



The Arab-Bedouins of the Naqab- Negev Desert in Israel

Shadow Report submitted by

The Negev Coexistence Forum for Civil Equality

in collaboration with:

**The Regional Council for the Arab Unrecognized Villages of
the Negev, Recognition Forum, Physicians for Human
Rights - Israel.**

**UN Committee on the Elimination of Racial
Discrimination (CERD)**

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"The Bedouins living in existing Bedouin towns enjoy the same services provided to all Israeli citizens, some of which are adapted especially to their needs."

"The existing towns can accommodate most of the needs of the Bedouin population."

State Report, Paragraphs 416 and 380

"The physical situation of the towns, in respect to infrastructures, is low and suffers from continuous neglect...the towns are not attractive and will not encourage populating to move into the new planned towns... the lack of local authority in the unrecognized villages is seriously hurting the allocation of budgets and services to the villages. "

Mr. David Cohen, District Head, Ministry of Interior

The Negev Coexistence Forum for Civil Equality

Contact Person: Ariel Dloomy

P.O.Box 130 Omer 84965, Israel

Tel: 972-50-7701118

Fax: 972-8-9390185

Email: info@dukium.org

Website: www.dukium.org

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Executive Summary

This shadow report regarding the State of Israel's combined 10th, 11th, 12th, and 13th periodic report to the UN CERD was prepared by the Negev Coexistence Forum for Civil Equality in collaboration with the following civil rights and grassroots organizations: The Regional Council for the Arab Unrecognized Villages of the Negev, Recognition Forum, and Physicians for Human Rights - Israel. This report focuses on Israel's implementation of the ICERD regarding the Arab-Bedouin population in the Naqab (The Negev, Israel's Southern region) in order to provide the committee with additional information to consider Israel's report.

Dispossessed of the lands they had owned for centuries, the 160,000 Arab-Bedouins in the Negev-Naqab, the most disadvantaged citizens in Israel, are struggling for equality, recognition, and pursuing their way of life. Today, almost half of the Arab-Bedouin citizens live in seven failing government-planned towns. The remainder live in 45 villages unrecognized by the government, and do not receive basic services like running water, electricity, garbage collection, proper education and social services. In addition, they live under the continuous threat of home demolition, crop destruction, and displacement.

Given space constraints of this report, it will not cover the entire range of issues concerning racial discrimination against the Arab-Bedouin population, but rather attempt to demonstrate and analyze the most salient examples of such a policy.

The first part of the report, "The Israeli Judicial System and the Land Issue," analyses the right of the Arab-Bedouins to equal treatment before tribunals and organs of the Israeli Judicial system. It is claimed that ignoring the traditional land ownership mechanism of the Arab-Bedouins as well as enacting a series of discriminatory laws since the 1950s, have resulted in a discrimination against this population, since the laws abolished any real chance for members of this group to win almost any legal procedures regarding land issues in Israeli courts. The report highlights the new method, adopted by the Ministry of Justice in 2003, of filing Counter Land Claims against the original land claims of the Arab-Bedouins in order to force them to leave their ancestral lands. Instead of allowing the Arab-Bedouins "equal treatment before the tribunals and all other organs administering Justice" as stated in Article 5 (a) of the ICERD, the Israeli state uses its judicial system as a tool against the Arab-Bedouins. Another piece of legislation that is described is the Amendment to the Public Land Law (2005) that is liable to have a severe impact on the land rights of the Arab-Bedouin population in the Negev-Naqab.

The second section, "Political Rights, in Particular the Right to Participate in Elections," challenges the claim of the State Report that "the right of all persons 17 years of age and older who reside in the municipal area in question to vote in such elections..." It demonstrates how the basic democratic right of participation in local elections is denied from the residents of the unrecognized villages, even in places where their village geographically lies within the local council's jurisdiction. The fact that only Jewish residents of these councils can take part in this democratic procedure is discriminatory and in defiance of Article 5(c) of the ICERD.

The third section, "The Right to Freedom of Thought, Conscience and Religion," probes the condition of the Muslim-Bedouin holy places in the Negev-Naqab. Several issues such as the rejection of the Beer-Sheva municipality to designate its only

Mosque building for praying while allowing the existence of dozens of different synagogues in the city, the neglect of the Arab-Bedouin cemeteries in Beer-Sheva and in the unrecognized villages as well as the destruction of Mosques in the unrecognized villages indicate a severe discrimination against this population on the basis of ethnicity and religion.

The section titled "Economic, Social and Cultural Rights, in Particular: The Right to Housing," demonstrates how discrimination in planning policies have left the residents of the unrecognized villages with no avenues for legal construction of their houses. Furthermore, the State uses demolition of 'illegal' houses in the unrecognized villages, as a method to force the Arab-Bedouins out of their ancestral lands. Analyzing the District Outline plan for the Southern Region, it becomes clear that the only type of planning offered to the Arab-Bedouins is urban or suburban towns, while more than 100 Jewish agrarian villages exist in the Negev-Naqab. Special attention is given to the "Wine Road" plan which will establish 30 single family farms for almost exclusively Jewish families on lands claimed by Arab-Bedouins. Some single family ranches pre-existed the "Wine Road" plan which came to legalize them. Another part of this section is dedicated to the socio-economic conditions in the seven State established towns. Despite the claim of the State report that "the Bedouins living in existing Bedouin towns enjoy the same services provided to all Israeli citizens," the towns still rank among Israel's poorest localities and suffer from immense shortage of banks, post offices, public libraries, classrooms and places of entertainment.

The last Section, "The Right to Public Health, Medical Care, Social Security and Social Services," describes the health conditions in the unrecognized villages. It first emphasizes that the advancement in access to medical care, described in the State Report, is not a matter of State policy but rather a consequence of legal pressure on the side of different residents and NGOs. Special attention is given to the health ramifications caused by the State's refusal to provide basic services such as running water and electricity to the residents of the unrecognized villages. State programs aiming at reducing rates of infant mortality and the lack of Arabic speaking medical crew in the various medical facilities in the Arab-Bedouin community are criticized. Another bothersome aspect of the right to health in the unrecognized villages is the mental harm to children caused by the constant demolition of houses.

The state report misrepresents the real State policies towards the Arab-Bedouin minority in the Negev-Naqab. Despite the attempts to present a considerable improvement in the elimination of racial discrimination against members of this group, State policies, and mainly those regarding the social, economic and cultural rights (protected by Article 5 (e) of the ICERD), remain racially discriminatory.

