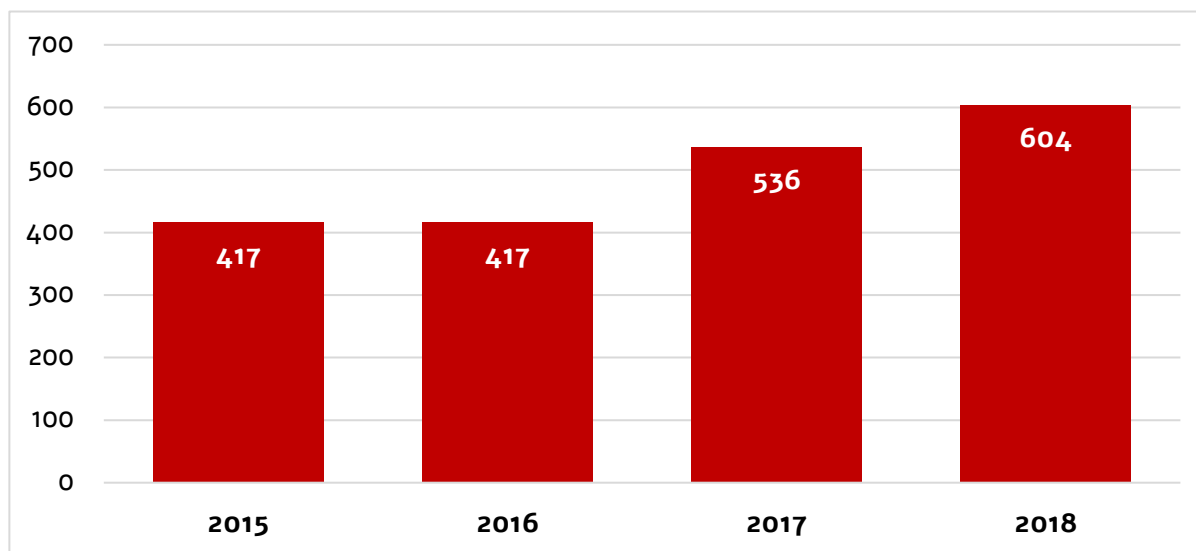


Figure 2 shows the structures demolished in the Bedouin villages in 2018, according to the type of building. This data, which was published for the first time in 2016, reveals the broad definition given by the Israeli enforcement authorities to the term "structure". Alongside residential structures, this list enables us to estimate the amount of structures used for agriculture and grazing, such as pens and orchards.

**\*Note:** According to the data appearing in the annual report of the Southern Administration for 2018, "others" are buildings that were demolished during the "enforcement process" (without the

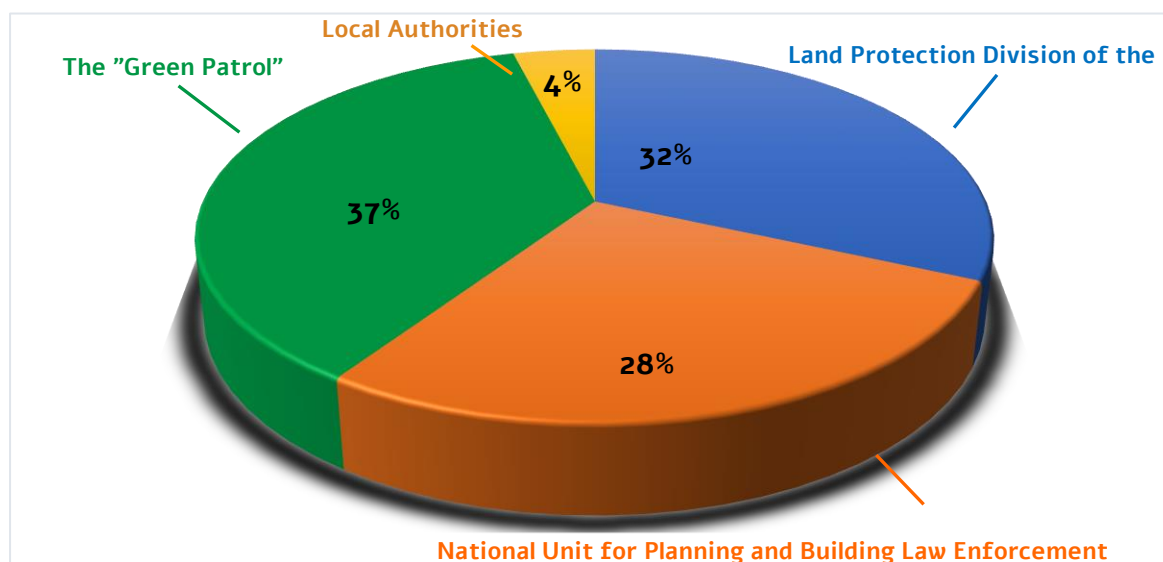
issuance of a demolition order). The data in this category was submitted by the various enforcement agencies that did not specify the type of the building.<sup>25</sup>

**Figure 3: Number of Houses that were Demolished in the Negev/Naqab Arab Bedouin Communities, 2015–2018**



Following a request under the "Freedom of Information" Act by NCF and the Freedom of Information Movement, the Southern Administration released statistics with the exact number of structures used by the Bedouin population for residential purposes that were demolished between 2015 and 2018. Figure 3 shows that there has been a steady increase in the number of homes demolished. In 2015 and 2016, some 417 houses were demolished. Between 2016 and 2017, there was an increase of more than 28% in the number of homes demolished in Bedouin communities in the Negev/Naqab, from 417 to 536 in 2017, and then another increase of approximately 13% in the number of houses demolished in 2018, resulting in 604 residential demolitions by the end of that year.

**Figure 4: Demolition of Structures in the Negev/Naqab Arab Bedouin Communities by Enforcement Agency, 2018**



<sup>25</sup> See footnote 24 in the annual report, pg. 14.

There are a number of agencies involved in the demolition of structures in the Bedouin communities: enforcement agencies, coordinating bodies, and auxiliary bodies. The Authority for Development orchestrates the activities of all the aforementioned bodies by way of formulating an overall annual plan, as well as laying out the Southern Administration's yearly implementation plan.

