



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

U.S. Department of State 2019 Human Rights Report

Input by the Negev Coexistence Forum for Civil Equality

NCF was established in 1997 to provide a place for Jewish-Arab collaborative efforts in the struggle for civil equality and the advancement of a shared society, mutual tolerance and coexistence in the Negev/Naqab. NCF is unique in being the only Arab-Jewish organization that remains focused solely on the problems confronting the Negev/Naqab. NCF considers that the State of Israel fails to respect, protect and fulfill its human rights obligations, without discrimination, towards the Arab Bedouin citizens in the Negev/Naqab. As a result, NCF has set as one of its goals the achievement of full civil rights and equality for all people who make the Negev/Naqab their home.

NCF's website: <https://www.dukium.org/>

In accordance with the law, NCF is proud to say that as a result of cooperation with friendly States and International Organizations that promote human rights. The majority of the funding for our activities comes from "foreign entities".



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1. Introduction

The Bedouin residents of the Negev/Naqab are an indigenous minority with a distinct way of life and other special characteristics. Members of the Bedouin community in the Negev/Naqab are also an integral part of the Arab Palestinian minority, as well as citizens of the State of Israel.

The Negev/Naqab's Bedouin community consists of more than a quarter of a million citizens, residing in three forms of settlements: government-planned townships, villages recognized by the state, and villages that the State refuses to recognize. All Bedouin residents suffer from wide-spread discrimination and violations of their human rights and are, in fact, marginalized from mainstream Israeli society.

According to Israel's Central Bureau of Statistics (CBS), by 2030, the Bedouin population in the Negev/Naqab is expected to number about 400,000.¹ As of 2017, more than 28% of the Bedouin population (around 86,000 people)² live in unrecognized villages, although civil society organizations estimate that the number is closer to 90,000-92,000 people. These villages do not appear on any official maps. The State of Israel does not provide most of them with basic services such as healthcare and educational facilities; all of them lack infrastructure including connection to the national electricity grid, running water, paved roads and sewage disposal systems. Their residents have no representation in the various local governmental bodies and some cannot register to participate in municipal elections. Furthermore, as a result of non-recognition, the building of permanent structures in these villages is illegal and can lead to heavy fines and demolitions.

In addition to non-recognition, since the 1950s the state of Israel has executed plans to forcibly displace Bedouins in the Negev/Naqab and concentrate them into limited geographic spaces. These plans were implemented by establishing seven government-planned Bedouin townships in the Siyāj area in the 1970s and 1980s. In addition to the inadequate provision of services, all the Bedouin townships are afflicted with poverty, deprivation, high unemployment, crime and social tension. These townships continue to be part of an ongoing, non-consensual and non-participatory process of forced urbanization.

Since 1999, the State has, in addition to the seven townships, recognized 11 Bedouin villages, hailing their recognition as a fundamental shift in governmental policy, which previously had been focused

¹ Michal Lerer, 'Issues of land regulation among the Bedouin population in the Negev' (2017), *Knesset Research and Information Center*, p.2 (in Hebrew) <https://tinyurl.com/y9pcfslt>

² CBS, Total population estimations in localities, their population and other information, 2017.



exclusively on forced urbanization. However, almost two decades later, there is no significant difference between these villages and the unrecognized villages. The residents of most recognized villages continue to be denied access to basic services and are under constant threat of house demolitions.

Although today the Bedouin community accounts for about 34% of the total population of the Negev/Naqab, only 12.5% of the land in the region is designated for the Bedouin population. Despite the shortage in housing solutions for the community, the Israeli government continues to ignore the plight of the Bedouin community and acts to dispossess them from their lands and force a change in lifestyle and livelihood on their traditional and agricultural communities.

Bedouin communities are being dislocated to make room for Jewish communities to be established on their lands, military use, forestation, major pipelines, highways and so forth. As far as NCF is aware of, in 2019 there was no change in the number of Jewish communities in the Negev/Naqab that maintained admission committees to screen new residents (i.e. 115 out of 126), effectively excluding non-Jewish residents.

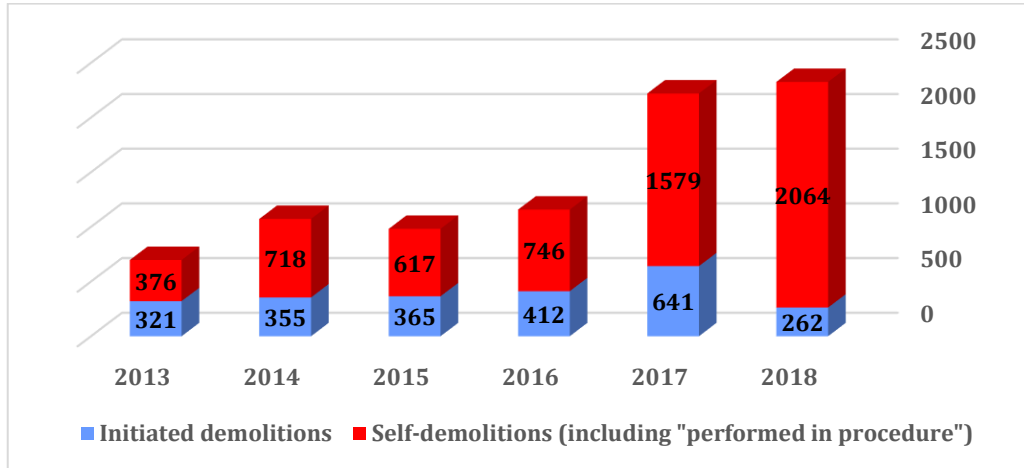
Today, many of the Bedouin living in the unrecognized villages continue to resist state-led dispossession and are advocating for recognition of their villages and the fulfillment of their human and civil rights. NCF's main goal is to support and join them in their rightful struggle.

