

NO SHELTER IN PLACE:  
STATE DEMOLITIONS IN THE  
NAQAB ARAB BEDOUIN  
COMMUNITIES  
AND ITS IMPACT ON  
CHILDREN

DURING THE COVID-19  
PANDEMIC

JULY 2021



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

**Negev Coexistence Forum for Civil Equality** | An Arab-Jewish organization established in 1997 by Arab and Jewish residents of the Naqab, to provide a platform for a joint fight for civil rights equality. The Forum recognizes the neglect of various Israeli governments and their authorities, who have denied the Bedouin community in the Naqab full rights, and acts to prevent further affliction and harm to recognized and unrecognized villages. The Forum's activities are varied and include local and international advocacy, research, community activities, public protests, social media, work with Israeli and foreign media, and more. All activities are based on Arab-Jewish collaboration.

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**Front cover photo:** The ruins of a demolished house in the unrecognized village of az-Zarnūg. Photo by 'Amal 'Abū Qwīdir, az-Zarnūg, 2020. (Recognized: Life and Resilience captured by Bedouin women<sup>1</sup>)

**Back cover photo:** A demolished house in the unrecognized village of 'Aṭīr, photo by Hudā 'Abū al-Qi'ān, April 2017 (Yuṣawiruna project – Photographing for Human Rights<sup>2</sup>).

A special appreciation to Ms. Claire Cooper for her contribution to this report.

In accordance with the law, the Negev Coexistence Forum for Civil Equality is proud to note that as a result of cooperation with friendly countries and international organizations that promote human rights, most of the funding for our activities comes from "foreign entities."

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<sup>1</sup> <https://www.dukium.org/recognized-exhibition/>

<sup>2</sup> <https://www.dukium.org/hrd-women-groups/>

*"There is a book I used to read to my daughters when they were little. And I asked them: What is the name of the bird's house? Nest. And what is the name of the cow's house? And the horses? And at the end we would ask what the name of the house of a human is. I would like the State to ask itself, 'What is a home for the children in the Negev?' We will pray to understand the way they will describe it."*

*MK Aida Touma-Suleiman concluding a parliamentary debate in the 2020 Committee on the Rights of the Child.*

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## Summary

In the middle of a global pandemic, the demolition of structures continued to be one of the central tools used by the State of Israel against the Bedouin community in the Naqab, to dispossess them of their land and concentrate them in urban townships. The Bedouin community, which has suffered for years from the lack of adequate housing, has been engaged in a lengthy struggle against the State over ownership of land in the Naqab. The lack of adequate housing and the insecurity and distress that comes with it, impact severely on Bedouin children in an acute and irreversible manner, damaging their mental health, security and development.

In 2020, the State of Israel chose to continue to invest large amounts of public money in the budget for enforcement, resulting in the demolition of some 2,568 structures in Bedouin communities in the Naqab. The number of house demolitions in the Naqab reached an historic peak that year. This grim benchmark was reached despite the instruction of the Attorney General to reduce demolition warrants and police presence in the Naqab after civil society organizations sent an urgent request to halt demolitions during the pandemic.

The statistics presented in this report are based on data from the Southern Administration for the Coordination of Enforcement of Land Laws (hereafter: Southern Administration) that has been released to the public over recent years by the Negev Coexistence Forum for Civil Equality (NCF). This data has been received through the submission of applications under the Freedom of Information Act. **It should be noted that the information appearing in this report only relates to demolitions in the Bedouin communities.**

In addition to the increasing discrimination and exclusion supported by the Kaminitz Law (2017) and the Nation State Law (2018), Arab Bedouin residents have experienced extreme adversity during the pandemic due to the increasing presence of the police in their villages, tractors that plough their lands, and demolition of their houses. All of this occurs while unemployment rises significantly and education for children becomes increasingly destitute in unrecognized villages compared to the rest of the country; the lack of computers, internet, and electricity has made remote learning nearly impossible. The State of Israel has taken advantage of this dire situation to continue forced evictions in order to urbanize the indigenous population of the Naqab, actions that systematically violate their human rights.

During 2020, the rising trend of 'self-demolition' (demolitions carried out by the owner of the structure) continued - a product of the magnitude of intimidation and violence exercised by the Authority for Development and Settlement of the Bedouin in the Negev (hereinafter: the Bedouin Authority) in collaboration with all law enforcement institutions.

The Bedouin Authority was established by a decision of the Ministry of Construction and Housing in 2007.<sup>3</sup> After being transferred to the Prime Minister's Office, the Bedouin Authority was again moved to the Ministry of Construction and Housing. In 2016 it was transferred to the Ministry of Agriculture and today is an internal unit in the Ministry of Economy and Industry. The principal designated purpose of the Bedouin Authority was to regulate land ownership claims, regulate permanent residence and infrastructure and outline plans to strengthen education and employment. To do so, the Bedouin Authority oversees the five-year socio-economic plan for 2017-2021-, expected to assist local Bedouin authorities with employment, integration, and coordinating education and welfare services. Despite these stated claims, the Bedouin Authority represents persistent discrimination, in the sense that the Naqab's Bedouin citizens, unlike the rest of Israeli citizens, are considered different before the eyes of the State, governable by a separate entity. The Bedouin Authority works in collaboration with law enforcement and the police, including the Yoav Unit's investigation division, that is a special police unit established as part of the 2011 Praver Plan and assists the authorities in carrying out demolitions.<sup>4</sup>

This year, in addition to tracking the data on demolitions, our report also draws attention to the thousands of children from Arab Bedouin communities that have experienced the demolition of their homes. Such insecurity negatively impacts Bedouin children's mental health and hinders their socio-emotional growth in normal times. It goes without saying that in a time of a global humanitarian crisis that such demolitions exponentially impact normal childhood development and the possibilities of their families to live in safety and dignity.

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<sup>3</sup> Government Resolution 1999 (15.07.2007), 'Establishment of the Bedouin Settlement Regulation Authority in the Negev' [Hebrew], <https://tinyurl.com/ycoh3rqg>

<sup>4</sup> Reply to freedom of information request from the Ministry of Public Security dated 17.11.2015. See "Enforcing Distress: House Demolition Policy in the Bedouin Community in the Negev." Negev Coexistence Forum for Civil Equality. June 2016.