Figure 4 shows the relative role of the various enforcement agencies in the demolition of buildings in the Bedouin communities in the Negev/Naqab in 2018. These authorities are responsible for issuing orders, scouting the area, demolitions of buildings and structures, and impart threats of high fines and criminal proceedings intended to lead to "self-demolitions." According to the data, the National Unit for Planning and Building Law Enforcement (hereinafter: the National Unit) was responsible for 733 demolitions, which constitute about 32% of all demolitions; the Israel Land Administration (ILA) was responsible for 642 demolitions, which constitute 28% of the total number of demolitions in the Negev/Naqab; and the "Green Patrol" was responsible for the largest number of demolitions: 869 demolitions, constituting about 37% of the total number of demolitions in the Negev/Naqab Bedouin communities.<sup>26</sup>

#### **4. Displacement and Forced Transfer: The policy Towards Arab Bedouins in the Negev/Naqab since the Praver–Begin Plan**

The "Praver–Begin Plan"<sup>27</sup> was passed by a narrow majority in a first reading in the Israeli Parliament (the Knesset) in June 2013. The bill was based on a team headed by Ehud Praver and later amended by a team headed by former Minister Benny Begin. Even though the Goldberg Report was defined as a blueprint for the implementation of the bill, the Praver–Begin plan is completely contrary to the recommendations of the Goldberg Committee, and contradicts the main principle recommended by the Goldberg Committee – recognition of the [Bedouin] villages as much as possible.<sup>28</sup> The Plan is based on Israeli Government Resolution No. 3707, 2011, which purported to facilitate "regularization of the unauthorized Bedouin villages in the Negev/Naqab so as to provide settlement solutions appropriate for the population and living conditions as is deemed acceptable in the State of Israel, and enable economic and social development of the region for the benefit of all residents – Arabs and Jews alike."<sup>29</sup>

In practice, the "regularization of settlement" under the law was an attempt to transfer all the Bedouin people who were living in the dozens of unrecognized villages (whether by force or by consent) to Bedouin townships recognized by the state. Not surprisingly, this outline, just as previous plans of the government concerning the Bedouin population in the Negev/Naqab, did not take into account the social structure of the society and/or the rural/agricultural character of their sources of income. The plan was written without any participation of the Bedouins or their

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<sup>26</sup> For further information concerning the bodies involved in building demolitions in the Negev Bedouin communities: Coexistence Forum, 2017. "Negotiations" under Fire: Demolition of buildings as a central tool for the dispossession and concentration of the Bedouin community in the Negev. <https://tinyurl.com/y4ctmaza>

<sup>27</sup> Government of Israel, *Proposed Law for the Regulation of Bedouin Settlement in the Negev*, 2013. <https://tinyurl.com/yuhgx92s>

<sup>28</sup> Report of the Committee for Policy Proposal for the Regulation of Bedouin Settlement in the Negev, December 11, 2008, clause 110. <https://tinyurl.com/yalmenpo>

<sup>29</sup> Government Resolution 3707, September 11, 2011. Report of the Inter-Ministerial Team to Implement the Recommendations of the Committee for the Regulation of Bedouin Settlement in the Negev. <https://tinyurl.com/ycea8asp>

representatives, and they were not allowed to object or intervene effectively and substantively in the content of the bill before it was brought to a vote in the Knesset. Following demonstrations and strong opposition that the bill aroused among the Bedouin population, right-wing parties and the international community, the government decided to withdraw the proposal before it was approved in the third and final vote necessary for its' implementation.<sup>30</sup>

Despite the repeal of the law, the intention and the ideas included in the Praver-Begin plan were and are continuing to be implemented in other ways. For example, the Southern Administration<sup>31</sup> and the Yoav Police Unit<sup>32</sup>, enforcement agencies that were established following Government Resolution No. 3707 with the aim of "streamlining" the demolition of houses in Bedouin communities in the Negev/Naqab, continue to operate to this day in full force. Since 2013, attempts to forcibly transfer the Bedouin population from the unrecognized villages to the recognized communities continue to multiply and with them the dispossession of the community of its land. The five-year plans (see below), whose declared purpose is socio-economic development, are based on the selfsame Resolution No. 3707, which formed the social-economic basis of the Praver-Begin Plan. More importantly, the actions of the government and the enforcement agencies on the ground point to their determination to forcibly transfer the Bedouin population to recognized villages and townships in new and more sophisticated ways and onto less land than was purposed in the Praver-Begin Plan.

#### **4.1. The Five-Year Plan as a Mechanism for Dispossession**

The Government of Israel approved the first "Five-Year Plan for the Social and Economic Development of the Bedouin Population in the Negev" (Government Resolution No. 3708)<sup>33</sup> in September 2011. The total budget of the plan was 1.26 billion NIS at the time, however, many of the projects (especially those related to agricultural development, infrastructure, housing and sewage treatment) were only partially implemented. The present Five-Year Plan (Government Resolution No. 2397),<sup>34</sup> meant to be implemented between the years 2017–2021, was accepted by the Israeli Government on February 12, 2017. The overall budget of this Five-Year Plan is 3.12 billion NIS (in addition to this plan, the Bedouin communities are also included in another general Governmental plan for economic development of minority populations, Government Resolution No. 922, with funding of 1.2 billion NIS).<sup>35</sup> Government Resolution No. 2397 includes, inter alia, the establishment of educational projects, investment in women's employment, the strengthening of local authorities and the development of infrastructures in the Bedouin communities. That being

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<sup>30</sup> Moran Azoulay & Itai Blumenthal, Netanyahu Shelves the Praver Plan, YNET, December 12, 2013, <https://tinyurl.com/y3ozvof6>

<sup>31</sup> The Southern Administration is a body established in 2012 to streamline house demolitions in the Bedouin community in the Negev. The Administration is subordinate to the Ministry of Internal Security and serves as the central body coordinating the house demolition activities between the various enforcement authorities, the Authority for Development and the police.

<sup>32</sup> The 'Yoav' Police Unit is a special patrol unit established in 2012. The 'Yoav' unit is subordinate to the Southern District Police Commander and accompanies the activities of enforcement agencies in the Negev, working in full coordination with the Southern Administration. Large forces of the 'Yoav' unit safeguard those involved in days of concentrated activity in locating, destroying, and plowing-under planted fields in the Negev.

<sup>33</sup> Government Resolution 3708, September 11, 2011, *Program to Promote the Economic Growth and Development of the Bedouin Population*.

<sup>34</sup> Government Resolution 2397, February 12, 2017, *Program for Socio-Economic Development of the Bedouin Population in the Negev*.

<sup>35</sup> Government Resolution 922, December 30, 2015. Governmental Activities Towards the Economic Development of Minority Populations 2016 – 2020.



told, it almost completely excludes the residents of the unrecognized villages (whose population constitutes more than 33% of the Bedouin population in the Negev/Naqab) from participation in the development plans and reduces their ability to participate in other programs by conditioning that participation on physical attendance at the centers of activity, which are usually located outside their place of residence.