State policies and objectives in implementing development plans for the Arab-Bedouin citizens do not coincide with the gist of the State report and mainly with the claim that **“the key goals of the plans are to allow for sustainable integration of the Bedouin population into the State, while maintaining their traditional practices and lifestyle.”**

Introduction

The Arab-Bedouins are a unique Palestinian community that has lived in the Negev-Naqab for centuries. In 1948, they constituted the vast majority of the population of the Negev-Naqab, numbering about 60,000 – 100,000 people. After the war, there were only about 11,000 Arab-Bedouins left in the Negev-Naqab, the rest having left or been expelled to Jordan and Egypt (the Gaza strip and Sinai). In the early 1950s, the Arab-Bedouins were concentrated in a tight geographical area (about 1,500 square kilometers) in the eastern Negev-Naqab, called the 'Seyag', and were subject to military rule until 1966. This area constituted only 10 percent of the Arab-Bedouin land prior to 1948¹. The western, northern and southern parts of the Negev-Naqab are now almost devoid of any Arab-Bedouin residents. Lands in the western and northern Negev-Naqab were given to new *kibbutzim* and *moshavim* (Jewish agricultural forms of settlement) for cultivation. The internal transfer of the Arab-Bedouin population to the eastern Negev-Naqab has deprived tribes of their land and concentrated them on lands not their own, under harsh and increasingly crowded conditions.

The internal transfer of this population was carried out without their informed consent. No formal arrangements were made, and the new area was not recognized as an alternative settlement site.

The Bedouin Authority

A special administration was set up in 1986 under the jurisdiction of the Israel Lands Administration (ILA) with the name of 'Administration for the Promotion of Bedouins'. It was established mainly with the purpose of reaching agreements regarding land ownership claims². In practice, however, its authority was much broader and it has maintained control of almost every aspect of life with regard to the residents of the unrecognized villages, particularly in terms of the provision of services.

The Arab-Bedouin population is the only population in Israel for which a special governmental institution was created. The Bedouin Authority is responsible for transferring governmental resources and budgets to this sector, including to the existing towns, instead of directly allocating funds from the State. The Bedouin Authority is responsible for planning new neighborhoods in the existing towns and the development of new settlements. Moreover, the Bedouin Authority has full control over the allocation of water quotas and connections to water supplies. It is even involved with deciding the location of medical clinics and services in the unrecognized villages³.

Today, there are approximately 160,000 Arab-Bedouins in the Negev-Naqab. This population can be divided into two groups, based on their living arrangements. Roughly half of the Arab-Bedouin population – about 84,000 people – live in approximately 45 localities (plus a number of smaller encampments), which are unrecognized by Israel. What is this policy of un-recognition? These villages do not appear on Israeli maps, have no road signs indicating their existence, and are denied basic services and infrastructure, including paved roads, running water, garbage disposal, electricity, and proper schools and clinics. It is illegal to build permanent

structures in these villages – those that do so risk heavy fines and home demolitions. A typical village consists of between 60 to 600 families – a population of between 500 and 5000 – living in tents and shacks⁴.

The other half of the Bedouin population is concentrated in seven government-planned towns set since the late 1960's till the early 1990's in the *seyag* area: Tel Sheva, Rahat, Hura, Kseifa, Arara, Laquia and Segev Shalom and. The towns were planned as urban centers, giving little to no consideration to the traditional Arab-Bedouin way of life. Consequently, the forced urbanization of this population has been disastrous: unemployment is high, and the Arab-Bedouin towns rank among the country's 10 poorest municipalities.

In short, because these processes of settlement and modernization were not coupled with the provision of necessary services and infrastructure by the Israeli State, the Arab-Bedouins have suffered in a number of areas. The most problematic issue is that of dispossession; indeed, the dire situation of the Negev-Naqab Arab-Bedouins today is rooted in the Israeli land and planning policies, which are discussed in the next section.

Illegal Villages?

The term used in the State report to describe the Arab-Bedouin unrecognized villages is '*The Illegal Villages*'. The historical and political circumstances that led to the creation of these villages suggest that the proper term that should be used is '*The Unrecognized Villages*'. The term '*Illegal*' is used by State officials in order to delegitimize the basic right of these people to live on their land. Furthermore, the phenomenon of unrecognized villages is a product of various legislation including the National Planning and Construction Law of 1965. This specific law did not take into consideration the Negev-Naqab Arab-Bedouin communities that in many cases pre-existed the State⁵ and other communities that were created in accordance with the Military Government order in the 1950s and 1960s. Many residents of these villages, who were ordered by State officials to live in certain areas during the 1950s, are now receiving expulsion orders and seeing their homes demolished⁶.

Article 5 (a) The Right to Equal Treatment before Tribunals and all Organs of Administering Justice

The Israeli Judicial System and the Land Issue in the Negev-Naqab

The Arab-Bedouins are citizens of Israel and officially enjoy the same legal rights and equality before the law as all other citizens of the State. However, daily practices and legislation have led to severe discrimination against this group, especially in regard to land Issues. By ignoring their traditional land ownership and mandatory mechanisms, the Israeli Judicial system effectively delegitimized and abolished any real chance for members of this group to win legal procedures regarding land Issues in Israeli courts.

Ottoman and British administrations allowed the Arab-Bedouins to retain their traditional land ownership system. However, most of the land in the Negev-Naqab was classified as *mawat*⁷ – dead or uncultivated land. In 1921, The British Mandate Government gave landholders two months to register their land. After this period, land that was not registered was classified as State land. There were several problems with this system and many Arab-Bedouins did not register their lands due to a tradition of not cooperating with foreign government authorities; a lack of information and knowledge about the registration system and fear of taxation and military conscription based on registration records⁸. Based on their customary laws, the Arab-Bedouins continued to use their traditional means of land ownership and demarcation of land parcel boundaries, and did not adopt the Western system of land registration and ownership.

Following the 1948 war, the Israeli authorities did not recognize the Arab-Bedouins' traditional ownership rights – only a registration document issued by a foreign power (Ottoman or British) was acceptable to prove land ownership. As a consequence, nearly all the lands previously held by the Arab-Bedouins were nationalized.

Before the establishment of the State of Israel in 1948, the Arab-Bedouins owned 98% of the Negev-Naqab lands⁹. Former British mandate records¹⁰ list 12,577,000 dunams in the Negev-Naqab as used by the Arab-Bedouins, and there are maps from the Mandatory period which record tribal holdings. At present, of these approximately 13 million dunams, the Negev-Naqab Arabs combined hold only 550,000 dunams (350,000 dunams that are claimed by the Arab-Bedouins and other 200,000 that are not claimed). According to the State Comptroller's Report 50b, the Arab-Bedouin population of the Negev-Naqab, comprising 27% of the whole Negev-Naqab population, live on approximately 5% of the Negev-Naqab lands¹¹.