2. Home Demolitions

Israel's use of demolitions as a mechanism for forced displacement of the Bedouin population in the Negev/Naqab systematically violates their rights, even in its most narrow interpretation. Tens of thousands of Bedouins in the Negev/Naqab currently live in homes that are subject to demolition orders, in large part due to the lack of approved Urban Building Schemes for their villages, both recognized and unrecognized. In the case of the dozens of Bedouin villages in the Negev/Naqab that are unrecognized, they remain without approved building schemes, and without the possibility of applying for or receiving building permits, for as long as the Israeli Government continues to define them as illegal villages.



Figure 1: "Initiated" demolitions vs. "Self-Demolitions", 2013-2018



Israel's Southern Administration for the Coordination of Enforcement of Land Laws (hereinafter: Southern Administration) classifies demolitions into three types: "initiated demolitions", which are executed by enforcement authorities accompanied by the police; "self-demolitions", which are executed by the structure's owners; and demolitions "performed in procedure", which are done by owners while the administrative details of obtaining a demolition order is still in process.³

Since 2013, the annual number of home demolitions against Bedouin citizens in the Negev/Naqab has tripled from 697 in 2013 to 2,326 in 2018 – an increase of 333%. The number of "initiated" demolitions (those carried out by the enforcement authorities) increased between 2013 and 2017 from 321 to 641 demolitions, but there was also a dramatic decline of initiated demolitions between 2017 and 2018, from 641 to 262 demolitions. Thus, in only one year (2017-2018), the number of demolitions carried out by the authorities decreased by 244%, although the total number of demolitions in those years increased from 2,200 to 2,326 at the end of 2018.⁴ Notably, in 2018, 89% of all demolitions were "self-demolitions".⁵

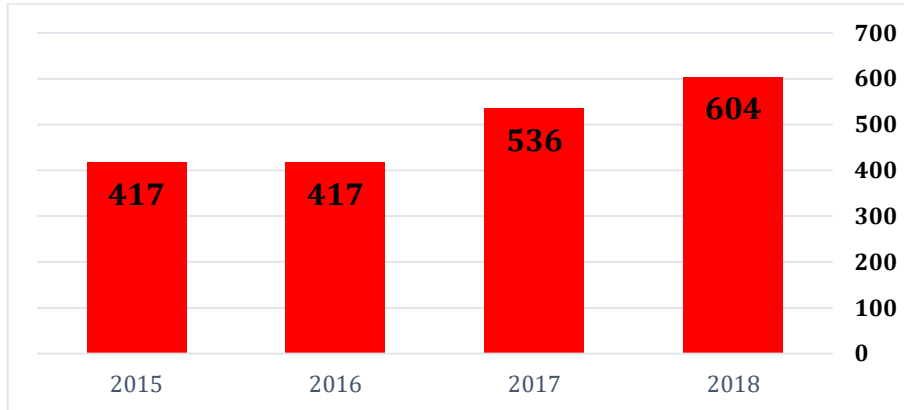
³ See NCF's report: "Mechanisms for dispossession and intimidation: Demolition policy in the Arab Bedouin communities in the Negev/Naqab", June 2019, pp.22-24 <https://tinyurl.com/yxbt2wfw>

⁴ See supra note 3.

⁵ See supra note 3, p. 13.



Figure 2: Number of houses that were demolished in the Negev/Naqab Arab Bedouin communities, 2015-2018



Following a Freedom of Information Act request by NCF, the Southern Administration released demolition statistics for the years of 2015 to 2018. In 2015 and 2016, some 417 houses were demolished; in 2016 and 2017, the number rose to 536 houses (an increase of more than 28%), and then rose again in 2018 to 604 (another increase of approximately 13%).⁶

These statistics reflect a harsh official policy of increased pressure on Bedouin residents to destroy their own homes through a constant presence of law enforcement officials and demolition teams; distribution of demolition orders; threats of heavy financial fines; aerial photography of villages by drones; and 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: Bedouin Authority). Although the authorities are well-aware of the severe trauma of home demolitions on Bedouin families, they do not provide physical and/or mental health treatment to those who have lost their homes via state-sanctioned demolitions or self-demolitions. Bedouin citizens are instead left to cope with the effects and trauma alone and without assistance from welfare services.