The five-year plan is an inter-ministerial program involving many government ministries (education, agriculture, welfare, public security, construction and housing, etc.). These offices are required to report on the extent of implementation and compliance with the goals set by the Five-Year Plan. According to the 2017–2018 Planning and Implementation Report of the current plan,<sup>36</sup> some of the budgets allocated to the various programs have not been utilized at all or have been partially exploited.<sup>37</sup>

Despite its positive name, the Five-Year Plan constitutes an important tool for the State to dispossess Bedouin people of the Negev/Naqab from their lands and forcibly transfer them to population centers on the sole basis of considerations of the Israeli government and without any influence of the affected population. The plan includes a "statutory enforcement" clause that enjoins State institutions to "defend State lands" and prevent "illegal" incursions.<sup>38</sup> The clause was added to the plan upon the demands of a number of government ministers who refused to sign the plan unless additional measures were included to ensure the transfer of Bedouin people from the unrecognized villages to the recognized townships and villages. With the help of this section, the plan conditions the receipt of government budgets for development upon the forced transfer of the population and house demolitions. The plan also allocates some of its budget for this purpose: 30,000,000 NIS per year for planting trees on "lands that were evacuated" so as to prevent the return of the expelled residents,<sup>39</sup> another 32,000,000 NIS for the reinforcement of the various enforcement forces,<sup>40</sup> and an additional 10,500,000 NIS for additional staffing for the National Unit and for local planning committees in order to enable them to cope with the "illegal construction" in the Bedouin communities.<sup>41</sup>

#### **4.2. Legislative Mechanisms: The Kaminitz Law and Regulations Concerning the Administrative Violations**

The Kaminitz Commission Report ("The Commission for Dealing with the Phenomenon of Illegal Construction") was published in January 2016<sup>42</sup> and on June 19 of that year, the Government adopted Resolution 1559,<sup>43</sup> which accepted most of the Committee's recommendations aimed at strengthening the system of enforcement against violations of planning and building laws. In the framework of the resolution, authorities in various levels in the government were told to act, inter alia, through legislative amendments, so as to strengthen the enforcement of planning and building

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<sup>36</sup> The State of Israel, "Report of Planning vs. Implementation 2017–18: Program for Socio-Economic Development of the Bedouin Population in the Negev 2017 – 2021 (Government Resolution 2397), March 2019.

<sup>37</sup> See footnote 36 in "Report of Planning vs. Implementation 2017–18 ...", pg. 5.

<sup>38</sup> See footnote 34, Clause 13n.

<sup>39</sup> See footnote 34, Clause 1.1.13.

<sup>40</sup> See footnote 34, Clause 13n.

<sup>41</sup> See footnote 34, Clause 13. ט – י.

<sup>42</sup> The Unit for Coping with Illegal Construction, Report, January 2016. <https://tinyurl.com/u3wcawe2>.

<sup>43</sup> Government Resolution 1559, June 19, 2018. Strengthening the enforcement of planning and building laws. <https://tinyurl.com/yonffwcy>

laws, and in order to deal with violations and incursions in public lands,<sup>44</sup> for the most part in Arab communities.

Officially, the commission related to problems concerning illegal construction in the country as a whole, but most of the resources were allotted to dealing with violations of the Planning and Building Law among minorities, and especially among the Arab population in Israel. Since the publication of the report, the commission's conclusions have become the basis for changing the planning and building laws, and these also guide the day-to-day conduct of the bodies that enforce the policy of the government and its ministries regarding dispossession of lands and house demolitions among the Bedouin population in the Negev/Naqab. After a number of changes, the Kaminitz Commission's proposals were transformed into Amendment No. 116 of the Planning and Building Law.<sup>45</sup>

Amendment No. 116 of the Planning and Building Law,<sup>46</sup> which consists mostly of the government's draft law, was passed by the Knesset and went into force on October 25, 2017. This amendment addresses methods of increasing enforcement of planning and construction offenses and instructs to increase economic sanctions by imposing fines via administrative bodies so as to avoid the need to conduct legal proceedings. In other words, the amendment is designed to shorten enforcement procedures through the implementation of administrative orders that do not require judicial review.<sup>47</sup> At the same time, the powers of the administrative enforcement authorities, first and foremost those of the National Unit for Enforcement of Planning and Building Laws (hereinafter: National Unit), were expanded, and they were afforded extensive judgmental discretion. In addition, significantly harsher penalties were proposed for planning and building law violations, including higher fines and extended terms of imprisonment. In a further intensification of enforcement efforts, the bounds of responsibility for planning and building offenses were redrawn to include persons who do not necessarily have the ability to influence or prevent illegal construction. For example, truck drivers who deliver materials intended for construction in the unrecognized villages, building contractors and construction workers. The transformation these individuals, whose only crime is the desire to make a living, into accomplices to a crime is a serious aggravation which is liable to lead to the incrimination of innocent people on a large scale.<sup>48</sup>

The basic tenet at the center of the conduct of the Kaminitz Committee, which is also reflected in its recommendations, is that the foremost explanation for the extent of building without a permit in Arab society is that the State does not sufficiently enforce the planning and building laws. The committee chose to ignore decades of discrimination in planning, development and allocation of budgets and land to Arab communities. The situation among the Bedouin in the Negev/Naqab is even worse than that of the Arab population in general because of the fact that there are dozens of Bedouin villages that are not recognized by the State, thereby precluding any possibility of resolving the status of the existing buildings and/or obtaining a building permits for new

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<sup>44</sup> See footnote 43, pg. 16.

<sup>45</sup> Amendment No. 116 to the Planning and Building Law is a legislative enactment of Amendment No. 109 to the Planning and Building Law. In March 2017, the Interior Committee split the bill, with Amendment No. 116 containing most of the sections of the original bill.

<sup>46</sup> Planning and Building Law (Amendment no. 116), 2017. <https://tinyurl.com/y7evr4ow>

<sup>47</sup> The Association for Civil Rights in Israel and others. The Kaminitz Law (Proposed Planning and Building Law (Amendment 109), 5766 – 2016: Position Paper (2017)). <https://tinyurl.com/y88zumnu>

<sup>48</sup> See footnote 47.

construction and resulting in the marking of all the residents of the unrecognized villages as "criminals".

Moreover, many of the recognized townships lack approved urban building plans, either because of a lack of resources needed to remedy the situation, or because of the complexity of drawing up an agreed urban planning scheme in a place where history dictated a division of land among the local residents that is difficult to change. The absence of an approved Urban Planning Scheme in the recognized villages means that it is impossible to issue building permits and, once again, the residents have no choice but to build illegally, even though their village was recognized by the State more than two decades ago.

