

COHRE condemns threatened demolition of housing and mosque in Israel

16 September 2008: The Centre on Housing Rights and Evictions today condemned the demolition order for a community mosque and three other residential buildings in Wadi Al Na'am an unrecognized Bedouin village in the Negev/Naqab, southern Israel.

There are 45 "unrecognised" villages (villages the State refuses to officially acknowledge as existing) in the Negev/Naqab, with a total population of around 84,000 indigenous Bedouin citizens of Israel. The absence of official planning for these areas prevents residents from building legally as the 1965 Planning and Construction Law prohibits the construction of any structure without a license. In many cases, retroactive application of the Law has rendered historic villages illegal. The law excludes residents of these areas from accessing basic services such as water, sanitation and electricity and renders them vulnerable to forced eviction and home demolitions. The Regional Council for the unrecognized villages reports that 228 home demolitions were carried out in the unrecognized villages in 2007, and between January and May this year 47 demolitions had occurred. A large number of homes in the unrecognized villages have pending demolition orders against them. Lack of adequate housing alternatives and the absence of services, facilities and equal economic opportunities in the unrecognised villages have created a total lack of parity in the standard of living between Arab and Jewish citizens of Israel. These practices conflict with Israel's legal obligation to ensure the right to adequate housing is respected, protected and fulfilled for all citizens in a non-discriminatory manner.

Wadi Al Na'am, has a population of around 8,000 people. The latest demolition in Wadi Al Na'am happened in July 2008, when three houses were demolished. The conditions in the village are poor. It is located between a large industrial complex of 19 chemical processing plants and a hazardous waste treatment plant. These facilities have serious detrimental impacts on the health of local residents. A nearby power plant supplies electricity exclusively to Jewish settlements in the region. Power lines completely bypass the Bedouin village. The mosque, which also serves as a community centre, has been built during recent months by the community and volunteers, and has recently been completed. Local activist Mahmoud Jarbeau said that the straw bale and mud structure is designed to be a place of worship as well as a centre for the preservation of Bedouin heritage. According to reports from the community, the demolition order for the mosque was issued by the Ministry of Interior on 21 August 2008, and served by civilian-clothed officials. The order gives no indication as to when the demolition is slated to happen.

The demolition order for the mosque and three other buildings in Wadi al Na'am is an example of the effects of legislation and practice that amount to the denial of a number of human rights of the Bedouin population in the Negev/Naqab. Forced evictions, home demolitions and denial of basic services are seen by these communities as a means to transfer them from their lands and force them to relocate to government built urban townships which prevent the Bedouin from practicing their culture and traditional way of life. Land that is confiscated from the Bedouin is often given over to increasing Jewish settlement in the region.

Israel as a State Party to the Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is obliged to ensure that nobody in Israel suffers from direct or indirect discrimination based on race, colour, descent, or national or ethnic origin. The fact that Bedouin in the Negev/Naqab are unable to obtain permission to build legally and are denied connection to any services on the land where they lived for generations, while Jews in the Negev/Naqab can obtain building permission and connection to services, amounts to racial discrimination and breaches Israel's obligations under ICERD.

Further, the demolition order for the mosque denies the community of Wadi al Na'am their right to practice their religion in a mosque built for that purpose. While the community has pledged to rebuild the mosque should it be demolished, a new mosque would face the same threat of demolition as the community cannot obtain building permissions. Israel is obliged to respect the right to freedom of religion as stipulated in Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which includes the freedom, "individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching". By ordering the demolition of the mosque, Israel further violates its obligation to respect the rights of minorities to enjoy their own culture and to profess and practice their own religion, as set out under Article 27 ICCPR.

As a result of its procedural inadequacy, its failure to make any provision to rehouse affected persons, and the very evident racial discrimination burdening these procedures, the demolition order for the three residential buildings, issued along with the demolition order for the mosque, constitutes an instruction to forcibly evict, and therefore violates the fundamental right to adequate housing of the affected families. It is now well-established that forced evictions constitute gross violations of human rights and are illegal under Article 11 of the International Covenant on Economic Social and Cultural Rights, to which Israel is a State Party. This is particularly the case when forced evictions render individuals homeless, as will be the case here and as has occurred in the past in Wadi Al Na'am and other Bedouin villages in the Negev/Naqab.

In addition, demolition orders against Bedouin housing and other buildings in unrecognised villages in the Negev/Naqab violate Article 10 of the Declaration on the Rights of Indigenous Peoples (DRIPS), adopted by the UN General Assembly in 2007. Article 10 DRIPS sets out that "indigenous peoples shall not be forcibly removed from their lands", and that relocation shall only take place with their "prior and informed consent and after agreement on just and fair compensation". The practice of only giving Bedouin communities the possibility to get planning permission in pre-identified areas, and to regularly demolish structures in "unrecognised" villages, is an attempt to forcibly remove the Bedouin communities from their lands.

COHRE calls on the Government of Israel to halt immediately all house demolitions in the Negev/Naqab, as well as the arbitrary destruction of religious establishments and other institutional infrastructure fundamental to the communal life of the affected persons, until a satisfactory solution that complies with Israel's international human rights obligations is found, in consultation with the Bedouin communities.