## Introduction: The Arab Bedouin Communities in the Naqab

The Bedouin communities of the Naqab are an UN-recognized indigenous minority with a distinct way of life. Bedouins are also an integral part of the community of Arab Palestinian citizens in the State of Israel. The Naqab's Bedouin community consists of 280,000 people<sup>5</sup> who reside in three forms of settlements: seven government-planned townships, eleven villages recognized by the State, and 35 villages that the State refuses to recognize, also known as “unrecognized” villages. All Bedouin residents suffer from wide-spread discrimination and violations of their human rights and are marginalized from mainstream Israeli society.<sup>6</sup> According to the Ministry of Education, there are 96,300 schoolchildren and 24,000 kindergartners from Arab Bedouin communities in the Naqab.<sup>7</sup> They are part of the poorest population in Israel; 79.6% of children live below the poverty line.<sup>8</sup>

At the heart of the ongoing conflict between the Bedouin citizens in the Naqab and the State of Israel is the State's persistent denial of Bedouin land ownership rights in the Naqab and its pursuance of policies of dispossession. Most of the State's plans for the Naqab region have ignored the needs of the Bedouin population and violate their most basic rights. The purpose of these plans, up to the present, is to “regulate” the Bedouin communities' land and housing affairs, and to forcibly concentrate them in urban localities (government townships and recognized villages), hardly suitable to their traditional way of life.<sup>9</sup>

In the middle of the 19th century, the Naqab was the permanent territory of Bedouins who were affiliated with various tribal confederations, and

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<sup>5</sup> Ben Gurion University, Online Database - Life Characteristics of the Bedouin Population in the Negev - Demographics. (2021). Retrieved from <https://tinyurl.com/ayvtvzem>

<sup>6</sup> Negev Coexistence Forum. Violations of Human Rights of the Arab Bedouin Community in the Negev/Naqab during Pandemics (2020). Retrieved 2 June 2021, from <https://tinyurl.com/2se99n9a>

<sup>7</sup> Ministry of Education, Economics and Budget Administration, ICT and Information Systems Administration (2021). Retrieved from <https://shkifut.education.gov.il/district/6>

<sup>8</sup> The dimensions of poverty and social disparities. 2018 Annual report. National Insurance Institute, Research and Planning Administration

<sup>9</sup> Negev Coexistence Forum. On (In)Equality and Demolition of Homes and Structures in Arab Bedouin Communities in the Negev/Naqab. (2020). Retrieved from <https://tinyurl.com/Dukium-HDR2020-ENG>

whose livelihood was based, for the most part, on water-scarce agriculture in an area of about two million dunam (200,000 hectares). On the eve of the establishment of the State of Israel, there were between 65,000 and 100,000 Bedouin in the Naqab. During and after the war, most Bedouins either fled or were deported to Jordan, the West Bank, Egypt, the Gaza Strip, and the Sinai Peninsula, leaving a population of 11,000.<sup>10</sup> At this time, the State of Israel began evicting Bedouin communities from their places of residence, a process which continues to this day. From the early 1950s until 1966, the State of Israel concentrated the Bedouin in the Naqab in a closed area called the Siyāj (in Arabic: fence), under military rule. During this period, the State displaced entire villages from their land from the western and northern Naqab into the Siyāj area.

The land that belonged to Bedouins who became refugees, as well as much of the land owned by those who remained in their lands or were internally displaced in Israel, was appropriated, and nationalized through the claiming that these lands were “dead lands”.<sup>11</sup> Thus, by enacting the Planning and Building Act (1965),<sup>12</sup> the State re-designated most Bedouin land as agricultural land, nature reserves, or closed military zones, instead of areas for establishing Bedouin villages. In addition, the State began to regulate the land and register it in its own name with total disregard for Bedouin’s indigenous rights on the land. In this way, all existing Bedouin houses were retroactively declared illegal. Thus, for the first time, the phenomenon of “unrecognized villages” came into being, villages which, for the most part, were founded before the establishment of the State of Israel, and yet did not receive any recognized planning status thus becoming illegal under Israeli law.

In 1966, with the termination of the military administration and the completion of planning proceedings for the first Bedouin township of Tal as-Saba‘ (Tel Sheva), the urbanization process that the State imposed on the Bedouin population of the Naqab began - a process that continues to this day.

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<sup>10</sup> Ibid

<sup>11</sup> For more information see: Negev Coexistence Forum for Civil Equality, 2012. Processes of dispossession in the Negev/Naqab: The Israeli Policy of Counter Claims against the Bedouin-Arabs [Hebrew], 2012. <https://tinyurl.com/y3dve4tb>

<sup>12</sup> Planning and Building Law, 1965. <https://tinyurl.com/ycg3dzqj>

Since then, the State has established altogether seven Bedouin townships, most of them in the Siyāj area, promising the residents “modern” services in exchange for organized settlement on urban plots. Israeli policy towards the Bedouin in the Naqab in the following decades sought to concentrate the entire population in the seven townships.

Since 1999, the State of Israel has also recognized 11 villages in the Naqab. However, in practice, there is no significant difference between the recognized villages and those that remain unrecognized. Most of the recognized villages still lack approved urban plans, and, as a result, residents cannot obtain building permits. At the same time, demolitions are ongoing in both recognized and unrecognized villages, and infrastructure such as water, electricity, sewage disposal and roads are still mostly inaccessible or incomplete.

Although members of the Bedouin community make up more than one-third of the Naqab population, only 13% of the recognized localities in the region are designated for this community.<sup>13</sup> Israeli planning policy has ensured over the years that most Bedouin villages will remain unrecognized, continue to be subject to policies of demolition and punishment and suffer from the deprivation of infrastructure and services.

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<sup>13</sup> Central Bureau of Statistics, 2019. Localities and population, by district, subdistrict, religion and social groups, table 2. Retrieved from <https://tinyurl.com/3tswym6w>

## Demolition of Structures in Arab Bedouin Communities in the Naqab during the pandemic

*"Losing your home during this pandemic could mean losing your life. The rights to life and adequate housing are intrinsically linked."*

*- Balakrishnan Rajagopal, the UN special rapporteur on the right to adequate housing.*

During the pandemic, housing has become the primary defense against the coronavirus. In order to prevent the spread of Covid-19, states across the world, including Israel, have asked its citizens to “stay at home” and in many cases legislated home confinement and curfews. Such public health measures are based on the assumption that everyone has access to shelter that provides adequate protection against contracting and spreading the virus, which is, unfortunately, not always the case.

Although the right to adequate housing is a recognized fundamental right in international law, a sizable proportion of the Naqab’s 280,000 Bedouin citizens live in informal settlements and grossly inadequate housing,<sup>14</sup> often in overcrowded conditions and lacking access to water and sanitation. This has made Bedouin citizens particularly vulnerable to contracting the virus, with the added factor that many are often suffering from multiple health issues. Furthermore, inadequate housing has made it barely possible for Bedouins to self-isolate. According to a study by the UN mandate on adequate housing,<sup>15</sup> mortality and infection rates are significantly higher among minorities and other vulnerable groups with inadequate housing conditions, which have contributed to excessive, and largely, preventable death and suffering.<sup>16</sup>

The UN Committee on Economic, Social and Cultural Rights (CESCR) emphasizes that the right to adequate housing also includes the right to choose where to live, and protection from forced eviction and arbitrary demolitions

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<sup>14</sup> Ben Gurion University, Online Database - Life Characteristics of the Bedouin Population in the Negev - Demographics. (2021). Retrieved from <https://tinyurl.com/aytvztzem>

<sup>15</sup> Rajagopal, B. (2020). COVID-19 and the right to adequate housing: impacts and the way forward. Retrieved 10 June 2021, from <https://tinyurl.com/undocs4dukium>

<sup>16</sup> Ibid

of homes.<sup>17</sup> On August 2020, the Special Rapporteur on the right to adequate housing called for a global ban on evictions during the pandemic.<sup>18</sup> The demolition of structures and houses in the Bedouin communities in the Naqab systematically violates the right to adequate housing.<sup>19</sup>

In 2020, NCF worked alongside other organizations to raise awareness of human rights abuses in the international community. As a result, Special Rapporteurs on adequate housing along with the Special Rapporteurs on indigenous peoples, minorities, human rights defenders, internally displaced persons and cultural rights, have sent a communication to the State of Israel, expressing their concern on forced evictions and home demolitions in the midst of the Covid-19 pandemic in the Naqab.<sup>20</sup> In addition, they emphasized their concern regarding the use of criminal and administrative sanctions against human rights defenders, including Sheikh Sayah Abu Madhi'm al-Turi and others from the unrecognized village of Al-‘Arāḡīb.<sup>21</sup> The communication highlighted that such forced evictions and home demolitions amid the Covid-19 pandemic constituted a risk to health and life.