The “Absentees Property Law” that was passed in 1950 allowed the State to take possession of and use all lands belonging to Arabs who were no longer residing in Israel or were absent from their land between 29 November 1947 and 1 September 1948. Israel's Land Acquisition Law (1953) defined three criteria for proclaiming land as State property: land that was not cultivated or resided on as of 1 April 1952; land that was in need for essential State development, such as settlement or military uses, between 14 May 1948 and 1 April 1952; and land that was still needed for those reasons. Because the Arab-Bedouins had been internally transferred to the *Seyag* region prior to this date, they lost their lands even when possessing proof of ownership¹².

In 1969 the State established a special mechanism to deal with the land question and during the 1970s, the government asked the Arab-Bedouins to register their land claims with the registration official of the Israel Lands Administration. The Arab-

Bedouins submitted 3,220 ownership claims for a total of 991,000 dunams of land. Today, the scope of lands under claim amounts to 850,000 dunams. In 1975, a committee chaired by attorney Plia Albeck, recommended that the State ignore the ownership rights of the lands on which the Arab-Bedouins were living or had lived in the past. A compensation mechanism for the land claims (with no legal recognition in the original ownership) was set up with the aim that the award of a compensation was to be conditioned on the Arab-Bedouins giving up the lands they claimed and settling in one of the government towns¹³.

The Settlement of Land Rights Ordinance (revised 1969) declared that the Negev-Naqab lands were 'dead' (*mawat*), based on the Ottoman Land Order of 1858 and on a Land Order of the British Mandate (1921) and, as such, belonged to the State.

Counter Land Claims

In April 2003 the Special Ministers Committee for the Non Jewish Sector adopted a new method for dealing with the land conflict in the Negev-Naqab. More than 50 years after the Arab-Bedouins were dispossessed from their lands and more than 30 years after they were asked to file their land claims, the Committee ordered the Israeli Land Administration to file counter land claims against the lands claimed by the Arab-Bedouins.

This method forces many Arab-Bedouins to cope with a complex legal process and court expenses that are beyond their financial means. Moreover, due to the long period that has passed, many of the people who originally filed the claims are no longer alive and the growing number of their descendants now face greater difficulty in proving their ownership over the land.

The case of the Abu Srihan Family

In 1975 members of the Abu Srihan family filed their land claims with the registration official of the Israel Lands Administration. They claimed ownership over the lands they had possessed and cultivated until 1951, when the Military Administration ordered them to leave their land for a period of 6 months since it was necessary for military use. Up to this day they have not been allowed to return to their land and the registration official of the Israel Lands Administration has not considered their claims.

In September 2005, 54 years after they were dispossessed of their lands, the General Attorney's Office filed a counter land claims against the Abu Srihan family with the District Court in Beer Sheva.

During the first court discussion that was held on 28.9.2005, the Judge said: "Don't look for justice; this is not the High Court of Justice. Use legal argumentations!" The case is still pending.

Up until June 2006, 170 counter land claims were served regarding an area of 110,000 dunams; and in every case where a ruling has been handed down by the court, it has ordered the land to be registered as State owned.¹⁴ The State is planning to serve the Arab-Bedouins with 100 new counter claims every year. This method has proven to be effective on the side of the State, as 10 Arab-Bedouin citizens who received

counter land claims in a matter of few weeks in May 2005 asked to start negotiations with the ILA regarding compensation for their lands¹⁵.

This new method is designed to put pressure on the Arab-Bedouins by legal means in order to force them to leave their land and move to the State planned towns. The State aims at putting an end to the land issue in the Naqab-Negev and vacate as much land as possible for future Jewish settlement. Instead of allowing the Arab-Bedouins "equal treatment before the tribunals and all other organs administering Justice," as stated by the ICERD, the Israeli State uses its judicial system as a tool against the Arab-Bedouins, leaving them no avenue for proving ownership over the land they possessed for generations.

Amendment to the Public Land Law¹⁶

In January 2005, the Knesset enacted an amendment to the 1981 Public Land Law (Expulsion of Invaders). The amendment expands the jurisdiction of the Israel Lands Authority (ILA) to enforce ownership rights on that are under legal dispute. The added authority undermines basic democratic principles, primarily the right to due process. The law, in its revised form, is liable to have a severe impact on the Arab-Bedouin population in the Negev-Naqab, as it ignores the housing and employment crisis of the Arab-Bedouins residing in the unrecognized villages who lack even the most basic amenities. The law further undermines the basic right of this population to an equitable and just distribution of land resources, to a minimally dignified existence, and to a way of life that reflects the culture and needs of the Arab-Bedouin community.

The law's amendment extends the time allotted for issuing administrative evacuation orders for an unreasonable period of time, and the appointed official now has up to 36 months to issue the order from the date the individual took possession of the land. The law not only permits the removal of all persons and belongings from the land, but also of every structure or planted crop. Thus the law may be construed to authorize the destruction of crops and house demolitions, both of which are irreversible actions.

The evacuation order has the same judicial power as a court order and is enforced by the Debt Enforcement Office. Once the order is issued, the burden of proof shifts from the ILA to the individual citizen who is in possession of the land, who in many cases does not have any formal documentation and has no knowledge of the legal or bureaucratic procedures governing the issue. This shift contravenes the basic rule of civil law, which places the burden of proof on the plaintiff. It is particularly problematic in light of the fact that the legal definition of "public land" also applies to land that was confiscated by the State and still claimed by many Arab-Bedouins in the Naqab-Negev.

In a conference on the new amendment and its implications for the Arab-Bedouin community in the Negev-Naqab, held by the Negev Coexistence Forum in May 2005, retired Supreme Court Judge Abd al-Rahman Zuabi, called the new law "racist." Zuabi said, "I am a man of law and I act in legal ways only, but aren't they ashamed of legislating such a horrible law?"

Recommendations - The Israeli Judicial System and the Land Issue in the Negev-Naqab

- *Resolution of the land issue in the Negev-Naqab should be based on the Arab-Bedouin Custom Law and take into consideration international standards regarding the territorial rights of indigenous and internally displaced groups, rather than the internal Israeli land legislation.*
- *The amendments to the Public Land Law (January 2005) should be revised and altered so they are not exercised on land that is under legal procedure. In particular, they should not be exercised on lands that were registered by the Arab-Bedouins with the registration official of the ILA during the 1970s.*
- *The method of serving the Arab-Bedouins with counter land claims should be abandoned in favor of a comprehensive process of conflict resolution undertaken by a third party. This process should follow the General Recommendation No.23: Indigenous Peoples of the ICERD with the principles of taking steps to return the indigenous peoples land and territories that were traditionally owned by them and only when this is not possible, due to factual reasons, fair and prompt compensation should be granted. Where possible, this compensation should take the form of lands and territories.*

Article 5(c) Political Rights, in Particular the Right to Participate in Elections

Participation in Municipal Elections in the Unrecognized Villages

An important consequence of the unrecognized status of the Arab-Bedouin villages is that a person in an unrecognized village cannot have an official address in the village, since officially he or she does not reside there. The name of his tribe will appear in his Identification Card, instead of stating the place of residency. It follows that such a person cannot vote in municipal elections, even in places where the village is geographically located within a local council's jurisdiction. Official residence within the geographical jurisdiction of a local or regional council is, of course, a necessary condition for having voting rights within it. However, no resident of an unrecognized village can satisfy that condition.