In 2018, as part of the government's efforts to implement Amendment No. 116 to the Planning and Building Law, new and very efficient technological tools from the Simplex Company<sup>49</sup> for mapping and 3D modeling have been used routinely. Two years ago, Simplex won a Ministry of Finance bid, under whose auspices the National Unit operates, for five years and at the beginning of 2018 the company began working in the Negev/Naqab. As part of its work, Simplex uses innovative technology for discovering construction irregularities. With the help of a unique photographic device (the weight of which makes it possible to install on any aircraft), the company collects information on visible change in construction in the Bedouin communities in the Negev/Naqab, which it transfers to the various enforcement authorities.<sup>50</sup>

A complementary step to amending the Planning and Building Law was the adoption of regulations to implement harsher economic and administrative penalties. In June 2018, Israeli Justice Minister Ayelet Shaked approved the Administrative Offenses Regulations, which set administrative fines for violations of the Planning and Building Law. The decision to impose the fine is vested in an administrative body, thus eliminating the requirement of judicial oversight. The increased fines set in the new regulations are unprecedented and draconian, and may amount to up to 300,000 NIS as a one-time fine attached to a daily fine of up to 1,500 NIS per day for an unlimited time in the event of an ongoing offense.<sup>51</sup> The regulations became effective in December 2018.<sup>52</sup> These regulations have far-reaching effects on the economic situation of Bedouin families in the Negev/Naqab, most of whom are in a difficult socio-economic situations and have suffered from discrimination in the allocation of budgets and development funds for decades. These draconian fines have the power to reduce almost any and every Bedouin family to a state of abject poverty and to seriously violate their right to live in dignity.

The use of predatory legislative mechanisms and advanced technological means against a weakened and impoverished population increases the sense of despair and alienation among the Bedouin population in the Negev/Naqab, which is often defined as "criminal" because of what the state categorizes as "illegal" construction. In an aggressive struggle between citizens without effective means of defense vis-à-vis the government and the various enforcement agencies, it would seem essential to consider whether it is appropriate to use means that are liable to cause psychological,

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<sup>49</sup> Simplex Mapping Solutions Ltd. <https://www.simplex-mapping.com/>

<sup>50</sup> Authorities Magazine, The 3D Revolution of Simplex, February 2018, pp. 2 – 3, <https://tinyurl.com/y4hottfj>

<sup>51</sup> Ministry of Justice, Administrative Offenses Regulations (Administrative Fines – Planning and Building), 2018, <https://tinyurl.com/yakjuhwb>

<sup>52</sup> Open Knesset, the 20th Knesset Committee meeting, March 1, 2017, Planning and Building Law (Amendment No. 116), 2017, <https://tinyurl.com/y7hrs60>

economic, and social damage that could potentially endanger the very existence of the Bedouin population in the Negev/Naqab.

#### **4.3. Planning Mechanisms: National Plans and Projects**

The Bedouin citizens in the unrecognized villages see themselves as landowners, even though those lands have become, according to the definition of the Israeli government, State lands used for various programs, such as essential infrastructure, security, Jewish settlement, and more. As part of the State's attempt to forcibly transfer the Bedouin population from the unrecognized villages to the recognized townships and villages, several programs are being promoted:

- **Extension of the Trans-Israel Highway (Route 6) to the south** – This plan was approved in 2010 and in the coming year (2019) will be implemented south of the Shoket Junction. The topography of the area in which the extension is planned and the open spaces in the Negev/Naqab around Be'er Sheva and from Be'er Sheva to the south enable optimal planning of the extension route in order to avoid, as much as possible, the forcible transfer of a large population. Despite this, the state saw fit to plan the road so that it would pass through an area populated by more than 1,000 Bedouin residents who have claims to ownership on part of the land in question. From the information that is available to the NCF, it appears that this plan places some 350 houses at risk of demolition. Moreover, while the Authority for Development is exploiting the situation in order to evict as many Bedouin families as possible from the area, Route 6 representatives claim that it is possible to minimize the number of evictions by reducing the right-of-way of the road.
- **The expansion of a special industrial zone in Ramat Beka** – the current plan includes 114,000 dunams of land (114 sq. km.) for the relocation of the military equipment developer and manufacturer IMI Systems (recently acquired by Elbit) from Center of Israel to the Negev/Naqab and the establishment of an area for testing weapons and establishment of military industry. Today, there are limited weapons trials in this area, but in December 2018 (despite objections from residents and human rights organizations), the full plan was approved and is being implemented on a very large area. The transfer of IMI Systems will affect at least six Bedouin villages in the area, since 44% of the area<sup>53</sup> designated for the experiments will be subject to severe construction restrictions that may lead to the forcible transfer of part of the Bedouin population and result in health risks to the remaining Bedouin residents. An examination carried out by the Israeli NGO Bimkom found that approval of the plan and its implementation would result in approximately 1,200 structures being under threat of demolition and the evacuation of 5,000 people. On March 21, 2019, the Be'er Sheva District Court ordered the District Planning Committee that approved the plan to review and reconsider its approval in order to find an agreed solution with some of the Bedouin residents living and claiming land ownership in the area.
- **Establishment of a Phosphate Mine in Sdeh-Barir** – In March 2018, the Israeli Government approved the "National Mining and Quarrying Plan" which enables the open mining of phosphates in the Barir and South Zohar regions, covering more than 26,000 dunams (26 sq. km.). In the planned mining area and in the health risk zone surrounding it, there are four Bedouin villages. According to the NGOs Adalah and Bimkom, implementation of the plan is expected to result in

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<sup>53</sup> Meeting of Civil Society Organizations in the Negev, 2019. Minutes of a meeting held on March 3, 2019, Beer-Sheva.

the demolition of more than 1,995 buildings and endanger the health of approximately 11,000 Bedouin residents living in the area. The phosphate mine in its present form is planned to be built at the entrance to the Bedouin village of al-Fur'ah. Although this village has been recognized by the State for more than a decade, it suffers from lack of development and planning due to the plans to open the mine.

- **The Be'er Sheva – Arad railway** – This plan was approved for implementation in 2019. The planned route is endangering approximately 600 structures and may affect the lives of 50,000 Bedouin citizens or more living alongside the track. The living conditions of residents who will not be evacuated from their homes will also be severely affected. For example, the tracks are intended to cut an access road to the school in the Bedouin village of al-Fur'ah, even though the road has already been approved for paving. It is notable that although objections were submitted, and alternative plans proposed for construction of the tracks in open areas, all of the objections and plans were rejected.
- **The establishment of Jewish settlements at the expense of the Bedouin population in the area** – While the state refuses to recognize the unrecognized Bedouin villages in the Negev/Naqab, it promotes the establishment of a large number of Jewish settlements in the same area. The decision to establish new settlements for the Jewish population affects the Bedouin population in the Negev/Naqab, especially since it "treats the Negev region as an empty space, ignoring the existence of unrecognized villages in which thousands of Bedouin citizens, who are desperate for an orderly and just development planning solution, live."<sup>54</sup>

There is no need for an in-depth analysis of the numbers or for guessing the intentions of the government and its branches to understand that these projects are meant to forcibly transfer the Bedouin population of the Negev/Naqab from the unrecognized villages to population centers according to the wishes of the state. The Israeli Minister of Agriculture, Uri Ariel, recently announced in an interview with the "Israel Today" newspaper that "in the coming year we will begin a strategic operation to regulate the settlement in the Negev/Naqab. A series of national projects created a golden opportunity to advance the Negev/Naqab, to resettle once and for all a large part of the unrecognized Bedouin communities, and to return to the State huge areas that were taken from it illegally."<sup>55</sup>

## **5. The Impact of Demolitions on the Arab Bedouin Population in the Negev/Naqab**

Demolitions among the Bedouin communities in the Negev/Naqab are classified by the authorities as "initiated" demolitions, "self-demolitions" or demolitions "performed in procedure". The source of the various classifications lies in the identity of the authority responsible for the executions of the demolitions and the legal validity of the demolitions.