Demolition of structures and houses is a major tool that the State of Israel utilizes to achieve its policy goals when dealing with the Bedouin community in the Naqab. The State promotes the forced displacement of the population residing in unrecognized villages in order to concentrate the Bedouin population in the townships and take control of their land. The Bedouin community has been suffering from a major housing crisis for years without adequate response. Tens of thousands of people live in homes under demolition orders, usually due to lack of ability to obtain a building permit.

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<sup>17</sup> UN Office of the High Commissioner for Human Rights, ‘The right to adequate housing’, 2014, <https://tinyurl.com/yaolj2mv>

<sup>18</sup> OHCHR | Ban evictions during COVID-19 pandemic, UN expert urges. (2020). Retrieved from <https://tinyurl.com/bd8y8ha7>

<sup>19</sup> UN Committee on Economic, Social and Cultural Rights (CESCR), Concluding observations on the fourth periodic report of Israel, 12 November 2019, E/C.12/ISR/CO/4, COs 2021-, <https://tinyurl.com/r5wf4bx>

<sup>20</sup> Communication by UN Special Rapporteurs on forced evictions during pandemic - Dukium.org. (2020). Retrieved 15 June 2021, from <https://www.dukium.org/89910/>

<sup>21</sup> al-‘Arāḡīb - Dukium.org. (2020). Retrieved 15 June 2021, from <https://www.dukium.org/village/al-arakib/>

The members of the community are waging a protracted struggle over land ownership, which the State continues to deny.<sup>22</sup>

In March 2020, as a response to an urgent inquiry issued by twenty-two civil society organizations to Mr. Avichai Mandelblit, Israeli Attorney General, which demanded immediate action to stop home demolitions in the Naqab during the Covid-19 crisis,<sup>23</sup> the Ministry of Justice committed to halt demolitions of residential homes, reduce the distribution of demolition orders and warnings, and lessen the presence of the National Unit for Enforcing Planning and Construction Laws in villages.<sup>24</sup> Yet, between January and December 2020, 2,568 structures were demolished in the Bedouin villages in the Naqab,<sup>25</sup> representing a rise of 13% in the demolition of structures compared to 2019 (2,241).<sup>26</sup> Despite the humanitarian crisis caused by the pandemic, this is the highest number of structures demolished ever recorded in one year in the Arab Bedouin communities.

In May 2020, Adalah, NCF, Sidreh Association, the Regional Council of Unrecognized Villages (RCUV) and other organizations submitted a petition to the Supreme Court to establish isolation centers—to provide adequate space for quarantine—in the unrecognized villages of az-Za‘arūrah and az-Zarnūg. Further, the petition demanded a suitable isolation solution for women in unrecognized villages that would take into account their unique needs and way of life.<sup>27</sup> The petition was rejected based on the claim that it was a theoretical and not a concrete plan.

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<sup>22</sup> See *supra* 3

<sup>23</sup> NCF to the Attorney General: Stop home demolitions in the Bedouin localities in the Negev! - Dukium.org. (2020). Retrieved from <https://www.dukium.org/ncf-to-the-attorney-general-stop-home-demolitions-in-the-bedouin-localities-in-the-negev/>

<sup>24</sup> Letter from Ministry of Justice regarding demolition of structures in the Naqab during pandemic. (2020). Retrieved from <https://tinyurl.com/2zfvy323> [Hebrew]

<sup>25</sup> Southern Administration for the Coordination of Enforcement of Land Laws, 'Summary of Working Year 2020', p. 10 Section 1 [Hebrew]

<sup>26</sup> Ibid

<sup>27</sup> Petition to the Supreme Court on appropriate isolation centers for Bedouin women. May 2020. Retrieved from <https://tinyurl.com/3kzuvshe>

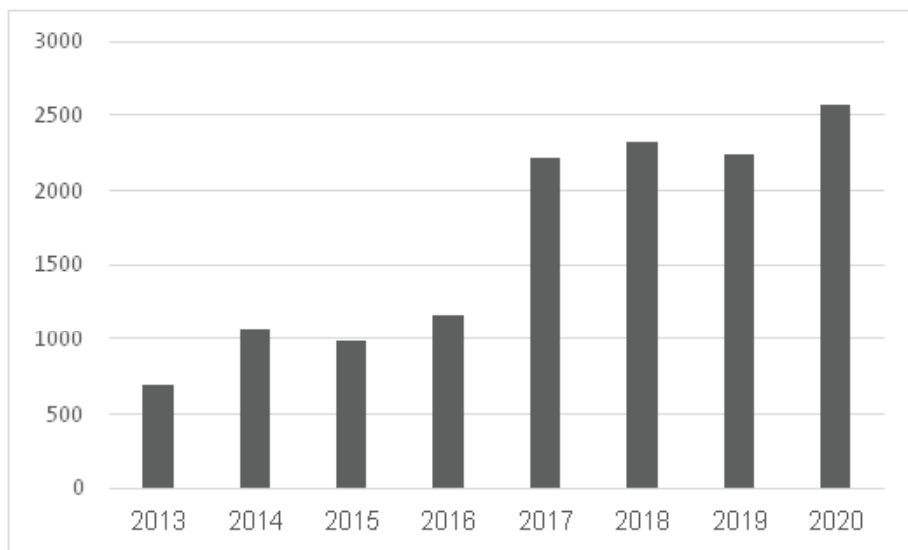
Based on NCF's field monitoring throughout the past year, enforcement authorities continued to distribute demolition warrants, carry out demolitions, interrogate livestock farmers, and issue fines to herders (mainly for the purpose of harassment).<sup>28</sup> These enforcement measures, that are effective in driving the populace to destroy their own property, cause extreme duress. Adult heads of households, who on average support a family of approximately seven people, experience additional stress and mental health problems all compounded during a pandemic. Further, enforcement authorities disregarded the health and sanitation recommendations for such a state of emergency; residents of the villages informed NCF that many of the inspectors and police officers patrolled the villages and interacted with the population without taking any precautions to prevent the spread of the virus.