Paragraph 221 of the State report regarding local and municipal elections defines "**the right of all persons 17 years of age and older who reside in the municipal area in question to vote in such elections...**"

Today, 6,200 Arab-Bedouins and 10,900¹⁷ Jews reside within the jurisdiction area of the Jewish regional council of *Bnei Shimon*, but the Arab-Bedouins can neither vote nor be voted for in an election¹⁸. Another 6,410¹⁹ Arab-Bedouins and 5,600²⁰ Jews reside within *Ramat Ha-Negev* regional council, but most of the Arab-Bedouins cannot vote in the municipal elections. Allowing the Arab-Bedouins the right to vote

in municipal elections, would probably jeopardize the hold of the Jewish members in the positions of power.

This position was clearly expressed by Shmuel Rifman, chairperson of Ramat Ha-Negev Regional Council, in an interview published in Ha'aretz supplement for Israel's 55th Independence Day: Rifman rejects the idea that the residents of the unrecognized villages within the council's area (Wadi Almshash, Bir Hadaj and Abda) should be able to exercise their legal right to vote in the municipal elections. Saying that: "... Obviously this isn't a democratic step, and don't talk to me about democracy. We have the right to live in the Negev-Naqab in a local authority that is run by Jews."²¹

Recommendations - Participation in Municipal Elections in the Unrecognized Villages

- *The residents of the unrecognized villages should have the opportunity to participate in municipal elections, with the right to vote and to stand for elections, in the local or regional councils where their villages are geographically located.*

Article 5 (d, vii) The Right to Freedom of Thought, Conscience and Religion

The Protection of the Muslim-Bedouin Holy places

The Protection of Mosques

In paragraph 296 of the state report, it is claimed that The Protection of Holy Places Law 5727-1967, "**expands on the guarantees contained in the Penal Law by mandating that holy places of all religions be protected from any desecration or other violations, and prohibiting any act that might impair the free access of members of all religions to their holy places.**"

The case of the Big Mosque of Beer-Sheva is in contravention of this law. From 1906-1948, the building was used as a mosque; after the establishment of the State, the mosque was used as a court and prison, and later as a museum. Since 1991, it has stood empty and neglected. Approximately 6,000 Muslims live in Beer-Sheva today and thousands of Arab-Bedouins from all around the Negev-Naqab come to this city from the neighboring Arab-Bedouin localities every day. However, not even one single mosque operates in the city.

Beer Sheva Municipality intends to renovate the mosque in order to convert it into a museum. In response, Adalah – the Legal Center for Arab Minority Rights in Israel – filed a petition to the Supreme Court requesting that it enjoin the municipality from making any changes that may alter the building's use as a mosque²².

At a Supreme Court hearing held in February 2004, the Court suggested that the petitioners and respondents reconsider their positions and reach an agreement involving the designation of the building as a cultural and social center for use by the Muslim community in Beer-Sheva. However, it recommended that the mosque should not be used for the purpose of praying. In March 2006, the Municipality filed its response to the Court, stating its rejection of the proposal to open the Mosque as an

Islamic cultural center. The municipality insisted that the Mosque should be opened as a museum.

The rejection of the Beer Sheva municipality to designate the Mosque building neither for the purpose of praying nor for the purpose of a Muslim cultural center is a matter of racial discrimination against the Muslim population of the city. While rejecting the opening of the only mosque in the city, it allows the existence of more than 200 different synagogues for the Jewish community.

In the unrecognized villages the problem of access to holy places is even worse. Since no legal avenues for legal construction are available, mosques are also being built without licenses and are subject to demolition procedures.

On 5 February 2003, the State destroyed the mosque in the unrecognized village of Tel-Al-Mileh. The mosque was originally built with money that had been raised by donations from the villagers. This was the only place of worship in the village and was built after years of public pressure²³. When the villagers and other Arab-Bedouin citizens joined together to rebuild the mosque within a few days, the Southern Regional Planning Committee issued the ILA with another demolition order, although the order has been frozen for the time being by the court. On 29 December 2003, the mosque in the unrecognized village of Za'arure, serving the Abu Ajaj family, was destroyed. In March 2003, the regional court in Beer-Sheva issued a demolition order for the Mosque in the unrecognized village of Um Al-Hiran. Sheikh Mussa Abu Alkian received a fine of 6,000 USD or the alternative of 210 days in prison.

The Protection of Cemeteries

Paragraph 288 of the state report claims that in April 2000, "...in a case before the Supreme Court concerning the unequal allocation of funds to Jewish and Arab Cemeteries, the Court stressed the importance of the principle of equality in the allocation of state funds, and ordered the Ministry of Religious Affairs to revise its cemetery budget so that the Arab sector receives a more equitable share."

The case of the Muslim-Bedouin cemetery in Beer-Sheva stands in defiance of this declaration. This neglected cemetery is located near the town center. Beer Sheva's municipality does not maintain this cemetery and from time to time private people and organizations clear the place of the dirt and garbage that accumulates. The place has become the home of prostitutes and drug dealers. With no proper maintenance, the condition of the tombs has deteriorated and, in 2005, people passing by noticed a horrible sight of dogs playing with human bones they had dug out of the ground.

In the unrecognized villages, the condition of the cemeteries, some of which are 300-400 years old, is no different. The State does not allocate any resources to preserve and maintain the cemeteries and the villagers have to do it at their own expense. As a result, many of these cemeteries face severe neglect.

Recommendations - The Protection of Muslim-Bedouin Holy Places

- *Equal allocation of funds should be made to the Bedouin-Muslim cemeteries and mosques with regardless of their location. The State should renovate the Muslim cemetery in Beer-Sheva and allocate money for its permanent maintenance. The Big Mosque in Beer Sheva should be renovated and reopened as a place of prayer for the Muslim community of Beer Sheva and the surrounding Muslim communities.*

**Article 5 (e) Economic, Social and Cultural Rights, in Particular:
(iii) The Right to Housing**

Lands and Planning for the Negev-Naqab Arab-Bedouin Community

The State argues that the Arab-Bedouins living in the unrecognized villages are scattered in the "illegal clusters" (*pzura*) and, due to this, services cannot be provided. This stand legitimates the concentration of the Arab-Bedouins in towns, in order to get control of the land. Since the mid 1960s, the Arab-Bedouin of the Negev-Naqab have been subject to a forcible process of permanent settlement in urban towns that began with the establishment of Tel Sheva and Rahat.