**"Initiated" Demolitions** – are initiated by the various enforcement agencies through the issuing of demolition orders as part of concentrated and coordinated demolition operations. During these operations, inspectors from the various authorities come with large forces and bulldozers to

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<sup>54</sup> Position paper: "The Coalition for the Strengthening of the Negev Cities position on the intention to promote the planning of five new settlements in the Negev", submitted to the Internal Affairs and Environment Committee of the Knesset, June 3, 2018, <https://tinyurl.com/y4shay76>

<sup>55</sup> Ariel Kahana, "A huge plan: How 36 thousand Bedouin will be relocated", Israel Today, January 27, 2019, <https://tinyurl.com/yxzcoovs>

destroy the buildings marked for demolition. In most cases, this is a long convoy including dozens of personnel, inspectors from the National Unit, the Land Protection Division of the Israel Lands Authority, the "Green Patrol", the Yoav special police unit as well as regular Israeli police forces. The Yoav Unit are especially intimidating and a cause of much fear. Arriving with drawn weapons and establishing positions on vehicle roofs, they create an atmosphere of fear and terror among the local population. There have also been reports from Bedouin residents and activists that were present at demolition operations of Yoav officers implementing violence, including the use of rubber bullets, resulting in the injury of residents and activists.

In rare cases of the demolition of an entire village or complex, the security forces arrive early in the morning to surround the area and declare it an area closed to entry and exit. After they have finished demolishing, the forces will begin what they call "cleaning operations". The actual purpose of these operations is to remove any property found in the homes that the owners did not have time to remove before the demolition. All of the property is transferred to a bonded warehouse. Should the owners of the property wish to retrieve it, they must pay for the storage as per a fixed daily rate. As a result, most of the impounded property is never recovered by the owners. Usually, when individual targeted demolitions occur, the demolition forces arrive without notice in the early hours of the morning when the women are alone in the house. If demolitions are planned in other communities that day, larger forces will arrive in the village or town. Every operation involves many vehicles and dozens of enforcement personnel.

**"Self-Demolitions"** – these demolitions are carried out by the owners of the structures themselves, after a demolition order has been issued. "Self-demolitions" executed for a variety of reasons: the desire to avoid the trauma involved in the arrival of large police forces without prior warning; the criminal sanctions that may be imposed on the building owners; the possibility of saving personal equipment and building materials in a controlled demolition; threats from the authorities to sue the owners for the costs of the demolition, and more. In the eyes of the Southern Administration, "self-demolition" is considered a success in implementing the government's demolition policy that is intended to divest the Bedouin population in the Negev/Naqab of their lands. In 2017, "self-demolitions" accounted for 71% of all demolitions. This alarming trend continued to rise in 2018, with the percentage rising to about 88% of the demolished structures.<sup>56</sup> The Southern Administration's 2018 annual report states: "This is the result of thorough and intensive field work, which indicates that the dimension of deterrence continues to exist – i.e., [owners] prefer to perform the demolition themselves, in order to avoid the arrival of inspectors with a police force."<sup>57</sup>

Another deterrent factor that leads people to destroy their homes themselves is the activity of the investigative unit of the Yoav special police unit. Over the past two years, this unit has been working intensively, opening investigative files against Bedouin citizens for construction "violations". It is important to note that in every such investigation, a criminal case has also been opened.<sup>58</sup> In addition, all the demolition costs are imposed on the owners of the buildings and their families – thus, after saving for years to build their home, residents are forced to save again to

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<sup>56</sup> The Southern Administration for the Coordination of Enforcement of Land Laws, *Negev Coexistence Forum copy: Summary of 2018 Work Year*.

<sup>57</sup> Ibid.

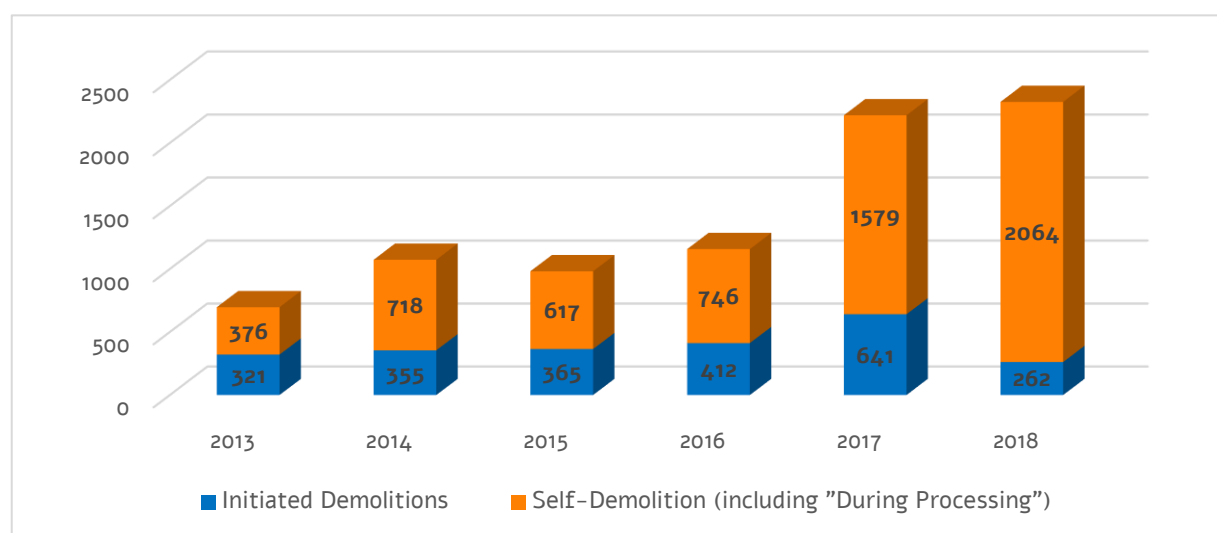
<sup>58</sup> Ibid.



destroy it. The cost of removing waste and building materials is also imposed on the owners (this also happens in the case of "initiated" demolitions). All this creates a huge economic deterrent system for the Bedouin population in the Negev/Naqab, which is one of the poorest in the country, with the villages located at the very bottom of the socio-economic ladder of the localities in Israel.

