



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

Housing and Land Rights Network of Habitat International Coalition World Habitat Day Report 2020

**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 unique way of life. 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 in the Negev/Naqab 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; civil society organizations estimate that the number is closer to 90,000-100,000 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 hardly have any representation in the various local governmental bodies, and some cannot even register to participate in municipal elections. Furthermore, as a result of non-recognition and the absence of approved Urban Building Schemes, it's impossible for them to obtain building permits. the State defines the building of permanent structures in those villages as illegal, so that construction of permanent structures often leads 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 from their historical lands and concentrate them into limited geographic areas. These plans were first implemented by concentrating them in a restricted geographical area called al Siyāj, and later, in the 1970s and 1980s, by establishing seven government-planned Bedouin townships in the Siyāj area for the purpose of assimilating them. Beside the inadequate provision of services, all the Bedouin townships are afflicted with poverty,

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/y3g6fpv8>

² CBS, Total population estimations in localities, their population and other information, 2018.



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 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 approximately 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.

The reasons given for dislocating the Bedouin communities include making room for Jewish communities to be established on the very same lands that the Bedouin are evicted from, military use, forestation, building highways and more.

The already existing inequalities and injustices in the Naqab have been significantly magnified as a result of COVID-19 crisis in Israel.

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 and Covid-19

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 their most narrow interpretation. Tens of thousands of Bedouins in the Negev/Naqab currently live in homes that are open 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.

Since March 2020, and in spite of the state of emergency and the government's instruction to home confinement, authorities continued to distribute demolition orders and plow under hundreds of acres of fields in over 11 Bedouin villages, both recognized and unrecognized by the State. This illustrates the continuation of the policies implemented in 2019, with a large investment of resources in enforcement, that lead to the demolition of some 2,241 structures during that year. Out of these 2,241 buildings, an estimated 30% (655) were being used as dwellings and around 88% of the demolitions were carried out by the owners themselves.

On March 19, NCF along with 22 civil society organizations, sent an urgent letter to Mr. Avichai Mandelblit, Israeli Attorney General, demanding immediate action. The organizations warned that demolition of homes and crops will have a devastating economic impact on the Bedouin people, one of Israel's most impoverished communities. The NGOs were joined by a Member of Knesset, Mr. Said Al- Khrumi – who personally addressed the Minister of Finance and the Minister of Agriculture and Rural Development, demanding that they stop, or at the very least, suspend crop and home destruction in the Naqab during the COVID-19 crisis.

In his response to our request, the Ministry of Justice committed to the following: A. Existing structures for residential purposes will not be demolished; B. The serving of administrative demolition orders will be reduced - orders will only be issued in relation to new construction (which includes any minor renovations/construction to the home); C. The serving of warnings and notices will be minimized; D. The National Unit for Enforcing Planning and Construction Laws will reduce its direct contact with the population.

Between March and September 2020, NCF continued to monitor the situation, documenting over 70 incidents in which enforcement authorities continued to distribute demolition warrants, execute demolitions, as well as interrogating livestock farmers, and issuing fines to herders, mainly for the purpose of harassment. That and more - residents of the villages informed NCF that many of the inspectors and police officers were patrolling the villages and interacting with the population without taking any required precautions to prevent people from spreading the virus. As noted above, these enforcement measures, that are effective in driving the populace to destroy their own property (self-demolitions), can and do cause extreme duress, especially during a pandemic. As part of our multimedia and advocacy project, we have edited a [video](#) with a compilation of demolition orders and execution of demolitions during the Covid-19 crisis in the Negev.



2.1 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. Specifically, the land in and around Al-‘Arāgīb was purchased by the Al-Turi tribe from the Al-Ukbi tribe in the early 20th century. The village residents lived 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, the Government decided not to deal with land claims for over 30 years, until it began filing counterclaims in 2004. Since then, all of Al-‘Arāgīb’s pending cases are being handled by the Be’er Sheva District Court.

On 27 July 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 Preservation of the Israel Land Authority, accompanying the machines carrying out the demolition. Since 2010, structures built in this area have been demolished 178 times, with the last demolition having occurred on 17 September 2020.

In 2013, the Israeli Prosecution Unit in the Justice Ministry 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 count of breach of law. 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



probationary 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.

On September 21st 2020, three members of the Abu Madhi'm A-Turi family of Al-'Arāgīb, were sentenced to imprisonment by the Magistrate's Court after being convicted of three charges earlier in 2019: trespass with intent to commit an offense, violation of lawful direction and unlawful entry to public land. Aziz Abu Madhi'm and his brother Seif, were sentenced to six and three months in prison, respectively. Their father, Sheikh Sayah, was sentenced to three months of community service due to his age and health condition. Another family member, Salem, was sentenced to four months in prison. The four were also fined extremely high sums, ranging between NIS 12,000-30,000 each, and NIS 77,000 in total. Sheikh Sayah and his family who are represented by Human Rights Defenders funded lawyer, Michal Pomeranz, are planning to appeal the decision.