This relocation policy, designed to “modernize” the Arab-Bedouins, has been conducted without community consultation, and is at odds with any planning goals aiming to improve people’s quality of life. The plan regards the Arab-Bedouin way of life as an anachronism, and takes concrete steps to ensure that it is so, allowing only urban settlements rather than agricultural villages. Planning for the Arab-Bedouins involves settling them entirely in urban localities, whereas different options are open for the Jewish citizens.

The National Planning and Construction Law of 1965 ignored the existence of the Arab-Bedouin unrecognized villages, discriminating against them by excluding them from planning arrangements. Discrimination in planning leads to discrimination in the granting of housing rights and the residents of the unrecognized villages cannot obtain building permits due to the lack of outline plan in these villages.

District Outline plan for the Southern Region

Paragraph 385 of the State report states that "the relevant planning authorities continue in their efforts to settle the Bedouin population. Following lessons learned from past planning committees, they perform this task in constant consultation with Bedouin representatives, who provide input as to their vision of every town's desired character."

Following the 2000 appeal of the Association for Civil Rights in Israel (ACRI) together with the Negev Coexistence Forum for Civil Equality, the Regional Council for the Unrecognized Villages in the Naqab-Negev and other organizations to the Supreme Court of Justice, the Court ordered the planning committee to involve representatives of the Arab-Bedouin community and NGOs in the planning process. Currently, the State has decided to go ahead with the plans despite their rejection by the Arab-Bedouin representatives who claim that the urban character designed for their future towns does not fit with their traditional practices and lifestyle. Contrary to the impression given in Israel's Report (Paragraph 385), Arab-Bedouin representatives did not take part in the planning process, and their “consultancy” amounted to a few meetings in which no concrete recommendations were discussed for the planning of unrecognized villages. The meetings were called only to satisfy the High Court’s demand for progress in the matter of the petition²⁴.

The Arab-Bedouins claim that the new District Outline Plan for the Southern Region (23/14/4) does not offer them other types of planning than urban or suburban towns. While more than 100 Jewish agrarian villages (kibbutzim, moshavim, single family

farms) exist in the Negev-Naqab, the State refuses to allow this type of planning for the Arab-Bedouin population and aims at concentrating them in a circumscribed territory.

In Paragraph 382, the State report mentions that "the Government is in the process of establishing the abovementioned seven new Bedouin towns. The names of the towns were chosen by the Bedouin population. In addition, the government is in the process of expanding the existing town of Rahat."

The names that were chosen for the 7 planned towns were not chosen by the Arab-Bedouin population. Hebrew names, that carry no significant meaning for the Arab-Bedouin tradition and history, were imposed on them. In practice, the residents of these localities maintain the traditional names: the planned town of Be'er Hail is called by the people Bir Hadaj, the name of the unrecognized village of Abu Tlul was changed to Beit Pelet.

It is worth mentioning, in this respect, that the proposal of the Arab-Bedouins that the State should recognize the 45 unrecognized villages was promptly rejected.

The "Wine Road" Plan

The State claims in Paragraph 380 that "in Israel every interested party can initiate a plan, and build a town with the approval of the relevant authorities...for example, an agrarian farm is being promoted by Bedouins on their lands in the Neev (Kuchle Farm)."

In reality, a complicated net of discriminatory legal and planning procedures have led to the situation that the only planning available for the Arab-Bedouins is an urban or suburban type of locality. This does not allow for the preferable type of planning for agrarian farms, that meets the traditional practices and lifestyle of this population. The plan to establish the Arab-Bedouin farm of *Kuchle*, mentioned in the State report, was brought forward by Abu Rabia Family more than ten years ago, but has yet to be approved.

An example of this discriminatory planning policy is the "Wine Road" Plan. While the State refuses to allow any form of agrarian planning for the Arab-Bedouin localities, it has initiated a plan to establish 30 single household farms (29 Jewish and one token Arab-Bedouin household) on a combined area of tens of thousands of acres currently being claimed by Arab-Bedouins. Each farm is inhabited by a single family provided with dozens and sometimes hundreds of dunams of land for their exclusive use. Most of the farms are established without outlined plans and building permits are granted retroactively²⁵. The plan involves the distribution of vast portions of land in the Negev-Naqab in an inequitable manner, with no clear, objective criteria. It is discriminatory as it prevents equal access to the land for the entire population of the region, and is not based on any relevant factual data about the local Arab-Bedouin population²⁶.

The "Wine Road" Plan is a "reincarnation" of previous programs meant to establish single farms, called off by the High Court of Justice in the year 2001 and harshly criticized in a Critical Report (50b) of the State Comptroller, which saw the programs as an attempt to bypass the accepted planning and real estate market protocols, in order to populate the farms with Jews only. Public criticism brought about an updated

proposal for a program that would fit the criteria and requirements of the planning organizations, but the requirements themselves are unsatisfactory since they do not pertain to the Arab-Bedouin population that has lived in these areas for many years.

In March 2005, The Negev Coexistence Forum for Civil Equality filed charges of opposition to the plan. The National Council for Planning and Building (NCPB) considered the claims brought against the “Wine Road” Plan on September 13 2006. The Negev Coexistence Forum for Civil Equality’s opposition to the Wine Road program is based on two main claims: The program contradicts the need for development in multi-ethnic societies and the program opposes principles of equality and justice for distribution. The Forum believes the plan will lead to the aggravation of discrimination against the Arab-Bedouin population, because it proposes giving large areas of land already claimed by Arab-Bedouin residents to only a small number of Jewish residents²⁷.

After all statements of opposition submitted by environmental organizations and human rights organizations were marked as postponed, a petition to the High Court of Justice was filed in March 2006 by Adalah, Bimkon and the Negev Coexistence Forum for Civil Equality, demanding the cancellation of the plan.

An explanation for this discriminating policy can be found in the words of Prime Minister Ariel Sharon **“The Bedouin are seizing new areas and eroding the State’s last reserves of land... In order to protect the Negev, action must be taken by means of ‘individual settlement’ or ‘the granting of territories in custodianship.’”**²⁸.

