

**האגודה לזכויות האזרח בישראל**  
**جمعية حقوق المواطن في اسرائيل**  
**The Association for Civil Rights in Israel**



**The Forum on Minority Issues**

**Land and Housing Rights for Arab Minorities in Israel**

**Rawia Aburabia- The Association for Civil Rights**

It is an honor to speak on behalf of the Association for Civil Rights in Israel. ACRI works intensively to address entrenched discrimination against Arab citizens, particularly in regards to discriminatory planning, building, and land distribution policies; inequitable access to public services and funding; violations of freedom of expression and political participation; racial profiling at airports; and the rights of Arab women.

Israel's Arab citizens are subject to discrimination based on their ethnicity. Lack of Arab equality has been documented in many studies and papers, and has been underscored in numerous court rulings, government decisions, state comptroller reports and other official documents. One of the areas that stand out in terms of discrimination towards Arab citizens is land allocation, planning and housing.

My presentation will focus on land and Housing Rights for the Arab Bedouins.

**Introduction**

The Arab Bedouins of the Naqab are integral part of the Arab-Palestinian minority in Israel, both as an ethnic and as an indigenous minority. Before the founding of Israel there were approximately 100,000 Bedouins, after 1948 only 10,000 remained. Approximately half of

the Naqab Bedouin (about 90,000 people) resides in some 37 villages, which the State of Israel refuses to recognize or to include in regional and municipal zoning and planning. The refusal to recognize Bedouin villages outside of the townships is accompanied by efforts to make life in the unrecognized villages unbearable. This includes a broad array of enforcement methods such as fines and house demolitions sanctioned by Israeli housing and construction laws regarding “illegal” building; refusal to provide essential services, including health, education and welfare services; as well as refusal to connect the villages to water utilities and to the electricity grid.

It should be noted that these villages were established in the 1950's, when Israel forcibly resettled Bedouin populations from their traditional ancestral territories (which they either owned or controlled) to a defined smaller area referred to as the *Siyag* or “restricted area”, which is known for its low agricultural fertility. Up until 1966, Bedouin citizens as well as all of the state's Israeli-Arab citizens lived under a state of martial law, which severely curtailed their freedom of movement as well as other basic human rights. Many displaced Bedouin, were prevented from returning to their lands. The resettlement of the indigenous Bedouin population was carried out without their informed consent or agreement, and the new areas where they were settled neither were recognized as legitimate villages nor were they included in regional planning maps. The state provided no monetary compensation to the displaced, as required under international law. In these early years of the state, most of the legislation was enacted that would transfer these lands from the control of the Arab population for the use of the Jewish majority population.

One of the most severe consequences of the lack of recognition granted to Bedouin villages is that the State of Israel metes out its educational and healthcare resources so sparingly there. Because the villages are unrecognized, they do not appear in regional planning maps, nor are there any zoning plans for the villages that would enable the receipt of a building permit. The upshot is that all construction work in these villages is illegal, including the building of schools and medical clinics. District Outline Plan does arrange building permits for some educational and healthcare institutions, but it limits these permits to only 16 of the unrecognized villages, and consequently, the Ministries of Education and Health do not build

schools or clinics in most of the villages. This harms the rights of some 37,000 residents who live in the 30 unrecognized villages without any education or health service. It harms their right to equality and all because of obstacles in planning.

### **The law as a discriminatory tool**

Israeli policy over the years has continually sought to obtain lands previously used by the Galilee and Negev Bedouin and to register them in the name of the state. Legal machinations have featured prominently in this exercise. Israeli governments have made use of the law as a tool for expropriation of lands, for the dispossession of the indigenous Bedouin population and the negation of their property rights, and for the judaization of these lands. The process goes as follows: the state first registers the lands and arranges their planning and zoning status, and then it transfers those lands to various organizations charged essentially with judaizing the area. All this is made possible through various land expropriation laws, such as the Absentee's Property Law (1950), Land Acquisition (Validation of Acts and Compensation) Law (1953), and Acquisition of Land in the Negev Law (1980).