In March 2019, NCF and the Human Rights Defenders Fund, along with other NGOs, submitted information regarding home demolitions, forced evictions and the persecution of a Bedouin human rights defender to the UN Special Rapporteur on Minority Issues and other special procedures' mandate holders. The organizations further highlighted an announcement in January 2019 by the Bedouin Authority to forcibly "evacuate" 36,000 Bedouin citizens in order to build or expand a

⁶ See supra note 3, p. 14.



highway, a weapons testing facility, a military firing zone, a high voltage electricity line, and a phosphate mine.⁷

Following our interventions, six UN Special Rapporteurs, in a communication to the Israeli government (1 May 2019), expressed serious concern regarding a "significant number of demolitions of Bedouin livelihood structures and homes in the Naqab region ... and which have led to forced evictions and relocations of Bedouin communities, with no guarantees for return".⁸ They added: "These enforced demolitions and evictions, some of which were allegedly carried out without sufficient prior notice, and other requirements of international human rights law as noted above, exacerbate the overall sentiment within the Bedouin minority of a continued and mounting persecution, with serious adverse effects on the rights of persons belonging to the Bedouin minority."⁹ Israel did not respond.

2.1. 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 2016¹⁰ and on June 19 of that year, the Government adopted Resolution No. 1559,¹¹ 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 laws, and in order to deal with violations and incursions in public lands,¹² 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

⁷ 01 May 2019, Israel, JAL, ISR 6/2019: <https://tinyurl.com/y5qvulcs>

⁸ Mandates of the Special Rapporteurs in the field of cultural rights; on adequate housing; on the situation of human rights defenders; on the human rights of internally displaced persons; on minority issues and on contemporary forms of racism. See: <https://tinyurl.com/y5qvulcs>

⁹ See supra note 7, p.6: <https://tinyurl.com/y5qvulcs>; The issue of forced evictions and demolitions was also raised previously by the SP mandate in 2014. Israel chose not to respond to the serious concerns expressed in both letters so far. ISR 10/2014 of 14 October 2014: <https://tinyurl.com/y5nu4b3d>

¹⁰ The Unit for Coping with Illegal Construction, Report, January 2016 (in Hebrew): <https://tinyurl.com/y3wcawe2>

¹¹ Government Resolution No. 1559 of 19.06.2018, Strengthening the enforcement of planning and building laws (in Hebrew): <https://tinyurl.com/y9nffwcy>

¹² Ibid, p.16.



the policy of the government and its ministries regarding dispossession of lands and house demolitions in the Bedouin communities 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.¹³

Amendment No. 116 of the Planning and Building Law, which is based, for the most part, on the Government's draft law, was passed by the Knesset and went into force on October 25, 2017.¹⁴ This amendment addresses methods of increasing enforcement of planning and building offenses and economic sanctions by imposing fines via administrative bodies so as to avoid the need to conduct legal proceedings and shorten enforcement procedures.¹⁵ 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, were expanded, and they were afforded extensive judgmental discretion.

In addition, significantly harsher penalties were proposed for planning and building 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.¹⁶

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 communities is that the State does not sufficiently enforce planning and building laws, ignoring decades of discrimination in planning, development and allocation of budgets and land to Arab communities.

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 for mapping

¹³ 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.

¹⁴ Planning and Building Law (Amendment no. 116), 2017 (in Hebrew): <https://tinyurl.com/y7evr4ow>

¹⁵ The Association for Civil Rights in Israel and others. The Kaminitz Law (Proposed Planning and Building Law (Amendment 109), 5766 - 2016: Position Paper, 2017, (in Hebrew): <https://tinyurl.com/y88zumnu>

¹⁶ Ibid.



and 3D modeling¹⁷ 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 detecting 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 both visible and invisible changes in construction in the Bedouin communities in the Negev/Naqab, which it transfers to the various enforcement authorities.¹⁸

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 new 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 NIS 300,000 as a one-time fine attached to a daily fine of up to NIS 1,500 per day for an unlimited time in the event of an ongoing offense.¹⁹ The regulations became effective in December 2018.²⁰ 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, economic, and social damage that could potentially endanger the very existence of the Bedouin population in the Negev/Naqab.

¹⁷ Simplex Mapping Solutions Ltd: <https://www.simplex-mapping.com/>

¹⁸ Authorities Magazine, The 3D Revolution of Simplex, February 2018, pp. 2 – 3: <https://tinyurl.com/y4hottfi>

¹⁹ Ministry of Justice, Administrative Offenses Regulations (Administrative Fines – Planning and Building), 2018 (in Hebrew): <https://tinyurl.com/yakjuhwb>

²⁰ Open Knesset, the 20th Knesset Committee meeting, March 1, 2017, Planning and Building Law (Amendment No. 116), 2017 (in Hebrew): <https://tinyurl.com/y7hrsu6o>



2.2. In Focus: The Case of Al-‘Arāgīb

Al-‘Arāgīb is located west of Road 40, between Lehavim and Goral junctions, in the midst of a large afforestation project by the Jewish National Fund (JNF). The area has seen the creation of a number of Bedouin tribal encampments since the Ottoman rule, but the specific land in hand was purchased by the Al-Turi tribe from the Al-Ukbi tribe in the early 20th century. The village residents used to live off the land by growing olive trees, grapes, barley, wheat, watermelon, and grazing livestock. The residents reportedly paid taxes to the Ottoman and British authorities during this time.