Government Planned Towns and Services

Half of the Arab-Bedouin population is concentrated in seven State-planned towns that were set up in the 1960s and 1970s: Hura, Kseifa, Laqia, Arara, Rahat, Segev Shalom and Tel-Sheva. While these towns were intended to create the conditions necessary to provide basic services to this population and are heavily subsidized, they were planned without giving any consideration to the traditional Arab-Bedouin way of life. Consequently, the forced urbanization of this population has been disastrous: unemployment is high, and the Arab-Bedouin towns rank among the country’s 10 poorest municipalities (see Table 2)²⁹. In short, “the planned towns evolved quickly into pockets of deprivation, unemployment, dependency, crime and social tensions.”³⁰ The Arab-Bedouins no longer had the space to raise crops and livestock to support themselves, which caused further economic distress.

Table 1: Negev-Naqab Local Councils and Municipalities by Socio-Economic Ranking, 2001 (0<210), CBS 2001.

<i>Locality</i>	<i>Rank</i>
<i>Kseifa</i>	<i>2</i>
<i>Rahat</i>	<i>4</i>
<i>Tel-Sheva</i>	<i>1</i>
<i>Laqia</i>	<i>9</i>
<i>Dimona (Jewish)</i>	<i>97</i>
<i>Beer-Sheva (Jewish)</i>	<i>124</i>
<i>Omer (Jewish)</i>	<i>209</i>

The government-planned towns lack the infrastructures that similar Jewish settlements in the Negev-Naqab have. They are unable to provide work for their residents or social services at a reasonable level. Most of the residents work outside their towns and obtain their services from the neighboring Jewish localities. In the eyes of many Arab-Bedouins, the towns have become a 'night hostel' rather than a viable place of living.

The recognized towns suffer from a number of outstanding disadvantages: These towns have immense shortage of banks, post offices, public libraries, and places of entertainment. Sewage infrastructures are inadequate and the lack of internal or external public transportation services limits access to the labor market, higher education institutions or social services. The largest Arab-Bedouin town of Rahat, which consists of 40,000 residents, has only one bank, one central post office and no public library. Very limited governmental services are available only in Rahat: Social Security and the Ministry of Labor.

In a cabinet discussion held in 2003, the Sharon administration adopted a 6-year plan that included an outstanding investment of 1.1 billion NIS in the seven recognized Arab-Bedouin localities. However, almost 80% of this sum is no more than the regularly budgeted sums in the operating budgets of the various ministries. Furthermore, a good portion of the budget was allocated to law enforcement agencies. Finally, only 37% of the committed budget was actually spent³¹.

Through these discriminatory land and planning policies, Jewish settlements in the Negev-Naqab have proliferated, while the Arab-Bedouin towns remain the most disadvantaged and underserved localities in the State. For example, Segev Shalom, one of the recognized towns, has no developed industrial areas³². In all of the recognized Arab-Bedouin settlements, there is a lack of space designated for residential use, limiting its prospects for future development and growth. Although the Arab-Bedouin make up approximately 27% of Negev-Naqab citizens, there are only seven recognized Arab-Bedouin towns out of 225 Negev-Naqab localities³³.

In June 2002, Mr. David Cohen, The District Head of the Ministry of Interior said that **"The physical situation of the towns, in respect to infrastructures, is low and suffers from continuous neglect...the towns are not attractive and will not encourage populating to move into the new planned towns."** Cohen added **"... the lack of local authority in the unrecognized villages is seriously hurting the allocation of budgets and services to the villages."**³⁴

Table 2: Jurisdiction area and density in Arab and Jewish localities in the Negev-Naqab (number of people per square kilometer)

Locality Name/regional council (Jewish/Arab)	Population in the locality ³⁵ /regional council ³⁶ (2003)	Jurisdiction Area (in square kilometer)	Density (people per square kilometer) ³⁷
Tel Sheva (A) Tel-A-Sabba	11,900	4.593	2,590.4
Rahat (A)	35,800	19.621	1,824.5
Segaev-Shalom (A) Sqeb-A-Salam	5,500	6.005	915.8
Aroer Arara (A)	11,000	14.095	780.4
Omer (J)	5,900	20.081	293.8
Yeruham (J)	8,800	38.749	227.1
Mitzpe-Ramon (J)	5,000	64,000 ³⁸	78.1
Arad (J)	24,100	92,942	259.3

In paragraph 379, regarding the Arab-Bedouin towns, the State report claims that **"the members of the abovementioned Bedouin community were allocated larger portions of land per person than any other sector of the Israeli population."**

The Arab-Bedouins were obviously not allocated larger portion of land than the Jewish population. The State has not recognized the Arab-Bedouins' land claims that were filed in the 1970s. During the past few years, the State began to file counter land claims against the claims of the Arab-Bedouins. The State report mentioned that "the Bedouins reside in hundreds of illegal clusters over an area of more than half a million dunams." One cannot use these data in order to prove that the Bedouin have large

portions of land while questioning the legality of these villages and claiming that they reside on State land.

As shown in Table 2, Jewish localities in the Negev-Naqab have much more land per person in their jurisdiction than Arab localities. The Arab localities all over Israel use only 2.5% of the land although they compose 18% of the population³⁹.

Of the 13 million dunams of land which comprises the Negev-Naqab District as a whole, the total number of dunams currently under the jurisdiction of the seven recognized Arab-Bedouin towns in the Negev-Naqab (Rahat, Lakiya, Ksseife, Tel Sheva, Hura, Arara, and Segev Shalom) is around 60,000 dunams, and the further seven newly-recognized towns have jurisdiction over a further 34,000 dunams, which when combined, account for a mere 0.8% of land in the District⁴⁰.

Article 380 states that **"in all of these towns vacant lots await additional occupants."** The State report adds in Paragraph 389 that **"there are approximately 3,700 vacant lots for occupancy by the Bedouins living in the Diaspora throughout the existing permanent towns and in addition some 4,000 lots which can be developed upon demand."**

According to the Israeli state comptroller's report from 2001, the total number of lots in all Arab-Bedouin towns was 13,376. Since then, according to the State report, the State has developed another 775 lots (an average of 37 lots per town). This number is not even close to addressing the demand for vacant lots in the towns. In the town of Rahat, 2000 young couples are waiting for vacant lots in order to build their houses; some of them decided to leave the town to return to the unrecognized villages. Moreover, lots that were not developed are not relevant for addressing the housing problems in the short term.

Regarding the compensations given to the Arab-Bedouins moving to the towns, in **Paragraph 383** the report states that **"in accordance with provisions offering compensation to Bedouins moving to these towns, the Government provides the land free of charge, while the affected Bedouins receive significant compensation for any abandoned properties."**

The compensation paid to the Arab-Bedouins who have been living on their ancestral lands for generations is insulting when compared to the compensation paid to Israeli Jews who were forced to leave their homes after only several years. For example, a Jewish family of settlers that was evacuated from the Gaza Strip in August 2005 received, on average, six times more than an Arab-Bedouin family that left its lands and moved to the towns. According to the Adva Center, the 1,700 Jewish families that were evacuated from the Gaza Strip in August 2005 were paid 4.1 billion NIS while the expected overall compensation for the 3,000 Arab-Bedouin families who filed their land claims is only 1.5 Billion NIS⁴¹.