### **Infringement of the Right to Housing**

The direct result of the state's discriminatory planning policies is that it is impossible to receive legal building permits in any of the unrecognized villages. Without building permits or fair settlement alternatives, the Bedouin residents have no choice but to build illegally without permits. Thus, it is no wonder that the threat of house demolitions hang constantly over their heads, and in fact dozens of residents each year do lose their homes to demolition and are left without a roof over their heads.

Israel's policy of house demolitions has become a common phenomenon in the Negev. Earlier this year, the Ministry of Interior, Israeli Land Authority and the police commander of the southern region aggressively decided to triple the number of houses that will be

demolished in the Negev. This policy finds expression in the repeated demolition of the unrecognized Bedouin village of Al Arakib that was demolished seven times. Each year the State of Israel demolished about 250 houses in the Negev. The arithmetic is simple, each household comprises of an average of six people, which means that 4,500 people will find themselves this year with no roof over their heads

#### **D. Infringement of the Right to Dignity and the Right to Culture**

The disgraceful living conditions in the unrecognized villages – villages without running water, electricity, paved roads, garbage collection, or sanitary sewage infrastructure – are the direct result of the systematic policies that prevent the Bedouin population from access to the basic services that are necessary for a dignified life in a developed country in the 21<sup>st</sup> century. Over the years, the state has made use of these policies to coerce the Bedouin population to uproot themselves (unwillingly) and relocate from their rural villages to urban townships that the state planned for them. However, these townships do not match the needs of the villagers and are not in keeping with their culture or way of life.

These policies – of concentrating and urbanizing the Bedouin population, of denying their villages recognition, and of disinherit the population of their rights to their historic lands – represent a gross violation of the right to dignity and the right to preservation of culture. Such policies cut inter-familial ties and sever the connection of the population to their land, land which serves as their cultural backbone. They remove the population from the communal, agricultural village life to which they are accustomed, where agriculture and the raising of livestock are central to their culture and lifestyle.

#### **Recommendations**

We urge the forum on minority issues to recommend the Human Rights Council that: It is time to propose new policies that recognize the rights of the Bedouin residents of the Negev, and to bolster those rights by repealing existing damaging and/or discriminatory legislation. There is a need for new enlightened legislation, consonant with International Law that recognizes the rights of indigenous peoples and is based on the principle of justice.

The proposed policies will need to redress a historical injustice that has continued for many years, and thus these policies must be based on the principles of equality, distributive justice, and transitional justice along with recognition of the traditional ownership rights of the Bedouin homeland minority

**In the first stage**, we propose to map out all the unrecognized Bedouin villages in the Negev, using the standard, egalitarian planning and zoning measures used in Israel today (to which end we can rely on the maps and plans of the Regional Council of Unrecognized Bedouin Villages.) The purpose of this is to arrange the planning and zoning status of the unrecognized villages so they can officially appear on regional and national master plans.

This is critical, so that the regional development plan will be based on current facts-on-the-ground, and so that future development will not require the uprooting of extant Bedouin settlements. **In parallel**, steps should be taken to remove the zoning and planning obstacles that prevent the Negev Bedouin from realizing their most basic rights (e.g. right to education, right to health) in an equal manner to their Jewish Israeli counterparts. Bedouin

residents should not have to rely on temporary buildings until the completion of the recognition process and the full zoning of their villages. **In the second stage**, we propose that the state recognize the historical property rights of the Bedouin Arab population to their ancestral lands, and reach a decision regarding their ownership lawsuits according to legal

mechanisms (to be established) based on traditional Bedouin evidentiary law. We also propose the creation of legal mechanisms that will allow for monetary compensation of

persons whose land was expropriated for public use, when there is no possibility of returning that land to its owners. **In the third stage**, we propose to advance a detailed regional master plan that would provide reasonable and equitable solutions to the basic

needs of the unrecognized villages. Such a plan should allow for different types of settlement (e.g. agricultural settlements, communal settlements, and shepherding communities) that would address the needs of various communities while respecting their culture.

Finally, we recommend the state of Israel to stop immediately home demolitions.

Thanks you

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