In 1953, the Israeli government ordered the residents of Al-‘Arāgīb to temporarily vacate the village for six months, in order to use the land for military purposes. However, they were prevented from returning to their village. In the 1970s, the government launched a land arrangement program that gave the Bedouin the option to file land ownership claims in the northern Negev/Naqab, and residents of Al-‘Arāgīb filed a claim for 900 dunams of land. However, all Bedouin land claims were frozen for over 30 years, until the government began filing counterclaims. Since 2007, all of Al-‘Arāgīb’s pending cases are being handled by the Be’er Sheva District Court.

On 27 June 2010, Al-‘Arāgīb was completely destroyed by State authorities, with the presence of inspectors from the National Unit for Enforcing Planning and Construction Laws, special units of the police, Green Patrol inspectors of the Office of Environmental Protection, and inspectors from the Division for Land Security of the Israel Land Authority, accompanying the machines carrying out the demolition. Since 2010, structures built on this area have been demolished more than 163 times with the last demolition having occurred on 23 October 2019.

In 2013, the Israeli Prosecution Unit filed two indictments against Sheikh Sayah Al-Turi, the leader of Al-‘Arāgīb, on allegations of trespassing and unlawful entry onto public land. On 6 September 2017, following a four-year trial, Mr. Al-Turi was convicted by the Be’er Sheva District Court of 19 charges of trespassing, 19 charges of unlawful entry onto public land and one charge of violation of an order issued by a public official. He was sentenced to ten months imprisonment. This is the first time a person was sentenced to prison on the charge of trespassing for maintaining a physical presence on disputed land, which marks a serious precedent by the courts. Sheikh Sayah also received a probation sentence of five months and a fine of NIS 36,000. Sayah was detained in Maasiyahu Prison from the 25 December 2018 until his early release on the 23 July 2019.

In addition to criminal indictments, a separate civil action was filed by the State to the Be’er Sheva Magistrates’ Court against Sheikh Sayah in 2011. The Court required Sayah and five other defendants to cover demolition, eviction and trial costs of NIS 360,000 for the first eight demolitions



of the village (since July 27th, 2010). Another 28 defendants that were charged with the same offenses settled to an arrangement with the court and paid several thousand shekels each. Sayah and the five other defendants filed an appeal with the District Court, however, on August 6, 2019, their appeal was rejected. The Court fully accepted the State's position and instructed the defendants to pay NIS 1,600,000 for recurring evictions and demolition costs. This verdict sets a serious precedent in terms of both the amount and the established legal procedures.

Since the release of Sheikh Sayah, the authorities have been harassing the residents of Al-ʿArāḡīb on a daily basis, detaining both women and children and demolishing wooden sheds and confiscating building materials and personal belongings. According to the residents, in one of the recent demolitions, the inspectors also destroyed a stone plaque in memory of several villagers who were killed after the 1948 war. The imprisonment of Sheikh Sayah and persecution of other human rights defenders for offenses of trespassing and the imposition of prison sentences for these offenses could lead to the criminalization of thousands of Bedouin citizens living in the Negev/Naqab who hold a similar status.

3. Development-Induced Displacement

Despite the repeal of the "Praver-Begin Plan" in 2013, the intention and the ideas included in the Plan were and are continuing to be implemented in other ways. 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. 3707,²¹ which formed the social-economic basis for 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.

3.1. The Five-Year Plan as a Mechanism for Dispossession

Israeli Government Resolution No. 2397 (Government Plan for the Empowerment and Socio-Economic Strengthening of the Bedouin Localities in the Negev for the Years 2017-2021)²² (hereinafter: Five-Year Plan) ostensibly allocates NIS 3 billion (US \$855 million) for the

²¹ Government Resolution No. 3707 of 11.09.2011, Program for Socio-Economic Development of the Bedouin Population in the Negev (in Hebrew).

²² Government Resolution No. 2397 of 12.02.2017, Program for Socio-Economic Development of the Bedouin Population in the Negev (in Hebrew).



development of Bedouin townships and villages. However, in fact conditions State funding on the execution of evictions and home demolitions in the 35 unrecognized Bedouin villages, which are almost entirely excluded from the benefits of the plan.

The Five-Year Plan includes a section on “law enforcement” that authorizes the State to “protect State lands” and “prevent illegal expansion” in order to “decrease areas of land on which illegal construction exists.” This section was added after several government ministers refused to approve the Plan without including measures to ensure the evacuation and demolition of the unrecognized villages. The resolution thus effectively conditions economic development on the implementation of policies of forced displacement, allocating part of its budget to this purpose. This allocation includes NIS 30,000,000 per year for planting trees on “lands that were evacuated” so as to prevent the return of the expelled residents,²³ another NIS 32,000,000 for the reinforcement of the various enforcement forces,²⁴ and NIS 10,500,000 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.²⁵