**Demolition "performed in procedure"** – In the official records of the Southern Administration, the "self-demolitions" include demolitions performed by owner while the administrative details of obtaining a demolition order is still in process, i.e. the building owners demolish the structure even before they receive a demolition order. The agencies involved in demolitions are making great efforts to increase the number of buildings destroyed by their owners, while reducing the number of demolitions carried out by the authorities themselves. Although the Southern Administration regards "self-demolitions" as a product of the "deterrent dimension" of the enforcement authorities' activities, it refers to these demolitions in its report as demolitions carried out "in the wake of acts of dialogue."<sup>59</sup>

**Figure 5: "Initiated" Demolitions vs. "Self-Demolitions", 2018**



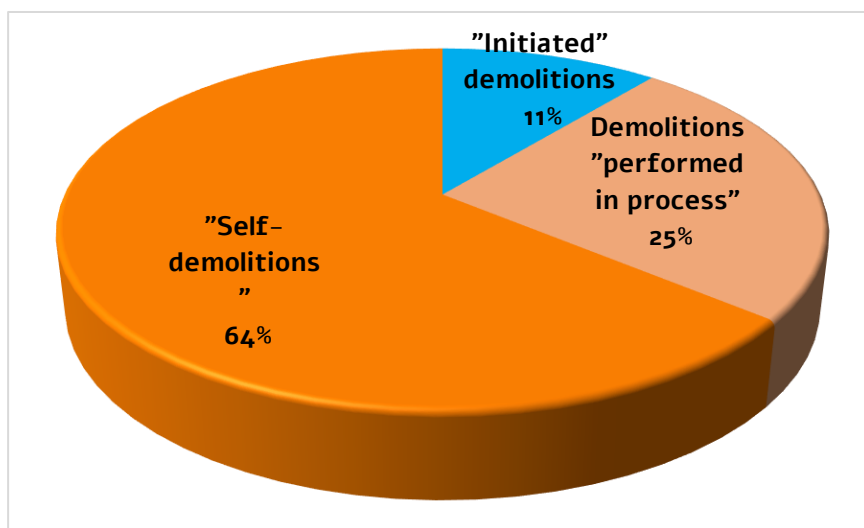
Since 2013 there has been a sharp increase in the total number of demolitions. In six years alone, the destruction increased from 697 demolitions in 2013 to 2,326 demolitions in 2018, an increase of approximately 233 percent. The number of "self-demolitions" increased from 1,579 demolitions in 2017 to 2,064 in 2018, an increase of 31 percent. At the same time, the number of "initiated" demolitions, those carried out by the enforcement authorities, increased between 2013 and 2017 (from 321 to 641 demolitions), and a dramatic decline between 2017 and 2018, from 641 to 262 demolitions. In other words, in a period of only one year (2017–2018), the number of demolitions carried out by the authorities decreased by 59%, although the total number of demolitions in those years increased from 2,200 to 2,326 at the end of 2018.

These statistics reflect a worsening of official policy accompanied by increased pressure on the residents by means of a constant presence of law enforcement officials in patrols, demolition teams, distribution of orders, threats of fines, aerial photography carried out using drones and

<sup>59</sup> The Southern Administration for the Coordination of Enforcement of Land Laws, *Negev Coexistence Forum copy: Summary of 2018 Work Year*.

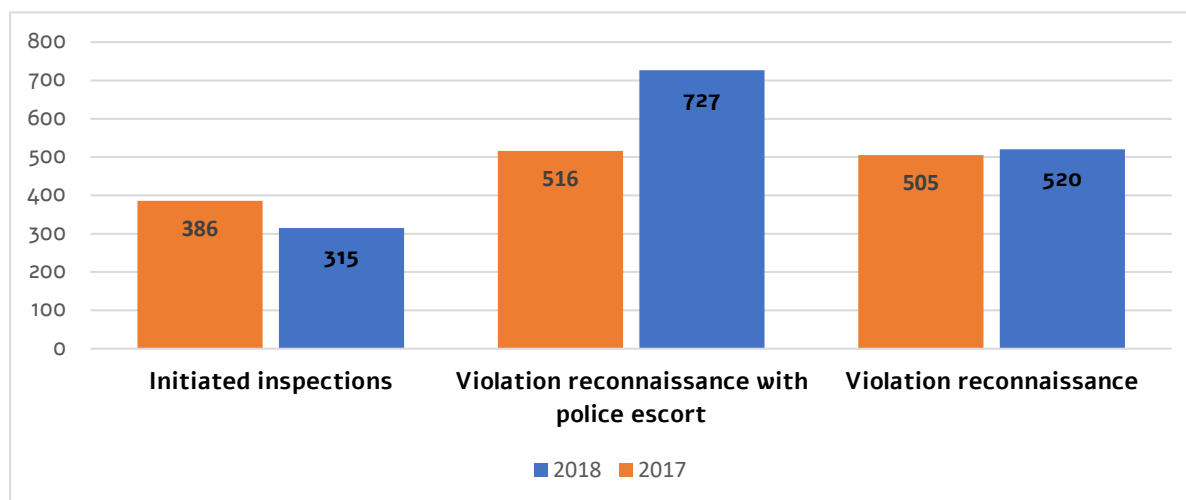
repeated visits by representatives of the Authority for Development, all intended to force them to move from unrecognized villages to the townships and villages recognized by the State.

**Figure 6: Rate of "Self-Demolitions", "Initiated" Demolitions and Demolitions "Performed in Process", 2018**



In 2018, the authorities demolished 262 structures (about 11% of total demolitions). 64% of the demolitions were "self-demolitions" (following a demolition order and not including demolitions "performed in process") – 1,475 structures. Approximately 25% are demolitions "performed in process" (589 buildings) prior to demolition orders. In total, demolitions carried out by their owners constitute 89% of all demolitions (an increase of 18% from 2017) – 2,064 structures.

**Figure 7: Number of Days of Activity of all Enforcement Agencies, 2018**



According to the Southern Administration, **violation reconnaissance** and **violation reconnaissance with police escort** are defined as patrols carried out by supervisors with police escorts, while **initiated inspections**, are inspections carried out by supervisors without police escort. In 2018, the number of patrols carried out with police escorts increased by 211 compared to 2017. In addition, another 520 violation reconnaissance patrols were conducted – also with police escort. In 2017, initiated inspections were conducted exclusively by supervisors, but in 2018, the number of inspections dropped to 315. All told, in 2018, there were a total of 1,562 patrols performed by supervisors on behalf of the various enforcement agencies with and without police escort.