The Forced Internal Transfer of the Arab-Bedouin Population

House Demolitions

One of the principal methods by which the government hopes to implement its exclusive township policy is the demolition of houses when these houses are built illegally, while not providing any avenues for legal construction within the villages. In 2003, the general director of the Ministry of Interior, Mr. Mordecai, provided the

following details concerning the policy of house demolitions: Out of an estimated number of 30,000 illegal structures (with 1,500 houses being built annually), 113 houses were demolished in 2002, and another 323 legal suits were served to owners of illegal houses. In 2003, 157 houses were demolished in the unrecognized villages in the Negev-Naqab. In addition 45 demolition orders without criminal process were served in 2002. By the end of June 2004, 67 houses were demolished.

The State puts demolition orders on houses they claim to be built illegally. From among the houses that received such demolition orders, the State then, in what seems to be a random manner, chooses to demolish only a fraction of these homes. The house owner is left to guess if it will be his house this time, and if it is, when the bulldozers will appear. Physical demolitions take place by squads of local police and land-administration officials. Such raids are usually carried out in the early hours of the morning. Families are driven out of their homes by orders of a police officer, and the houses are destroyed by bulldozers (usually on top of the family's possessions). In many cases, children, women and men are left without a roof over their head. In some cases, the police behaved violently and injured some people while demolishing homes or putting demolition orders on them.

Some people were forced to leave their ancestral land in the early 1950s under the excuse of security needs. For example, Abu Al-Qi'an tribe was asked to leave their land near Rahat, where Shoval Kibbutz was established later. They were promised that they would be allowed to get back to their land. However, since then, more than 50 years have passed, and now the State claims that the village where they live, Um Al-Hiran, is illegal and home demolition orders are issued against their homes and even against their mosque. Instead of recognizing their village, the government wishes today to establish a Jewish town – Hiran - in the location of the village.

Home demolition is a planning policy choice rather than a legal requirement. It is discriminatory since the demolition policy is implemented unevenly: while illegal building is tolerated in Jewish communities, it is harshly punished among Arab communities. Most Jewish unlicensed buildings are either retroactively approved or a demolition order is never issued. By contrast, the majority of the 30,000 illegal Arab buildings in the Negev-Naqab have demolition orders hanging over them. Each year a number of homes are demolished for deterrence value.

Spraying of Crops

Another brutal policy used by the State to try and force the Arab-Bedouins off of their lands is the Spraying of Arab-Bedouin fields with herbicides, claiming that Arab-Bedouins “trespassing” on “state land” cultivate the fields illegally. Since 2002 the Israeli Land Authority has launched a policy of aerial spraying of Arab-Bedouin crops with “Round-Up” – a toxic substance designed to destroy weeds. Over seven days in recent years, at least 28,000 dunams of wheat, barley, and some vegetables have been sprayed in 12 villages⁴². On 7 February 2005, the Israeli Land Administration even admitted to aerially spraying agricultural crops cultivated by Arab-Bedouins in the Negev-Naqab with chemical herbicides that have not been authorized by the Ministry of Agriculture.

In March 2004, a petition was submitted to the Supreme Court of Justice by Adalah and other organizations including PHR and The Negev Coexistence Forum, challenging the State's operations of spraying crops with toxic chemicals. Immediately after the filing of the case, the Court issued an injunction – which was extended again in November 2005 – preventing the ILA from continuing with this practice until the Court renders a final decision on the petition⁴³.

Recommendations - Lands and Planning for the Arab-Bedouin Community

- *Israel should recognize all the Arab-Bedouin villages that consist of more than 500 inhabitants. These villages should be planned in consultations with the residents regarding the character of the future villages. Planning authorities must allow other forms of planning such as agrarian villages and farms.*

Article 5 (e, iv) The Right to Public Health, Medical care, Social Security and Social Services

Health in the unrecognized villages⁴⁴

General comment 14 to the ICERD clarifies that a distinction between groups contradicts the convention if it has either the purpose or the practice of impairing rights. This is the case with regards to the fulfillment of the right to health in the unrecognized villages.

The National Health Insurance Law, passed by the government in 1994, introduced principles of equality in terms of access to and availability of services. It created a new situation whereby all the residents of Israel enjoyed health insurance. In the unrecognized villages the absence of basic infrastructure and services such as connection to the electric, water and sewage grids, garbage disposal, and proper access roads compounded by a shortage in medical services impede the rights of the Arab-Bedouin residents to health care according to principles of justice and equality. The results of the combination of the above listed factors have been disastrous for the Arab-Bedouin population. They have the highest rate of infant mortality in Israel, a high incidence of respiratory diseases and a large percentage of Bedouin children are hospitalized each year⁴⁵.

In paragraph 416 of the state report it is claimed that: "**Unfortunately, many Bedouins choose to live outside permanent towns, in living conditions considered inadequate by the Ministry of Health. Thus, additional funds shall be allotted towards the development of their health services and the Government is doing all it can to provide sufficient health care to Bedouins in illegal villages.**"

To date, most of the funds allocated by the Ministry of Health in order to reduce the huge discrepancy in services between the Arab-Bedouin residents of the unrecognized villages and the rest of the Israeli population were allocated only by virtue of the High Court of Justice rulings and not under a deliberate State policy.

Medical Care

Primary Health Care Clinics

The residents of the unrecognized villages, numbering 84,000 souls, have access to only 10 primary health care clinics. While the majority of the villages do not have a clinic, neighboring Jewish communities, with much smaller population, house a clinic. For example, Moshav Nevatim hosts a clinic with a half time doctor position for its 600 residents. In Lehavim, which had a population of 5,400 in 2005, there are three clinics. The services provided at clinics in the unrecognized villages are inadequate. The absence of electricity for part of the day means that the clinics do not hold medicines or vaccinations requiring refrigeration. There are neither specialist physicians nor pharmacists in most of the villages.

Contrary to what can be understood from Paragraph 395 of the State report, there were no clinics in the unrecognized villages prior to 1994.⁴⁶ With respect to paragraph 424 it is important to note that the 5 clinics that were opened since 2000 to date were built due to the pressure created by a petition to the High Court of Justice. The petition was filled by the Association for Civil Rights in Israel, in the name of 3 villages and various organizations including PHR-Israel and the Negev Coexistence Forum for Civil Equality.⁴⁷ However, the Ministry of Health still refuses to set a criteria for the location of clinics – criteria that could correct the severe discrimination that now exists.⁴⁸

Mother and Child clinics (Ante-Natal Care)

In paragraph 423 of the state report it is mentioned that "Six new Mother and Child Health Clinics (Tipat Halav) have recently been constructed in the illegal villages in addition to the existing station, the eighteen Mother and Child Health Clinics located in Bedouin towns and a mobile family care unit."