In addition, much of the economic development in the recognized townships and villages as promised by Government Resolution No. 2397 was not fully implemented. According to a report released in March 2019 by the Bedouin Authority and the Ministry of Agriculture, only 20% of the plan was implemented in the first two years.²⁶ Out of 28 implementation plans in 2018, no actions were taken in eight of them, including plans for mother and child health clinics, industrial support, occupational ventures, developing commercial centers, and strengthening human capital.²⁷ Additionally, only 31% percent of the budget was used in the first two years, despite the minimum target being set at 40%.²⁸ Eight government offices did not report on the results of the plan’s implementation in these years.²⁹

The Five-Year Plan offers no possibility for recognition of the unrecognized villages, as it instructs the Bedouin Authority to prioritize evacuating the Bedouin communities living in the unrecognized villages. The Plan also instructs the Ministry of Interior and law enforcement bodies to create a “law

²³ Government Resolution No. 2397 of 12.02.2017, Program for Socio-Economic Development of the Bedouin Population in the Negev, Clause 13. VI.1 (in Hebrew).

²⁴ Ibid, Clause 13. VIII.

²⁵ See supra note 23, Clause 13. VIII- X.

²⁶ Government of Israel, “Planning vs. Performance Report for 2017-18: The program for socio-economic development among the Bedouin population in the Negev 2017 – 2021 (Government of Israel, Resolution 2397), p. 5 (in Hebrew).

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid.



enforcement plan” based on Government Resolution No. 3707 from 2011, the same resolution on the basis of which the government adopted the “Prawer-Begin Plan”.

3.2. National Development Plans

As part of the State's attempt to forcibly transfer the Bedouin population from the unrecognized villages to the recognized townships and villages, it is leveraging several national development programs:

Extension of the Trans-Israel Highway (Route 6) to the south: This plan was approved in 2010 and is being implemented south of the Shoket Junction.³⁰ 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 NCF, it appears that this plan places some 350 houses at risk of demolition. Moreover, while the Bedouin Authority 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.³¹ 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 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,

³⁰ The extension consists of Plan TAMA 31/A/21/2 (from Lahavim to Shoket), Plan TAMA 31/A/21/3 (from Shoket to Nevatim), and Plan TAMA 31/A/21/4 (from Nevatim to the Negev Junction).

³¹ Ramat Beka Special Industrial Zone, Local Master Plan 621-0479709 (in Hebrew).



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.³² In spite of the court order, on April 3, 2019 the Israeli Treasury Ministry's sub-committee for consideration of planning objections, rejected all objections to the plan and authorized its continued execution.³³

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.).³⁴ 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 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.

Railways: Two new railways lines – the Arad-Beer Sheva railway and the Dimona-Yeroham railway – will swallow up extensive tracts of land and have been planned to cut through several Bedouin villages.³⁵ The railways will require the confiscation of thousands of dunams of land and the demolition of homes and will create pollution and noise nuisance. Dozens of homes are also placed within “restricted zones” in which future development will not be permitted, or within an “affected area” where residents will be severely influenced by pollution.³⁶

3.3. Temporary Housing Solutions to Facilitate Permanent Expulsion

In an attempt to expedite the forced displacement of Bedouin population and its concentration in the townships, the Bedouin Authority is promoting plans for “Temporary Housing Solutions and

³² Amitay Gazit, “Court Stops Program to Move Military Factory to the Negev as a Result of Bedouin Opposition”, *Calcalist*, 21 March 2019 (in Hebrew): <https://tinyurl.com/court-orders-calcalist-210319>

³³ Resolution Document Session No. 20190, Israeli Treasury Ministry Sub-Committee for Consideration of Planning Objections, 03 April 2019 (in Hebrew)

³⁴ Phosphate Mine, National Master Plan 14/B (in Hebrew).

³⁵ Dimona-Yeroham Railway, Local Master Plan 607-0193185 (in Hebrew); Arad Railway, Local Master Plan 652-0203216 (in Hebrew).

³⁶ See also Adalah, “Adalah, Bimkom reject plans for Arad train line that will harm 50,000 area Bedouin residents,” 21 August 2017: <https://tinyurl.com/y7n9l4fz>; Adalah, “Planned Dimona-Yeroham train line will cause severe harm to local Bedouin residents,” 9 October 2017: <https://tinyurl.com/y9r88bcm>



Public Buildings for the Bedouin Population in the Negev”.³⁷ This new mechanism is an expansion of the use of national development programs as a cover for forced transfer of Bedouin communities (see above).

According to the official explanation, the purpose of the plan is "to provide temporary housing solutions for Bedouin populations presently living in unregulated communities, in cases where the population is urgently required to move from its present location prior to the erection of permanent buildings and in cases where it is necessary to regularize the settlement of the population in its current location in defined residential lots or in their proximity, in either temporary or permanent structures.”³⁸

This convoluted explanation is meant as cover for the real purpose behind these plans which is no more than another attempt by the Bedouin Authority to uproot a large part of the Bedouin population currently living in unrecognized villages in the Negev/Naqab and concentrate it in dense, urban townships. The plans, which would apply to the entire planning area of the Eastern Negev/Naqab and two Regional Councils (Al-Qassum and Neveh Midbar) will enable the establishment of supposedly **transitional camps** that will host tens of thousands of Bedouin people who will be displaced and relocated within the limits (blue line) of currently recognized villages and townships.