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 another thirty four defendants to cover demolition, eviction and trial costs of NIS 360,000 for the first eight demolitions of the village (since July 27th, 2010). 28 of those defendants settled an arrangement with the court and paid thousands of 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-'Arāgīb almost on a daily basis, detaining both women and children, 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.

Currently NCF is working alongside UN Special Rapporteurs on Adequate Housing and other Rapporteurs to seek clarifications from the Israeli Government concerning the case, as well as any action undertaken to redress the alleged violations.



3. Health negligence

Decades of neglect, discrimination, and the denial of Bedouin civil rights have reached a peak with the spread of COVID-19 in Israel. Medical services in unrecognized villages are gravely lacking, and for most of the population, the clinics are remote and inaccessible. MDA emergency services have no way of reaching large part of the unrecognized villages (as there are no paved roads), and in the absence of public transportation, distance is a major obstacle to receiving medical treatment. Overall, mortality rates in these villages are high and life expectancy is lower than the average in Israel. The difference in life expectancy at birth between Israeli Jews is 81 for men and 85 for women while for Israeli Arabs it is 77 for men and 81 for women³. The IMR (infant mortality rate) among the Bedouins was reported to be higher as compared to the Jews in Israel. The IMR is highest in Negev, which is around 6 per 1,000 live births⁴. Sanitary conditions are dire, particularly due to the lack of running water and lack of sewage systems. The physical conditions of dwellings in the villages do not allow for real isolation. For Arab Bedouin women, this is even more difficult, as currently there are no appropriate isolation facilities that are culture-sensitive and cater to their needs.

On the 26th of March, NCF and the Arab Medical Association in the Negev (along with 17 civil society organizations) sent an urgent letter to the Ministry of Health, demanding immediate action to prevent the spread of the Coronavirus pandemic in the Arab Bedouin villages in the Naqab. Later on April 14th, NCF joined a petition by Adalah to the Supreme Court, demanding immediate access to Coronavirus testing in Bedouin villages. On the 14th of April the Supreme Court rejected our petition on the grounds that it will not intervene with the Ministry of Health's work. However, one of the judges made important comments in which he noted that testing should be done in unrecognized villages. While the petition was denied, the pressure led to the placement of mobile testing facilities on the main junctions in the Naqab and in the city of Rahat that later on moved to other towns, according to the Arab Medical Association in the Negev. Moreover, the Israeli HMOs started to facilitate testing in clinics located in the townships- in which the process to receive a test was much more lenient and culturally sensitive.

³ Chernichovsky, D., Bisharat, B., Bowers, L., Brill, A., & Sharony, C. (2017). The health of the Arab Israeli population. State of the nation report, 325.

⁴ Ibid



Regarding appropriate isolation facilities for Arab Bedouin women, NCF joined a petition submitted by Adalah on the 21st of May requesting that the government find appropriate and satisfactory isolation solutions for Arab Bedouin women living in the Naqab villages. Women from these villages live in homes that offer no real isolation. As of the end of September 2020, no isolation facilities were established in the Bedouin townships, and the offered solutions were unsuitable for Muslim Bedouin women from the Naqab. This is becoming increasingly urgent as the cases of Covid-19 in Bedouin communities are on the rise.

4. Summary

Since the outburst of Covid-19, we have seen little to no signs of aid or commitment on behalf of the Government to improve the situation of human rights for Bedouin in the Negev/Naqab. In the middle of a global humanitarian crisis, the Bedouin communities, especially the unrecognized villages, continue to suffer from poor or non-existent infrastructure and discrimination in distribution of resources, while continuing to suffer from lack of adequate housing.

During 2019, approximately 2,241 structures were demolished in the Bedouin communities in the Naqab, of which some 655 are estimated to be residential. Even more worrisome is the trend of 'self-demolitions', which continued to make up 88% of all demolitions in that year. The desire to avoid the trauma of a violent and unforeseeable enforcement mechanism, as well as criminal and economic sanctions, creates a huge measure of intimidation within the Bedouin population in the Naqab and brings the owners of the structures to demolish them themselves. The "efficiency" of these methods is built on causing extreme duress to a defenseless population.

Although the Government has clearly conveyed instructions of isolation and home confinement, those are unfeasible for the residents of the unrecognized villages that suffer from high levels of poverty and extremely crowded living spaces, need to face a global pandemic with lack of resources and governmental support. Specially in times of crisis, when the most underprivileged need the help of their leaders, they are left abandoned.