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<sup>28</sup> Negev Coexistence Forum for Civil Equality, Table of demolition of structures and ploughing of crops in the Naqab, <https://tinyurl.com/2eb5u88p>

## Analysis of the number and type of demolitions and their impact on the livelihood and employment of the Arab Bedouin communities

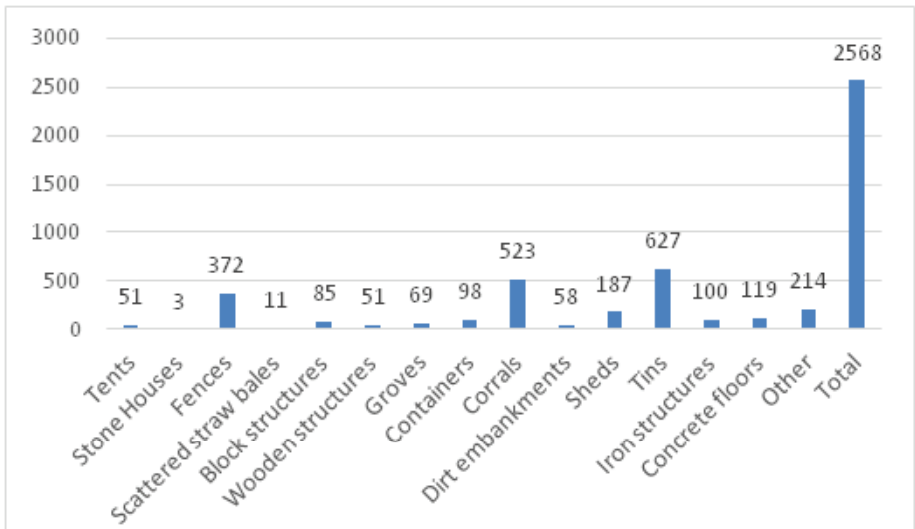
**Figure 1 - Demolition of structures in the Naqab Bedouin communities, 2013-2020**



Source: Annual Reports of the Southern Administration for the Coordination of Enforcement of Land Laws, 2013-2020

The data presented in Figure 1 shows a sharp increase in the number of demolitions in Bedouin communities in the Naqab since 2013. In just eight years, the number of demolitions rose from 697 in 2013 to 2,568 demolitions in 2020 - a 268% increase in demolition rates. In 2019, there was a slight decline, 3.6%, in the number of demolitions from the previous year, though 2,241 structures were demolished. However, there is an increase of 13% from 2019 to 2020. All told, in just eight years, some 13,265 structures were demolished in Bedouin communities in the Naqab.

**Figure 2 – Demolition of structures in the Naqab Bedouin communities by type of structure, 2020**



Source: Annual Report of the Southern Administration for the Coordination of Enforcement of Land Laws, 2020

Figure 2 classifies the type of structures demolished in Bedouin communities during 2020. These numbers were first published in 2016 by the Southern Administration, and reveal the broad definition given by the Israeli enforcement authorities to the term “structure.” This list makes it possible to estimate the number of structures used for farming and grazing purposes, such as corrals, groves, and scattered straw bales, which totaled, together, about 603 cases all related to agricultural damage.<sup>29</sup> Furthermore, authorities

<sup>29</sup> Southern Administration for the Coordination of Enforcement of Land Laws, Table with information on demolition of structures, 2020. Retrieved from Freedom of Information request.

\* According to data from the Southern Administration, “other” are structures that were demolished “in [enforcement] procedure” (without a warrant), which also includes scrap, solar panels, equipment, construction materials and more. Source: Southern Administration for the Coordination of Enforcement of Land Laws, ‘Copy of Coexistence Forum: Total for 2018 work year’, 2019, p. 14; Southern Administration for the Coordination of Enforcement of Land Laws, Total for 2019 work year, 2020, page 14 Section 6 [Hebrew], <https://tinyurl.com/ybe89ev6>

also carry out deep ploughing on Bedouins' lands as a central mechanism to dispossess and destroy the crops of this rural population. In 2020, 14,273 dunam were ploughed, a 314% increase compared to the previous year (with 4,536 dunam.)

As in 2019, the Southern Administration chose not to publicize data on the number of houses demolished in 2020. However, the NCF has summed up the number of tents, sheds, tins, stone houses, block structures, and wood structures and estimate that approximately 1,004 of the demolished structures were residential, which represents 40% of the structures demolished in 2020. The rate of the demolition of houses increased 210% compared to the previous year, despite the above-mentioned instruction of the Attorney General to halt the demolitions.<sup>30</sup> This is undoubtedly contributed to the unemployment rates that increased during the pandemic amongst the Bedouin community.

Many of the Naqab's Bedouin residents are employed in industries that severely suffered from the Covid-19 pandemic, such as the tourism and the restaurant sectors, public transport, retail trade, and cleaning and maintenance jobs.<sup>31</sup> There has also been a slowdown in the areas related to agricultural work. Among the agricultural sector, the collapse of the flower industry was severe. This is also reflected in that the average increase in the unemployment rate among Arab Israelis since the pandemic, is about 25% more than among Jews.<sup>32</sup>

The decision of the State to demolish Bedouin agricultural structures directly impacts their ability to make a living, provide for their children, and escape a cycle of poverty.

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<sup>30</sup> See supra 18

<sup>31</sup> The Arab women in the Negev During the Covid-19 Crisis: Welfare and Employment. (2020).

<sup>32</sup> Suleiman, A. (2020). Impact of the Covid-19 Crisis on the Arab Employment Market in Israel: Current trends and recommendations for the future. Retrieved from <https://tinyurl.com/4m9bwrr3> [Hebrew]

## The phenomenon of self-demolitions in the Naqab

One of the central effects of the State's eviction policy are the demolitions that are carried out by the structure's owners. The different harassment mechanisms that the State's law enforcement bodies employ against Arab Bedouin residents result in the individual and collective decisions of demolishing their own houses. Owners take such action in order to escape some of the trauma of demolition, save personal belongings and construction materials, and avoid paying fines that the authorities levy for demolition costs which could impoverish Bedouin families.

The Southern Administration classifies demolitions in the Naqab's Bedouin communities as 'initiated demolitions,' 'self-demolitions' and 'demolitions performed in procedure.'<sup>33</sup> The differences between these classifications refer to the legal framework and to individual or institution who initiated the demolition.<sup>34</sup>

As Figure 3 displays, self-demolitions increased in 2020, representing 94% of all structures demolished. Another significant figure is the dramatic 210% increase in the number of demolitions made by the owners of the structures before the issuance of any demolition order in the second half of 2020 – 628 structures compared to only 299 structures in the second half of 2019.<sup>35</sup> According to the 2020 annual report of the Southern Administration, demolitions were halted during the months of April and May 2020.<sup>36</sup> However, NCF documented cases of demolitions of structures during these months.<sup>37</sup> Constituting a total of 984, 'demolitions performed in procedure' increased by 25% compared to 2019. These numbers reflect the impact of the unequal relationship authorities maintain with Bedouin citizens in the Naqab. Such pressures force Bedouin residents to demolish their own houses to avoid legal procedures and relinquish their historical lands and move into urbanized townships.