The Bedouin Authority plans to use this “speedy” mechanism to move people from unrecognized villages after forcing them to sign “agreements”, similar to those signed by inhabitants of Umm al-Ḥirān who are being expelled from their village so as to make possible the building of an exclusively Jewish settlement on the same land that they are being forced to leave.

NCF is highly concerned that these “temporary housing complexes” will become camps on the outskirts of regional and local Bedouin councils, leaving more than 100,000 Bedouin people internally displaced under horrific conditions for decades with no real and adequate solution for a long period of time.

On the 6th of October 2019, the District Planning and Building Committee convened in order to discuss objections from the public. **All of the heads of the Bedouin councils objected to the Plans.** Several other organizations raised serious concerns and objections to the plans as well,

³⁷ Planning Administration, Plan No. 624-0765792, “Temporary Housing Solutions and Public Buildings for the Bedouin Population in the Negev” (in Hebrew): <https://tinyurl.com/hjb7oon>; and Plan No. 652-0767921 (in Hebrew): <https://tinyurl.com/hjb7oon>

³⁸ Ibid.



including NCF, Adalah, Bimkom and the RCUV. On the 10th of October 2019, the Committee accepted the general outline of the Bedouin Authority's plans. The plans are currently undergoing regular planning processes.

3.4. In Focus: The Case of Umm al-Hirān

Bedouin citizens residing in the Negev/Naqab are under constant threats of home demolitions and forced evictions. Unlike Jewish citizens of the area, the Bedouin population is unable to take part in decision-making on nearly all levels of development and planning. While the State of Israel claims that it cooperates with community members, in reality, teams from the Bedouin Authority visit villages and enter into negotiations with residents only to discuss terms of their forced displacement to the Bedouin townships, e.g. the location of new plots and amount of compensation. Displacement itself is a foregone conclusion and not subject to negotiation. In the townships, the Bedouins cannot continue to live a rural lifestyle, consistent with their cultural norms. Therefore, these dealings cannot, in any sense, be called participatory.

An example is the unrecognized village of Umm al-Ḥirān. After a 15-year legal struggle against their eviction from the village, in April 2018, under extreme pressure from the authorities, most residents signed an agreement to abandon their village and to relocate to the township of Ḥūrah. The negotiations took place in an extremely coercive environment: either sign an agreement or have your house demolished anyways and in the presence of police forces in and around the village, and against the background of 2017's brutal police killing of a local man, Ya'aqub Abu al-Qian, during a demolition operation in the village.³⁹

The 500 residents of the village live without any access to basic rights, such as paved roads, running water, connection to the electricity grid and social services. Meanwhile, the State invests major funding in developing infrastructure for the Jewish town and forcibly relocating the Bedouin population to the Bedouin township of Ḥūrah. This displacement was given the green light when the Supreme Court refused to intervene in 2015 and 2016.

According to a report published in the major daily Maariv newspaper,⁴⁰ in April 2018 State officials signed one framework agreement and one detailed agreement with the residents of Umm al- Ḥirān, in which the residents pledged to evacuate their homes and move to the recognized Bedouin township of Ḥūrah. The State pledged to grant every couple and every single person over the age of

³⁹ See NCF's 2018 Report to the US State Department, pp.10-11.

⁴⁰ Kalman Libeskind, "The Attorney General's Office Presents: Lies, Hiding Evidence From the High Court and Agreements That Need Not Be Honored", *Maariv*, 6 July 2019 (in Hebrew): <https://tinyurl.com/y2s8bz2g>



24 a plot for construction and compensation for structures that they were forced to demolish. In addition, those who were willing to expedite the move to temporary housing while their permanent homes were being built in Ḥūrah, were to receive an additional compensation of NIS 50,000. The detailed agreement also included a clause concerning the allotment of 70 lots to parents meant for housing for their children (minors at the time of the signing). In February of this year, a number of residents petitioned the Israeli High Court, claiming that the agreement to allot lots for minors was discriminatory as the allotment relates only to male minors and not female minors. The State Prosecutors office, in their answer to the petition set before the High Court, claimed that the case was moot because the detailed agreement **in its' entirety** was void as Yair Maayan, the Commissioner of the Bedouin Authority, who signed it has no legal authority to deal with the distribution of land.

The standing of the residents, some of whom have already destroyed their homes in Umm al-Ḥīrān and have started building their new homes in Ḥūrah, remains unknown at the time of this report. This leaves the people of Umm al- Ḥīrān in a state of uncertainty regarding their foreseeable future, as the State of Israel continues to disregard its own agreements.

4. Discrimination in Employment

The Bedouin community in the Negev/Naqab suffers from economic hardship and severe poverty. A major difficulty is reflected in the labor market, where many members of the community experience inferiority when competing for a job, in part due to exclusion and discrimination.

In 2010, the Israeli government set national goals for the OECD to promote employment among the Arab population based on the recommendations of the Eckstein Committee. A goal was set to raise the employment rate of Arab women in Israel to 41% by 2020.⁴¹ No special objective has been set for Bedouin women from the Negev/Naqab, although they face additional barriers and are amongst the most disadvantaged populations in Israel. Achieving this goal on a national level is in progress, at least according to the State of Israel.

