



sustainable community action for land and people  
فعا ليات جا هارية مستدامة للأرض والإنسان  
עשייה קהילתית בת קיימא לאדם ולאדמה

CENTRE ON  
HOUSING RIGHTS  
AND EVICTIONS



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**COHRE and BUSTAN joint statement on the International Day of the World's Indigenous Peoples regarding ongoing human rights violations against the Bedouin of the Negev/Naqab, Israel**

9 August 2008: The Centre on Housing Rights and Evictions (COHRE) and BUSTAN are gravely concerned about ongoing human rights violations perpetrated against the indigenous Bedouin community of the Negev/Naqab, particularly their rights to adequate housing, land, water and sanitation.

On the 13 September 2007, the United Nations General Assembly adopted a Declaration on the Rights of Indigenous Peoples affirming in Article 1 that "Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law." Yet, in common with the plight of indigenous peoples the world over, the Bedouin of the Negev/Naqab have been subject to social, economic and political marginalization, dispossession and colonization of their lands, destruction of their culture and expropriation of the natural resources upon which their survival as a group depends.

Prior to the creation of the State of Israel in 1948, there were some 90,000 Bedouin Arabs living in the Negev/Naqab, comprising the overwhelming majority of the region's inhabitants. In the course of -- and subsequent to -- the 1948 Arab-Israeli War many Bedouin fled or were expelled from their lands, reducing the Bedouin population of that time to around 10,000. The majority of the Bedouin that remained in the Negev/Naqab, and who subsequently became Israeli citizens, had their lands expropriated by the newly created State and were forcibly relocated to the north-eastern area of the Negev/Naqab known as the *Siyag* (fence in Arabic).

Today the Bedouin comprise around 25% of the Negev/Naqab's population and own less than 2% of its land. The Bedouin of the Negev/Naqab continue to be subjected to expropriation of their lands in the name of "development" and a forced urbanization process that concentrates them into government built towns. Much of the land confiscated from Bedouin communities is held by the State including the Development Authority and Israel Land Administration and para-state agencies such as the Jewish National Fund and World Zionist Organization which have a mandate to manage and hold land for the exclusive use and benefit of the Jewish people. Indeed current development proposals for the Negev seek to increase Jewish settlement in the region through establishing exclusive, affluent Jewish communities and include plans for upgrading infrastructure and transportation for the region. The plans however, neglect the needs of Bedouin communities and indeed some of the proposed new Jewish settlements are to be built on sites where Bedouin villages currently exist. The United Nations Committee which monitors the International Convention on the Elimination of Racial Discrimination, ratified by the State of Israel, calls upon States parties to

"recognize and protect the rights of indigenous peoples to own, develop, control and use their communal lands, territories and resources and, where they have been deprived of their lands and territories traditionally owned or otherwise inhabited or used without their free and informed consent, to take steps to return those lands and territories. Only when this is for factual reasons not possible, the right to restitution should be substituted by the right to just, fair and prompt compensation. Such compensation should as far as possible take the form of lands and territories."<sup>1</sup> The State of Israel systematically violates this fundamental human right. Compensation afforded to Bedouin that have agreed to be resettled into the government townships has been inadequate and unfair, and has been made dependent upon their relinquishing of their land claims. Further, the forced urbanization process destroys their cultural characteristics as they are not provided with agricultural land upon which they are dependent for their livelihood and the community cohesion of the Bedouin as a group is destroyed; the option of moving to the townships, where it exists, is given to individual families and not entire communities.

The Bedouin communities of the Negev/Naqab have the lowest standard of living in Israel due in part to discriminatory access to housing, land and basic services such as water and sanitation which exists in law, policy and practice. About half of the Bedouin population lives in seven government planned towns. These communities are characterized by low levels of employment, poor infrastructure, sub-standard facilities and services and high levels of poverty. A number of these recognized Bedouin towns have only partial or non-existent sewerage systems including neighbourhoods in Ar'ara, Kuseife and Laqye and water and electricity supplies are of a very low standard.

The remainder of the Bedouin -- around 84,000 people -- live in 45 'unrecognized' villages which despite having between 600-8,000 residents per village do not exist on any official map. The 1965 Planning and Construction Law rendered all of the unrecognized villages illegal and was applied retroactively on the basis that none of these villages appeared on Israeli master plans for the region. The housing conditions in the unrecognized villages are dire. Due to this law, the inhabitants of the unrecognized villages are not granted a license to build any structures and cannot be connected to any basic services or facilities such as water, sewerage, electricity or telephone networks; services that other Israeli citizens take for granted. Families are often living in shacks with tin roofs or plastic sheeting as the only protection from the elements, which become unbearably hot in the summer and do not provide adequate protection from the cold in the winter. Many residents must travel long distances to fetch water, in some cases 7 km and some families are spending over 40% of their monthly income on clean drinking water. There is also a high incidence of disease amongst the Bedouin linked to water related causes and unsanitary conditions.

Lacking security of tenure, the Bedouin of the unrecognized villages are subject to widespread forced evictions and home demolitions. Around 227 demolitions occurred in 2007. On 2 April 2008, the entire village of Twail abu Jawal was demolished for the 15<sup>th</sup> time in the last three years. Without provision of adequate alternative housing or compensation residents are rendered homeless and destitute. The widespread instances of forced evictions and house demolitions in the Bedouin communities of the Negev, as well as the poor living conditions, conflict with Israel's international legal obligation to respect, protect and fulfill the right to adequate housing guaranteed under the International Covenant on Economic, Social and Cultural Rights and procedural

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<sup>1</sup> CERD, *General Recommendation No. 23, Indigenous Peoples*, contained in UN Doc. A/52/18, annex V (1996), para.5.

guarantees which set standards for the practice of evictions. This convention further guarantees every person the right to an adequate standard of living, the right to health and the right to water and sanitation.

The Government of Israel has recently established a committee (the Goldberg Committee) to submit policy recommendations regarding the Bedouin in the Negev. However, no Bedouin from the unrecognized villages are on the committee and both local NGOs and the Bedouin themselves are highly skeptical that any improvements favorable to their interests will result. Under international law the Bedouin, both as individuals and as a group, have the right to participate in decision-making related to their situation and to benefit from development on an equal basis with non-minority groups. Formal and legal recognition of the Bedouin communities of the Negev/Naqab is needed in order to overcome the current discrimination and exclusion from mainstream Israeli society which they face and to realize their human rights both as individuals and as an indigenous group.

*The Centre on Housing Rights and Evictions (COHRE) is a Geneva based international human rights non-governmental organisation that works to promote and protect the right to adequate housing for everyone, everywhere, including preventing or remedying forced evictions.*

*BUSTAN: Sustainable Community Action for Land and People is an Israeli NGO that works in the Bedouin and Jewish communities to ensure fair resource allocation and environmental and social justice for all peoples in the region.*

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