### **5.1. "Self-Demolitions": The Story of Şubḥiyyeh Abu Jūdeh**

A-Za'arura is an unrecognized Bedouin village east of the town of Ksīfih, with a population of 2,600. The village is an ancient village, founded before the establishment of the State. As an unrecognized village, the authorities regularly issue demolition orders and every few months house demolitions take place in the village. Şubḥiyyeh Abu Jūdeh was born in Ramallah 53 years ago. At the age of 26, Şubḥiyyeh moved to the unrecognized village of A-Za'arura to marry Moḥammad Abu Jūdeh. Today she is a citizen of the State of Israel and has 10 children.

In 2016, the son of Şubḥiyyeh and Moḥammad, Jamal, wanted to get married. As a result, the need arose to build another house in their area for Jamal and his future family. In order to enable the construction of a modest house, Şubḥiyyeh worked for six years as a janitor in the school in the town of Ksīfih, since in the village where she lives there are no job opportunities at all. In an interview NCF conducted with Şubḥiyyeh she spoke about how she skimped on her meals in order to buy building materials and furniture, and about the difficulties she had in getting to work every day without any available public transportation.

A few months after the completion of the house, inspectors from the Authority for Development arrived with forces from the Yoav Unit and threatened the Abu Jūdeh family with a draconian fine of 75,000 NIS if they do not demolish the house within 72 hours. After consulting with their lawyer, The Abu Jūdeh family decided to demolish the house they had built for their son in order to save what was left of the building materials and furniture, and to avoid the arrival of the enforcement forces, a violent demolition, the large fine, and more. "The moment they came to demolish the house they destroyed me," says Şubḥiyyeh. "They destroyed the house but left the memory of the demolition that stands like a mountain before my eyes for over a year and a half. I did not have money to clean up and collect the remains of the house, so I had to go back to work hard just to remove what was left of it out of my sight."

The tremendous trauma of "self-demolitions" is clearly evident in the story of Şubḥiyyeh and her family. On the day of the demolition of Jamal's house, Şubḥiyyeh fainted and had to be evacuated to the hospital, where the doctors discovered that she had to undergo an invasive operation. In addition, the family of Jamal's future wife canceled the wedding and Jamal sank into depression. Although the authorities are aware of the implications of house demolitions on the Bedouin residents of the Negev/Naqab, they do not provide physical and/or mental health treatment to those whose homes they demolish, or are responsible for their destruction, and the Bedouin residents are left to cope with the effects and trauma alone and without assistance from welfare services.

The policy of demolitions implemented by the State of Israel in the Bedouin communities in the Negev/Naqab has serious implications for the entire Bedouin population, especially women, who are forced to deal with the destruction, depression and anxiety caused by this violent policy. For some Bedouin women, the house symbolizes not only a structure intended for the entire family, but also the place where they invest most of their time. The demolition of homes denies Bedouin women their status and social power, but also harms the integrity of the family and the sense of privacy that the house grants them. Bedouin women experience the demolition directly and with great impact, since most of the demolition forces arrive in the morning when the men are at work. Often, Bedouin women experience the arrival of the enforcement and demolition forces as a

violent, hostile act not only against themselves, but also against their children, many of whom suffer from nightmares, stress, and a constant sense of living in insecurity.

In addition to mental and physical damage, the demolition of structures exacerbates the socio-economic situation of Bedouin families in the Negev/Naqab. As a society that lives, for the most part, in abject poverty and food insecurity, this government policy perpetuates the situation and creates further financial hardship for residents who are forced to build temporary structures that cannot protect them from the harsh conditions in the desert. "I sometimes find myself without the financial ability to buy medicines for myself," Şubḥiyyeh, who underwent surgery five months ago, tell us. "I do not have money to buy or rent a house elsewhere. We can hardly find what to eat," says Şubḥiyyeh.

In addition, residents are sometimes forced to live with their extended families in a single house that cannot meet their physical and mental needs. This is liable to constitute a huge economic burden for some of the Bedouin families living in overcrowded conditions. Even young men and women who wish to marry are forced to stay in the same house with their immediate families. Decades of discrimination in planning and construction make it impossible for young couples to rent or buy a home of their own: "I have three unmarried sons. If one of them should ask to marry, his future wife will want a home of her own. Our house is not big enough to accommodate everyone. The dogs live better than we do. I'm just asking for a good home, a clinic and access to medicine, and basic infrastructure like electricity and water. I hope there are better days ahead and that we will be allowed to live in dignity as equal citizens, nothing more than that," says Şubḥiyyeh.

Arab society in general, and the Bedouin society in the Negev/Naqab in particular, attach great importance to a home that is much more than a physical shelter and symbolizes the tribal and family territory, as well as the need to protect the existence of the Bedouin community through the land. The home is part of the culture and social values that underlie Bedouin society. The policy of demolitions structures in general, and especially efforts to bring the owners of the structures to demolish them themselves, deny the Bedouin citizens of the Negev/Naqab the right to live in dignity, peace and security and harm the delicate fabric of society and the tribal nucleus. Demolitions also have historical and political significance, as the Bedouin in the Negev/Naqab undergo a process of forcible detachment from their traditional culture, which emphasizes the connection to the land.<sup>60</sup>

In addition to the demolition policies, the residents of the unrecognized villages receive very few services from the State and in most cases do not receive any services at all. This is also the case in the 11 villages that have been recognized by the State for more than 19 years. Many residents of these villages are unable to attain building permits, their homes are not connected to electricity, water and sewerage infrastructures, and there are no roads leading to and from the villages. Despite the purposeful denial of services, the Government of Israel continues to implement a policy of structure demolitions against Bedouin citizens in the Negev/Naqab. The policy of demolishing and neglecting of infrastructure deepens the alienation of the Bedouin citizens from the State, which instead of defending their rights, acts directly and violently to violate them.

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<sup>60</sup> Khaled al-Sayyed, "Emotional Responses to Stress and Coping Resources of Bedouin Adolescents from Permanent Settlements and Unrecognized Villages in the Context of House Demolitions" (unpublished study to partially fulfill the requirements for a doctorate degree in Philosophy, submitted to Ben-Gurion University of the Negev, 2015).