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<sup>33</sup> See supra 18

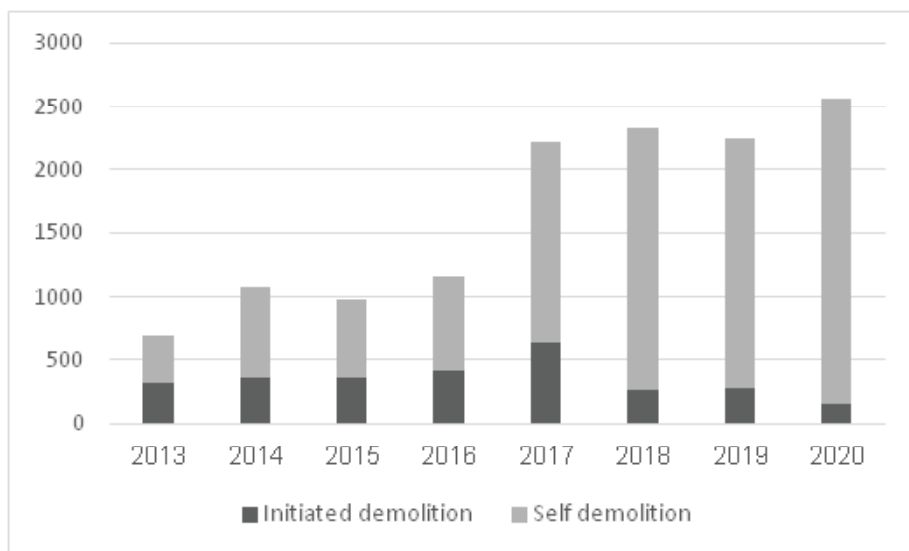
<sup>34</sup> Negev Coexistence Forum for Civil Equality (2020). On (In)Equality and Demolition of Homes and Structures in Arab Bedouin Communities in the Negev/Naqab July 2020, pg. 19. Retrieved from <https://tinyurl.com/Dukium-HDR2020-ENG>

<sup>35</sup> See footnote 20, pg. 21 Section 12 [Hebrew]

<sup>36</sup> See footnote 20, pg. 2 Section 2 [Hebrew]

<sup>37</sup> See supra 23

**Figure 3 – ‘Self-demolitions’ (including demolitions ‘performed in procedure’) as opposed to ‘initiated demolitions’, 2013-2020**



Source: Annual Report of the Southern Administration for the Coordination of Enforcement of Land Laws, 2020

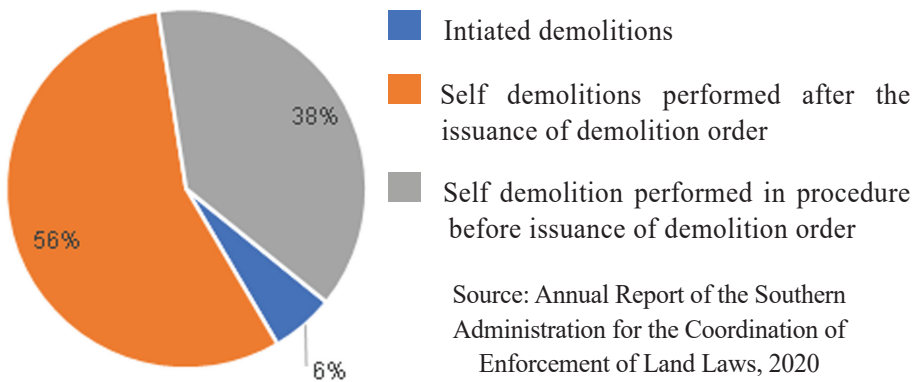
In just eight years, the number of self-demolitions compared to the total number of demolitions reached 10,490 out of 13,265.<sup>38</sup> Such a trend marks an increased fear of the authorities, whose punitive actions threaten the ability of Bedouin residents to provide a safe home for their families and pursue a dignified life.

In 2020, self-demolitions totaled 2,421, accounting for 94% of all structures demolished. Only 147 structures were demolished by the State authorities.<sup>39</sup>

<sup>38</sup> Composed by data supplied by the Southern Administration following requests under the "Freedom of Information Law" initiated by the Negev Coexistence Forum for Civil Equality.

<sup>39</sup> Ibid

**Figure 4 – Percentage of ‘self-demolitions’ ‘initiated demolitions’ and ‘demolitions performed in procedure’, 2020**



In 2020, the number of structures demolished in ‘initiated demolitions’ was 147, accounting for about 6% of total demolitions. The proportion of demolitions carried out by the owners of the structures (‘self-demolitions’) without demolitions ‘performed in procedure,’ reached 56%, or 1,437 structures. In 2020, the ‘performed in procedure’ demolition rate increased from 33% in 2019 to 38% in 2020 (984 structures destroyed by their owners before a demolition order was issued) - an 8% increase in just one year.<sup>40</sup>

These figures evidence a worsening of the government's increased pressure on residents: the constant presence of enforcement agencies on patrol, during demolitions, the issuing of demolition orders, threats to impose fines, and the use of drones for aerial photography and surveillance.<sup>41</sup> These measures, along with repeated visits by representatives of the Bedouin Authority, are meant to place constant pressure on Bedouin citizens to move from the unrecognized villages to the townships and villages that have been recognized by the State.

<sup>40</sup> See supra 20

<sup>41</sup> See supra 31, pg. 16

## The legal framework of demolitions in the Naqab

In the past few years, the State of Israel has been promoting various changes in the planning and building laws to restrict construction in Arab communities. To this day, most Arab localities do not have up-to-date master plans that accompany the natural growth rate in recognized and unrecognized Bedouin villages and townships.<sup>42</sup> The actual problem is not unregulated construction, but the lack of planning in those localities.

Recently, such regulations policies have emerged out of the Kaminitz Law, also known as Amendment No. 116 of the Planning and Building Law.<sup>43</sup> Passed by Parliament and put into force in October 2017, the amendment facilitates the increasing enforcement of planning and building offenses and pursues economic sanctions by imposing fines as to avoid the need to conduct legal proceedings and shorten enforcement procedures.<sup>44</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, were expanded, and they were awarded extensive discretion.<sup>45</sup>

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 culpability for planning and building offenses were expanded to include persons who do not necessarily have the ability to influence or prevent illegal construction, such as business owners that sell construction materials intended for construction in the unrecognized villages, and building contractors.<sup>46</sup> The transformation of these individuals into accomplices to a crime is a serious escalation which is liable to lead to the incrimination of

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<sup>42</sup> Nasser, K. (2021). Why do the Arabs really want to repeal the Kaminitz Law? Retrieved from <https://tinyurl.com/38rr3fef>

<sup>43</sup> Planning and Building Law (Amendment no. 116), 2017 (in Hebrew): <https://tinyurl.com/y7evr4ow>

<sup>44</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, (in Hebrew): <https://tinyurl.com/y88zumnu>

<sup>45</sup> Ibid

<sup>46</sup> Ibid, article 253-254

innocent people on a large scale.<sup>47</sup>

Along with amending the Planning and Building Law, authorities adopted regulations to implement harsher economic and administrative penalties. In June 2018, former Justice Minister Ayelet Shaked approved the Administrative Offenses Regulations, which set new administrative fines for violations of the law. The decision to impose the fine is vested in an administrative body, eliminating judicial oversight. The increased fines set in the new regulations are unprecedented and draconian and may add up to as much a one-time fine of ILS 300,000 and/or a daily fine of up to ILS 1,500 per day for an unlimited time in the event of an ongoing offense.<sup>48</sup> These fines have the power to reduce Bedouin families to a state of abject poverty and to seriously violate their right to live in dignity.