In contrast to that declaration, the employment rate of Bedouin women in the Negev/Naqab (ages 25-64) is approximately 24% (17% lower than the goal set for all Arab women),⁴² far from the national target. Due to the fact that Israel does not keep categorized data on the unrecognized

⁴¹ Government Resolution No. 1994 15.07.2010, Setting employment targets for 2010 – 2020 (in Hebrew):

<https://tinyurl.com/ybk9mmh6>

⁴² Sikkuy and The Regional Council for the Unrecognized Villages in the Negev, "The obstacles to accessible public transportation in dispersed communities in the Negev: Position paper", submitted to the Economic Committee of the Knesset on 12.02.2018 (in Hebrew): <https://tinyurl.com/y93t2goe>



villages, we can assume that the unemployment rate among Bedouin women in the Negev/Naqab is even higher. Moreover, the Five-Year Plan's program to increase employment among Bedouin women in the Negev/Naqab excludes nearly all women from unrecognized Bedouin villages. These women are regularly denied access to basic State services, which makes it almost impossible for them to take significant part in the labor force.

During a discussion in the Knesset's Committee on the Status of Women and Gender Equality (October 2017), Member of Knesset Aida Touma-Suleiman stated that the Five-Year Plan for the Bedouin society in the Negev/Naqab has failed to increase women's employment. It was noted that while the target set for the program was an 18% increase by 2020, the employment rate at the time of the discussion increased by only 1%. The MK urged the government and its officials to examine the causes of the failure, given that millions of shekels have been invested without any substantial results.⁴³

The short supply of job opportunities in Bedouin localities and the severe shortage of local commerce, craft and industrial parks is one of the major barriers to the integration of Bedouin women in the labor market. With regard to an industrial zone in Abu Grīnāt, as of 2018, only 80 dunams were developed and 19 were marketed. As of now, the entire process has been halted due to ownership claims over the designated land and the industrial zone is barely functioning. As for the industrial zone in the township of Šgīb as-Salām (Segev Shalom), only 46 plots were developed during the period of the first Five-Year Plan (2012-2016) and only six of them were marketed. After a seven-year period, the goal of developing and marketing 70 dunams for the township is far from being realized.

The Bedouin township of Ar'arah Ba-Negev and the newly-recognized village of Bīr Haddāj provide further evidence of the State's failure to develop industrial areas. In these two communities, where 200 dunams were allocated for development, only a few were marketed. The cumulative significance is that, with the exception of the "Idan Ha-Negev" industrial park, none of the other industrial zones met their goals seven years after the first Five-Year Plan was issued. This failure has caused significant harm to the advancement of employment among Bedouin in general, and Bedouin women in particular that are in need of workplaces in close proximity to their communities.

⁴³ Minutes of Session No. 192 of Committee on the Status of Women and Gender Equality, Knesset 20,31 October 2017 (in Hebrew): <https://tinyurl.com/y5jpi4c5>



The operation of accessible public transportation to industrial zones and employment areas is integral to promoting Bedouin (and especially Bedouin women) participation in the labor market. Although there has been some positive improvement in public transportation in general over the last decade, as of today, only seven townships and four of the eleven recognized villages have relatively sufficient public transportation services. For example, in Umm Batīn, a village that was recognized by the State in 1999, there is no public transportation. In Bīr Haddāj, a village of more than 6,000 people, buses only enter as far as the school. The same applies to other recognized villages such as Abu Grīnāt, and Sa‘wah/Mūlada’h.

In the other 35 unrecognized villages, there are no regular public transportation services. In the absence of local public transportation services, residents of the Bedouin villages (recognized and unrecognized alike) are forced to rely on buses that stop alongside intercity highways where many stations lack shelter and even pavements, thus presenting obvious safety hazards. In many cases, there is no safe passage to and from the station and passengers are forced to risk their lives to cross intercity highways.

5. Discrimination in Education

Although this issue has improved in recent years, numerous obstacles remain in place that deny Bedouin children in the Negev/Naqab equal rights and access to education compared to Jewish children. Decades of lack of State investment in Bedouin education has taken a heavy toll. Despite lower levels of educational achievement among Arab students at all stages of education – Israel has the largest gaps in educational achievement of all OECD countries, with Arab children scoring on average 133 fewer points than Jewish students in the 2012 PISA tests⁴⁴ – investment in Arab schooling is less than in schools meant for Jewish children.

In dozens of Bedouin villages, three and four-year-old children have no preschool frameworks, in violation of Israel’s Compulsory Education Law.⁴⁵ According to the Knesset, 4,843 Bedouin children in the 3-5-year age bracket had no access to preschool education in the 2016/2017 academic year, which equates to 21% of all Bedouin children of age in the Negev/Naqab. 70% of those children without preschool education live in unrecognized villages.⁴⁶ The denial of preschool education is

⁴⁴ Yarden Skop, "Israel Has Largest Gaps in Student Achievement of All OECD Countries, Study Shows", *Haaretz*, 2 April 2014: <https://tinyurl.com/yd8x9sep>

⁴⁵ Compulsory Education Law – 1949 (in Hebrew): <https://tinyurl.com/y32dezyz>

⁴⁶ Knesset Research and Information Center, "Report on Bedouin Education in the Negev," 30 October 2017, p. 17 (in Hebrew): <https://tinyurl.com/yxtk4mkq>



likely to have lifelong detrimental effects on the children, and the State's failure to implement the Compulsory Education Law perpetuates inequality of opportunity for Bedouin children.