Photo: Tal Avrech. Şubḥiyyeh Abu Jūdeh on the ruins of her home. April 2019

## **6. "Enforcement Promoting Criminalization": The Arab Bedouin Human Rights Defender is Imprisoned**

Sheikh Sayah Abu Madhi'm A-Turi is a leader in the fight for land in his unrecognized village al-'Arāgīb, and one of the leaders in the longest battles for Bedouin land in the Negev/Naqab. Sayah, 69, was born in the village in 1949. The village of al-'Arāgīb is located west of Road 40, between the Lehavim and Goral junctions. Until 2010, when the state began its repeated demolitions of the village, some 400 people lived there. As of today, the population is down to a few residents that live and sleep near the community's cemetery and maintain their resistance to the continuous demolitions.

al-'Arāgīb was established during the Ottoman period, on land that village residents purchased in the early 20th century from the al-'Ukabi tribe. In 1953, the Military Government ordered the residents of al-'Arāgīb to temporarily vacate the village for six months on the grounds that the land was needed for military training. After six months during which some village residents lived near their land and others lived in other parts of the Negev/Naqab Desert, the authorities sought to delay their return to the village for several more months, but ultimately informed village residents they were prohibited from returning.

In 1970, the State of Israel launched a program that gave Bedouins an opportunity to file ownership claims for their lands. Residents of al-'Arāgīb were among those that file such claims. In 1997, the Jewish National Fund (hereinafter: the JNF) began earthworks on al-'Arāgīb's land. After residents of the village protested against the work being done on land that they had filed ownership claims for, the JNF withdrew. In 2000, village residents resumed cultivation of their lands and began planting the fields. The state responded with aerial spraying of chemical substances and plowing fields to kill the crops. Soon after 2000 members of the Abu Madhi'm family, one of the families that lived in the village until their eviction in 1953, returned to live on their lands in al-'Arāgīb.

On June 27, 2010, the village of al-'Arāgīb was completely destroyed by state authorities and has since been destroyed over 144 times (as of May 2019). At the same time, a number of legal hearings are taking place concerning the village: regarding the village lands that the residents are claiming,

and many cases against villagers who have been accused of various charges related to the struggle. The residents of al-'Arāgīb continue to wage a struggle for their village leading not only a legal struggle but also a civil one, which includes a weekly vigil that is held at the Lehavim junction near the village, participation in rallies, demonstrations and more.

Sheikh Sayah leads the heroic fight for the village and its land for which he must deal with a united front of State authorities and agencies that are doing all in their power to divest him and his family of their lands. The Israel Police, the State Attorney's Office, the Authority for Development, the Israel Land Authority, and more – all are working against Sheikh Sayah, who continues to lead his community out of belief in the righteousness of his cause and in his commitment to non-violent protest and action. Sayah also uses his public position to raise awareness and promote recognition of the other unrecognized villages in the Negev/Naqab that face similar difficulties.

In December 2017, the Be'er Sheva Magistrates Court convicted Sheikh Sayah of 19 counts of trespassing, 19 counts of unlawful entry into public land and one count of breach of law. He was sentenced to ten months in prison, five months' probation and a 36,000 NIS fine. On December 25, 2008, Sheikh Sayah entered the Ma'asiyahu prison in Ramle, accompanied by a long convoy of cars and hundreds of his supporters and family. Despite the imprisonment of Sayah, the struggle for the village continues.

The imprisonment of Sheikh Sayah for offenses of trespassing and the imposition of prison sentences for these offenses could lead to the criminalization of hundreds of thousands of Bedouin citizens of the Negev/Naqab who hold a similar status. There is reason to believe that the enforcement actions against Sheikh Sayah and his family over the years have been so intense and unyielding precisely because they have chosen a nonviolent struggle for their village and for Bedouin land rights in the Negev/Naqab. In all the dozens of legal proceedings against him, Sheikh Sayah expressed an uncompromising stance that he would accept the heavy price of the struggle and would not abandon it until the court ruled concerning ownership of the land in al-'Arāgīb.

## **7. Conclusions**

The struggle to shape the expanses of the Negev/Naqab has continued since the establishment of the State of Israel until today. The State of Israel using all the means at its disposal to concentrate the Bedouin population in large and overcrowded villages and townships, contrary to the will of the members of the Bedouin community, and instead of conducting fair negotiations to resolve the issues of land ownership in the Negev/Naqab. In practice, there is no real obstacle to reaching a mutually agreed solution, one that respects the wishes of the Bedouin population in the Negev/Naqab and the aspirations of the State, but a policy of divestment and aggressive and antagonistic negotiations making use of enforcement measures and house demolitions will not lead to such a solution. The demolition of structures in the Bedouin communities in the Negev/Naqab has devastating consequences, including the disintegration of the community's social structure and the weakening hierarchies of authority, as well as creating feelings of fear and mistrust towards the State and the authorities acting on its behalf.

The members of the Bedouin community in the Negev/Naqab are citizens of the State, but the State insists on treating them as enemies rather than deserving of equal rights. Instead of working to protect the rights of the Negev/Naqab Bedouins to live in dignity with proper housing, State authorities are working in an organized manner to demolish homes and transfer them against their



will from their homes, contrary to international conventions. With the help of legislative and planning mechanisms, the state is deepening the severe housing shortage and the dire poverty among the Bedouin communities in the Negev/Naqab and is working to concentrate more and more citizens in the recognized communities.

In the course of 2018, an unprecedented 2,326 structures in Bedouin communities in the Negev/Naqab were demolished, of which 604 were intended for residential purposes. Even more alarming is the trend of "self-demolition," which continued to rise in 2018, with approximately 88% of buildings being destroyed by their owners. The desire to avoid the trauma caused by the use of violent enforcement measures without any advanced warning, as well as avoiding the devastating results of imposition of criminal and economic sanctions creates a tremendous deterrent incentive for the Bedouin population in the Negev/Naqab, bringing the owners of the structures to demolish them themselves.

A policy of demolishing structures and houses is a violent and aggressive policy that does not build trust between citizens and the State, and it cannot offer alternative solutions to over 72,000 civilians living in the unrecognized villages. The State of Israel should cease its policy of demolishing structures and begin to establish trust-building measures towards the community, enabling a solution that will respect the Bedouin way of life and the aspirations of members of the community in a manner consistent with the State's planning rationale.

The State of Israel must act to distribute resources fairly among the various communities in the Negev/Naqab and to reduce the huge chasms dividing the communities living in this common space. The influx of huge budgets to fund the five-year plans, while conditioning socio-economic development on forced transfer of whole Bedouin communities, without reaching an agreed solution with the Bedouin population on the land issue, will not improve the situation in the Negev/Naqab. On the contrary, it will only perpetuate feelings of alienation between the communities and prevent the Bedouin localities from developing in other areas of life. Only a solution based on the participation of the Bedouin community, and recognition of its aspirations, desires and way of life, will lead to the reshaping of the Negev/Naqab, both culturally and physically, in a way that respects and enables equal living opportunities for all of its residents, Arabs and Jews alike.

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