In November 2020, the Justice Ministry issued a notice to the public regarding the Kaminitz Law,<sup>49</sup> presenting it as a suspension of the enforcement of housing and planning laws. However, it is apparent that this is only an “easement” in enforcing the Kaminitz law and not a suspension of the law. The alleged suspension applies only to dwellings that were populated before January 1st, 2018, with the condition that there are no outstanding enforcement proceedings other than administrative fines. In reality, most of the structures in demolition proceedings do not meet these conditions. The Kaminitz Law does not recognize the right to adequate housing, and the right to self-determination defined in the ICCPR and the ICESCR.<sup>50</sup>

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<sup>47</sup> See supra note 35

<sup>48</sup> Ministry of Justice, Administrative Offenses Regulations (Administrative Fines – Planning and Building), 2018 (in Hebrew): <https://tinyurl.com/yakjuhwb>

<sup>49</sup> Lis, Y., 2020. The Ministry of Justice Announced That the Enforcement Of Construction Offenses In Arab Localities Will Be Frozen, (in Hebrew): <https://tinyurl.com/y68srkfg>

<sup>50</sup> OHCHR | International Covenant on Economic, Social and Cultural Rights (ICESCR).

Retrieved from <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

OHCHR | International Covenant on Civil and Political Rights (ICCPR). Retrieved from <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

In negotiations towards the new Israeli government,<sup>51</sup> the Arab parties demanded a freeze on the law as one of the conditions to join the coalition. The coalition agreement signed by Mansour Abbas on behalf of the United Arab List party in June 2021, requires the freezing of the Kaminitz Law until the end of 2024. The demolition of “illegal” structures in the Negev will be frozen for nine months, until a clear policy is formulated on the issue.<sup>52</sup>

The phenomenon of construction without a permit in the Arab localities does not take place in a vacuum. It must be understood in the context of many years of distress stemming from housing and planning policy, that reflects systemic discrimination against the Arab population of Israel and authorities’ consistent failure to provide adequate planning. Arab community members pursue construction with no choice in these circumstances; people need to provide a roof for themselves and their families when the government and planning authorities provide no solution. The Kaminitz Law completely ignores the existing situation which hinders reaching planning and housing solutions.<sup>53</sup> It is impossible to solve this crisis in such a punitive manner, without bringing about a complete and just solution to the planning distress. Rather than pursue enforcement and punishment, authorities should fulfill their legal obligations to establish a proper planning framework and to allow for construction in accordance with the housing needs of the population.

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<sup>51</sup> A coalition agreement to form a unity government. (2021). Retrieved from <https://tinyurl.com/2shszxk3>

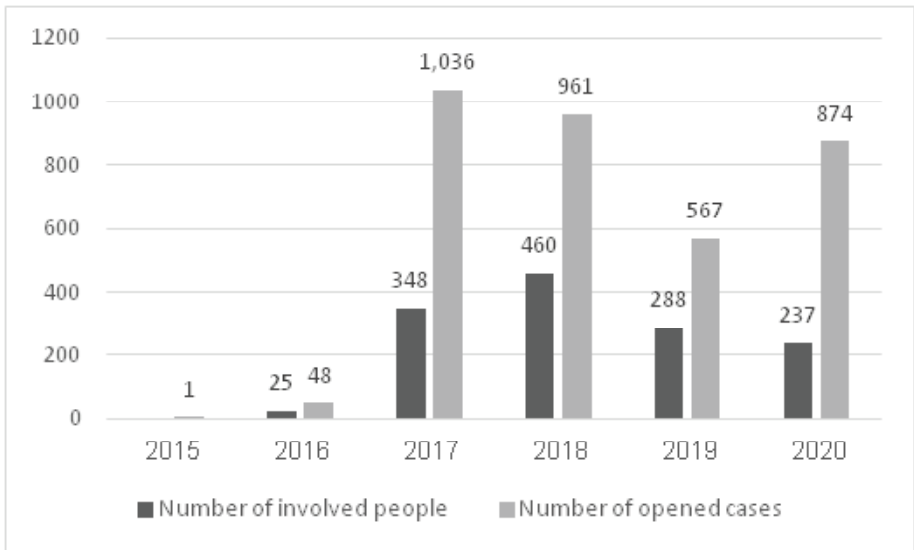
<sup>52</sup> Ibid

<sup>53</sup> Association for Civil Rights in Israel. Repeal the Kaminitz Act, which tightens enforcement on construction offenses. (2019). Retrieved from <https://tinyurl.com/6cus2y3u>

## Punitive mechanisms to realize the State's objective of forced displacement

The encounter between law enforcement bodies and the Arab Bedouin population has been increasingly accompanied by arrests and police investigations.

**Figure 5 – Investigative files and number of involved people between 2015-2020**



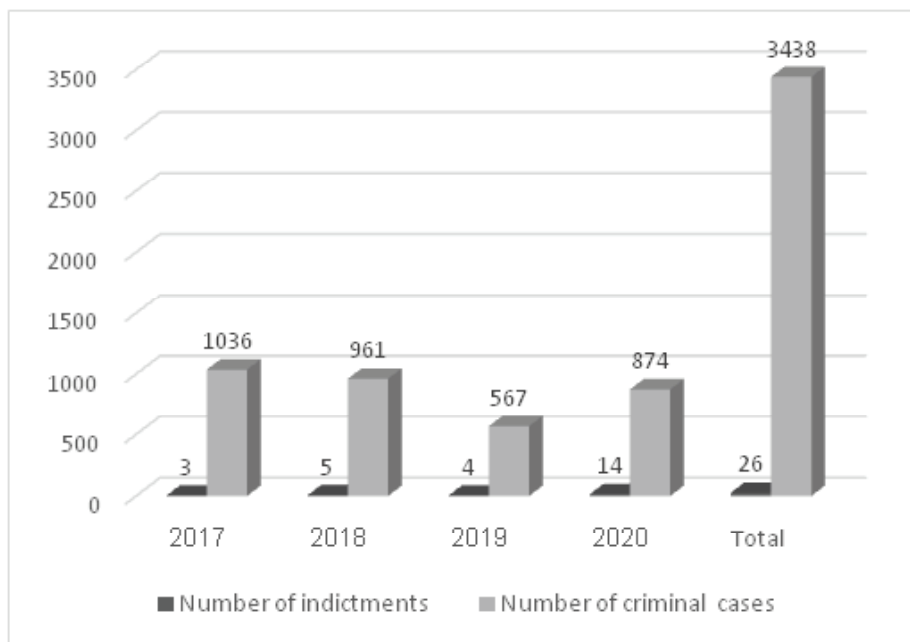
Source: Information provided by the Israeli Police based on a freedom of information request issued by NCF, 2021