As a result of the structural discrimination that disadvantages Bedouin education from daycare to high school, the dropout rate among Bedouin children is a critical concern. A Knesset report found that the dropout rates among the Bedouin are far higher than among other population groups: at age 17 the Bedouin dropout rate in 2015 was 30%, compared to 13% among all Arab children and 5% among all pupils in Israel in this age group.⁴⁷ In the 2015-2016 academic year, 11% of all Bedouin children aged 3-17 in the Negev/Naqab were not in any Ministry of Education's school.⁴⁸ This is an alarmingly high figure which shows the ineffectiveness of the State's efforts to improve education for Bedouin citizens. Despite the severity and disproportionality of the problem in Bedouin communities, only 25 out of 679 attendance officers in Israel charged with preventing dropout rates operate in Bedouin localities.⁴⁹

While an increasing percentage of students in Israel have successfully completed the matriculation requirements at the end of secondary education (12th grade) in recent years, the percentage of Bedouin school children who achieved this level of educational attainment remains low, and the gap between Bedouin and other children has grown over time. In the 2016-2017 academic year, only 31.3% of Bedouin pupils in the Negev/Naqab who completed 12th grade achieved the matriculation results needed to meet university entrance requirements, compared to 62.8% among the general population, i.e. half the latter rate.⁵⁰

6. Multaka-Mifgash Cultural Center: Recent Updates

On January 21, 2019, NCF received an outrageous demand for payment in the sum of NIS 480,000 for municipal taxes (Arnona) from the Be'er Sheva municipality. The bill included a retroactive payment for the years of 2012-2017. Prior to January 2019, NCF had never received any request to pay Arnona. While other organizations and non-profits enjoy an exemption from paying municipal taxes, NCF was being forced to pay the highest Arnona rate set for business owners – although it is a non-profit organization and does not engage in business like activities.

⁴⁷ Knesset Research and Information Center, "The Bedouin education in the Negev 2018: Chosen figures", 18 December 2018, p.15 (in Hebrew): <https://tinyurl.com/y9pw2uyy>

⁴⁸ Ibid, p.30.

⁴⁹ State of Israel report to the Committee on the Elimination of Racial Discrimination, 15 October 2018, p. 27, para. 245: <https://tinyurl.com/y2wxuvoe>

⁵⁰ Knesset Research and Information Center, "Report on Bedouin Education in the Negev," 30 October 2017, p. 25 (in Hebrew): <https://tinyurl.com/yxtk4mkq>



In 2019, an agreement was reached by NCF and the Be'er Sheva municipality: The municipality nullified all demands for retroactive property taxes and corrected the demand for the year of 2019-2020 to a lower rate; NCF agreed, under duress, to leave the shelter at the end of its contract in October 2020, and to pay some of the local taxes.

7. Summary

This past year, we have seen little to no signs of improvement in the situation of human rights for Bedouin in the Negev/Naqab. The Bedouin communities, especially the unrecognized villages, continue to suffer from poor or non-existent infrastructure and discrimination in distribution of resources. The Bedouin people also lack equal access to education and employment. The Bedouin Authority continues to promote what it refers to as “national development plans” to force displacement on over 90,000 residents of the unrecognized villages, and concentrate them in the townships. The Bedouin Authority’s plans to expedite the forced evictions of the Bedouin population by providing “temporary housing solutions” constitute as a major expansion of the tools used for displacement of Bedouin communities. The uncertainty surrounding the future of the residents of Umm al-Ḥīrān in spite of the fact that there is a signed agreement between them and official Israeli Government ministries, as reported above, leads NCF to relate to promises from those selfsame ministries regarding future housing solutions with skepticism.

The number of demolitions continues to rise and have peaked in 2018 with 2,326 demolitions of structures in Bedouin communities. NCF is especially concerned with the high percentage of “self-demolitions” that have reached 89% of all demolitions in Bedouin communities in the Negev/Naqab. These statistics reflect a worsening of official policy accompanied by increased pressure on the residents by means of coercion and economic sanctions. The case of Al-‘Arāḡib is a testimony to the fact, with the village being demolished for over 163 times by authorities. The constant harassment of Bedouin human rights activists from the village is increasing with villagers facing heavy fines and more criminal charges against them for merely trying to defend their basic rights as they await the Israeli court system to give verdict regarding their land claims.

While NCF and the Be'er Sheva municipality have reached an agreement regarding its use of the allocated bomb-shelter, NCF and other human and civil rights organizations are under threat. Notwithstanding, there has been a noticeable ground-swell in the membership and activities of liberal multi-cultural social organizations, such as NCF, that are working together, with the Bedouin communities and leadership, to promote civil rights for the people living in the Negev/Naqab region.