As shown in Figure 5, according to information received from the Israeli Police, there were 1,358 people who were the subject of criminal investigations between 2015 and 2020 in the Negev/Naqab. Even though this represents a decrease of 20% compared to 2019, between 2015 and 2020, there is a rise in the number of opened cases and investigated people. Just between 2016 and 2017 there was an increase of 93% on the number of people subject to investigation. In 2017, there were 1,036 cases opened, a number that is particularly noticeable compared to other years. One event that may explain this number's rise in 2017 is the violent incident in Umm al-Hīrān<sup>54</sup> (where hundreds of armed police

<sup>54</sup> For further information see: Negev Coexistence Forum for Civil Equality, On the Map - Umm al-Hīrān. <https://tinyurl.com/y2yt29a>

officers entered the unrecognized village for the purpose of demolishing six structures. While the raid was taking place, a resident, Ya'aqub 'Abū al-Qi'ān, was shot and killed by members of the various police forces operating in the village that night<sup>55</sup>). In the case of Umm al-Hīrān, former Prime Minister Benjamin Netanyahu's accusation that Ya'aqub 'Abū al-Qi'ān was a terrorist has created a new criminal precedent in the punitive approaches that the State would employ in the land conflict with the Naqab's Bedouin residents. The enactment and enforcement of the Kaminitz Law<sup>56</sup> later that year, justified the State's position towards the Bedouin population and its struggle.

**Figure 6 – Investigative files compared to indictments per year between 2017-2020**



Source: Information provided by the Israeli Police based on a freedom of information request, 2021

<sup>55</sup> Breiner, J. (24.02.2020). 'Probe Shows How Israel Police Shot Innocent Bedouin Teacher and Left Him to Die'. Haaretz. <https://tinyurl.com/ydbsuwjr>

<sup>56</sup> See supra 38

The opening of investigative files is a practical tool used by law enforcement authorities implementing penalties in the Naqab. Thus, distribution of demolition warrants, demolition of structures and lands ploughing are usually accompanied by the opening of investigative files to Naqab's Bedouin citizens.

According to Figure 7, there is a substantial difference between investigative files (3,438) and indictments (26) throughout the years, which may mean that those are intimidation investigations aimed at enlarging the number of voluntary evictions, rather than meant to lead to a legal indictment. Notwithstanding, it is important to highlight that the rate of indictments in 2020 increased 70% compared to 2019.

These legal procedures reflect the progressive criminalization of Bedouin citizens for living on their own lands. This is a continuation of the displacement and urbanization processes that the State of Israel has been promoting in the Naqab since 1948.

## **Impact of demolitions on child development**

Ongoing house demolitions have devastating consequences, causing severe trauma for children. These demolitions are detrimental for the mental health of tens of thousands of Arab Bedouin children living in the unrecognized villages in the Naqab whose homes have received demolition orders with an unknown date of implementation. This uncertainty causes 'displacement anxiety,' whereby children develop a state of insecurity of being displaced once they have been told their house will be demolished.<sup>57</sup>

One effect of home demolitions in the Naqab is the traumatic psychosocial impacts on children and youth. A study by Rilwan Babajide, et al. (2016) undertaken in Massachusetts shows that evictions generate negative effects on the mental and physical health of those forced to move.<sup>58</sup> There are numerous psychological consequences of eviction, such as emotional collapse, post-traumatic stress disorder (PTSD), anxiety, and depression on

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<sup>57</sup> Watt, P. (2018). "This pain of moving, moving, moving:" evictions, displacement and logics of expulsion in London. *L'Année sociologique*, 68(1), 67-100.

<sup>58</sup> Babajide, R., Blum, E., Maniates, H., & Scher, M. (2016). Effects of eviction on individuals and communities in Middlesex County. The Middlesex County Coalition on Housing and Homelessness.

both the evictee(s) and their children.<sup>59</sup> Beyond reinforcing collective trauma, the demolition of houses in the Naqab undermines the rights of thousands of children to wellbeing and healthy development, violating several articles in the Convention on the Rights of the Child.<sup>60</sup> As Amy Phillips (2019) notes, evicted and homeless children are left without access to basic sanitation, resulting in social isolation at school where they become self-conscious about their hygiene and appearance. They also are at an increased vulnerability to adverse childhood experiences, including drug abuse or domestic and sexual abuse.<sup>61</sup> Not only does eviction prevent access to education, but it results in increased anxiety and sleep deprivation for children. This creates irritability and physical fatigue which causes children to be distracted during lessons and makes it harder for them to complete their work to a higher standard.<sup>62</sup> Simply put, ‘Housing is a prescription for good health.’<sup>63</sup>

Due to the Covid-19 pandemic, one of the government’s first instructions were home confinement and remote learning for school children.<sup>64</sup> For the case of the thousands of children whose houses were being demolished at the time of this government order, this measure was extremely detrimental to their socio-educative development and learning. The State, despite its order, offered no adequate options whatsoever to protect the rights to adequate housing, security, and education for Arab Bedouin children from unrecognized villages.

The NCF was able to estimate, based on information from the past five years received through Freedom of Information requests that thousands of children in the Naqab are affected by home demolitions. Undoubtedly, these children undergo traumatic experiences that hinder their social and emotional abilities.

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<sup>59</sup> Vols, M., Belloir, A., Hoffmann, S. M., & Zuidema, A. (2019). Common trends in eviction research: A systematic literature review. Houses, Homes and the Law, The Hague: Eleven Publishing

<sup>60</sup> Unicef. (1989). Convention on the Rights of the Child.

<sup>61</sup> Amy Phillips, ‘Homelessness and its impact on children’, The Association of Child and Adolescent Mental Health, (2019)

<sup>62</sup> See supra 55

<sup>63</sup> Bovell-Amman, A. (2018). The Hidden Health Crisis of Eviction [Blog]. Retrieved from <https://www.bu.edu/sph/news/articles/2018/the-hidden-health-crisis-of-eviction/>

<sup>64</sup> Kadari-Ovadia, S. (2020). Israel's remote schooling baffles teachers, parents. Retrieved 6 June 2021, from <https://tinyurl.com/973s8jmy>

Evicted families, desperate to secure housing often accept substandard living conditions, which in turn can bring about significant health problems<sup>65</sup> or place them in more dangerous areas, reducing the security of their children.<sup>66</sup> Often, families cope with their own home's demolition by moving in with relatives. This process, according to Nora Gottlieb and Paula Feder-Bubis (2014), is characterized by overcrowded and stressful living conditions that reinforce trauma and tensions within the family, thereby increasing conflicts and violence especially against women and children.<sup>67</sup> The recurrent trauma that children experience manifests in a family's routine that becomes trapped by continuous fear, impacting "trivial" decisions about whether or when to leave the house, how much food to buy, and whether to invest in one's home and standard of living.<sup>68</sup>

The trauma of eviction and its repercussions also may have significant effects on mothers' health. Poverty related events, such as forced displacement, can diminish a mother's capacity for supportive parenting and increase her tendency to act punitively and erratically toward her children. Gottlieb and Feder-Bubis (2014) indicate that, for many Arab Bedouin women, their main concerns in the event of house demolition, are its physical and emotional consequences for their children. Moreover, some women describe the house demolitions' impacts on themselves through their children's suffering. This continual stress places women at a double bind—they worry for the wellbeing of their children while experiencing a loss of trust in the state and society, of the erosion of their sense of belonging and citizenship. This is not to say that men do not feel the emotional effects of demolitions, nor worry about their children, but because of gender and social roles, the effect on women is often compounded in specific ways that need to be recognized.

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<sup>65</sup> Desmond, M., & Kimbro, R. T. (2015). Eviction's fallout: housing, hardship, and health. *Social forces*, 94(1), 295-324.

<sup>66</sup> The Eviction Epidemic: Matthew Desmond. (2018). Retrieved 15 June 2021, from <https://www.youtube.com/watch?v=7f9dqQBYjcA>

<sup>67</sup> Gottlieb, N., & Feder-Bubis, P. (2014). Dehomed: The impacts of house demolitions on the well-being of women from the unrecognized Bedouin-Arab villages in the Negev/Israel. *Health & place*, 29, 146-153.

<sup>68</sup> Ibid.

Forced displacement of all kinds may disrupt the mental and physical health and wellbeing of children and their mothers. As reflected in a study by Matthew Desmond (2015), evicted mothers experience higher rates of depression several years after their forced displacement, this suggests that eviction has lasting effects on mothers' happiness and quality of life, often leading to depression years after the fact. These effects can have a cascading effect on their relationships with their families and neighbors. It can cause women to reduce their civic engagement and level of community participation, which hinders them from seeking employment, or participating in their children's development.<sup>69</sup> This 'increased parental stress may lead to less capacity for good parenting, less ability to provide children with social and emotional support and a safe and stable upbringing,' resulting in a deterioration of the child's mental health.<sup>70</sup> Most importantly, if evicted households have significantly higher rates of material hardship years after they were forced to move, this suggests that eviction may itself be a cause, not simply a condition, of poverty.

Based on the latter, it is possible to conclude that if 1,000 children per year are being forcibly displaced by the State of their birth, this means the State is actively contributing not only to their personal experiences of trauma but also to the enlargement of the cycles of poverty. Instead of tackling poverty related problems that are caused by mental health trauma, by providing social and psychological services as well as material resources for their wellbeing and security, the vulnerable status of the "poor" continues to being neglected and criminalized by the State.

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<sup>69</sup> See note 62

<sup>70</sup> Lisa Berg, 'Evicted children and subsequent placement in out-of-home care: A cohort study', PMC, (2018). Pag. 8

## Conclusions

Demolitions by the Israeli authorities and increasingly punitive legal instruments like the Kaminitz Law, hinder the Bedouins' struggle for land, reduce them to the deepest level of poverty, negate their civil and human rights as well as housing needs that every individual should expect in order to experience a dignified life. As awful as such policy measures are usually, it is even more reprehensible to see them carried out in the midst of a global pandemic.

The State of Israel is using all the means at its disposal to concentrate the Bedouin community in large, crowded townships—against the wishes of most members of the community—rather than negotiating in good faith to resolve the issue of Bedouin land ownership and settlement. The members of the Bedouin community in the Naqab are citizens of the State, but the State insists on continuing to treat them as enemies, not as citizens with equal rights. Instead of working to protect the rights of Naqab Bedouin to live in dignity with proper housing, State authorities are systematically working to demolish their homes and force them against their will from their ancestral land, contrary to international conventions. The policy of demolitions, implemented against Bedouin communities in the Naqab, has devastating consequences, including the disintegration of the community's social structure and distrust and fear of the State and its authorities. The fact that the highest number of demolitions occurred during a global pandemic, reflects the State of Israel's commitment to its discriminatory policies and disregard of the Bedouin indigenous minority.

As this report detailed, the last year has been a new watershed in the State's demolition policies in the Naqab. During 2020, 2,568 structures were demolished in Bedouin communities, of which 1,004 are estimated to be residential, increasing the rate of the demolition of houses in 210% compared to 2019. Even more worrisome is the trend of 'self-demolitions,' which continued to make up 94% of all demolitions in that year. Such pressures create a palpable atmosphere of intimidation amongst the Bedouin population of the Naqab, where, in a Kafkaesque fashion, to avoid further trauma and violence, residents demolish their own structures and houses to avoid the State doing it for them.

The policy of construction and home demolitions is violent and aggressive and erodes trust between citizens and the State. That is especially true when the State is unable or unwilling to offer adequate alternative solutions for citizens living in the unrecognized villages. The State of Israel must obey international human rights institutions that are calling on it to cease the demolitions and begin taking trust-building steps with the Bedouin community, enabling a solution that respects the lifestyle and various aspirations of community members in a manner that is consistent with the State's planning logic. The right to housing should be a key element of the response and recovery measures for the pandemic. This requires that sufficient resources are allocated towards realizing the right to adequate housing for all.

In the middle of a global pandemic, recovery measures should not be discriminatory and should leave no one behind. Special measures must be put in place to guarantee that the Arab Bedouin communities who have been subjected to systemic discrimination and marginalization, benefit from the response and recovery measures. In order to address marginalization and discrimination in relation to housing, data disaggregated by race, gender, caste, religion, disability, sexual orientation or gender identity must be collected and shared publicly.

Vulnerable populations like Bedouin children and women from the Naqab should be treated by social workers and mental health workers, to offer some proper support for the almost irreversible consequences of home demolitions on child development and mental health. To properly approach the problem of housing among the Bedouin population in the Naqab, the State must change its policy and recognize that forced evictions, demolitions and top-down decisions that exclude specific populations, aggravate the national problem of housing. Furthermore, the State must tackle the land conflict in a comprehensive way, recognizing all Bedouin villages and providing them infrastructure and basic services like the rest of the population. A lack of access to services perpetuates the criminalized status of Bedouin women, and contributes to their ongoing marginalization. Without supportive housing facilities to ease the pandemic and its implications, Bedouin women and children are set up to fail. Further research should be conducted regarding the impact of home demolitions on women and children, in order for the State to provide the most suitable solutions for those affected. The State must

address the emotional, economic and social damage that the demolition poses to Bedouin citizens, especially through services provided by government institutions.

Only through a process of a truly democratic state that intentionally includes all minorities in the life of the State, will Bedouin communities be able to escape the cycle of poverty and crime, access better education and employment opportunities, and live with security and dignity.



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