The six clinics were opened following a petition to the High Court of Justice that was filled in 1997 by Adalah.⁴⁹ Only by 2001, long after the decision was given and under the threat of re-addressing court, were these clinics opened. Since then, no MCH clinic was added, despite the fact that the number of births rises dramatically each year, due to the high fertility rate among the Arab-Bedouin, which is the highest in Israel.

The situation in the state-established towns, as far as health and infrastructure are concerned, is not as bad as in the unrecognized villages but far from satisfactory. Due to the lack of Mother and Child clinics, the clinics in the towns cater also for women and infants from the unrecognized villages. In 2004, there was only one clinic in each of the towns of Hura and Laquia. These clinics were chronically over-crowded and lacked sufficient staff to deal with the consequent workload. Despite the fact that Mifal Hapayis, the Israeli Lottery Company, built both new clinics, the Ministry of Health refused to operate them claiming there was no budget for human resources. Again, Arab-Bedouin residents, Adalah and other organizations, such as PHR-Israel and the Galilee Society petitioned the high court to demand justice. Shortly before the discussion was held, the Ministry altered its' decision and allocated funds. By the beginning of 2005, both clinics began operating.⁵⁰⁵¹

Staff Development and Language Capacity

A high barrier to the attainment of the right to health for the residents of the unrecognized villages in the Negev-Naqab is the language. As most of the medical staff is Jewish-Israelis, who do not speak Arabic and most of the patients know only little to no Hebrew, the ability to discuss health and illness matters is very poor. The elderly, small children and women, the majority of the patients indeed, have troubles accessing medical care, where available. Unfortunately, the State does not encourage Arabic speaking medical staff, by means of economic benefits, to work in the deprived communities of the Negev-Naqab.

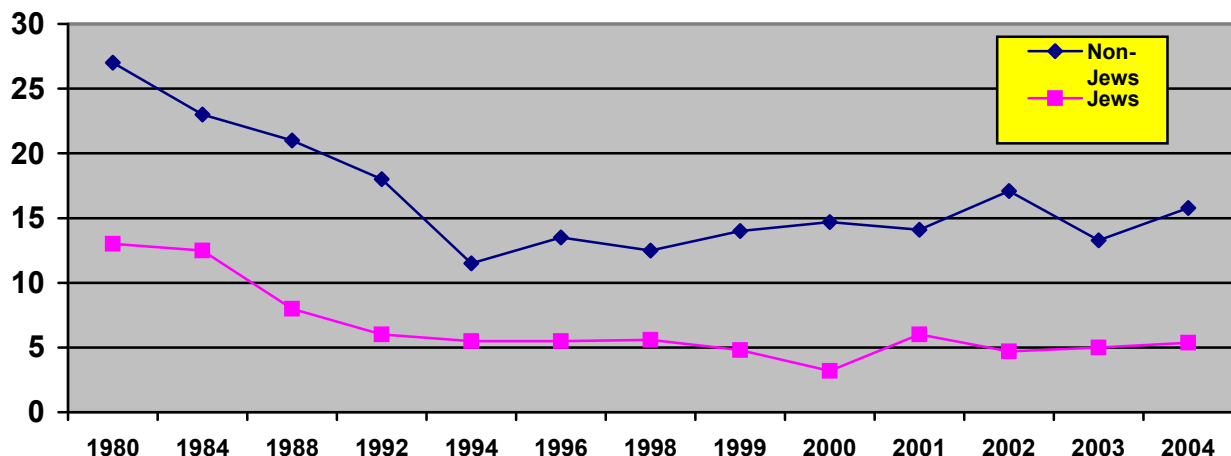
With regards to encouraging Arabic-speaking students to pursue their studies in needed medical majors at the university, as was mentioned in paragraph 427 of the state report: the Arab-Bedouin nurses course that was opened in 1994 is slated to be closed in the near future. Moreover, despite a dire need in the Negev-Naqab for Arabic-speaking staff in language sensitive professions, such as speech therapy or psychiatry, there are no state-scholarships designated for these professions. To date, there is only one part time Arabic-speaking speech therapist in the Negev-Naqab, and one psychiatrist.

Infant Mortality

Paragraphs 401-409 of the state report discuss infant mortality. The reasons given in paragraph 404 to the large gap between the general population's rate in 2003 (4.96) and the rate amongst the Arab-Bedouin population (13.3) were: **"the high rate of consanguineous marriage... religious prohibition against abortion, even in medically recommended cases, as well as socio economic differences."**

One of the important factors that was overlooked is the State's refusal to build infrastructures within these villages and provide them with basic services such as running water, garbage disposal and health services in their communities. The status of non-recognition impacts the community's ability to safeguard the health of young infants. Lack of water, or its poor quality, can cause infectious diseases and can affect the ability to properly treat such illnesses. The lack of electricity and inability to build brick houses results in icy-cold tin houses in the winter that turn into highly-heated tin "greenhouse" in the summer.⁵²

Chart 1: Rate of Infant Mortality, per 1,000 Live Births in the Negev-Naqab⁵³



Despite the optimistic description on the constant decline of infant mortality rates throughout the years (paragraphs 202; 403; 408), it should be mentioned that since 1997, the picture is not clear as to the direction of the infant mortality rate in the Arab-Bedouin population of the Negev-Naqab. The figure in 2003 - 13.3 per 1,000 live-births rose to 15.8 in 2004 (while the general rate declined to 4.73).⁵⁴

Moreover, as reported in paragraph 409: "**since 1996 the Ministry of Health has been funding a program aiming at reducing infant mortality, through a multiphase, multidisciplinary program. This program has been designed in concert with the Bedouin population to be culturally sensitive and appropriate. The Public Health Services initiated the program.**"

Unfortunately, and despite efforts made by the heads of the program, this program did not result with a reduction of infant mortality rates. It is important to note that while the Ministry had allocated funds for this project, it has failed to open Mother and Child Clinics, a primary tool for the reduction of infant mortality rates. This fact also contradicts the state's declaration in paragraph 407 of the state report that it is "**currently working intensively to reduce the Israeli Muslims Arab infant mortality rate through a Health's education/information project...and encourage mothers to make more use of the Mother and Child Care Services dispersed throughout the country.**"

Underlying Determinants of Health

Paragraph 421 states that "**The relatively high rates of intestinal infections and pneumonia among children in the Bedouin population, is a direct result of their living conditions – their harsh ways of life, close proximity to animals, crowded quarters, the use of water from immovable water sources and improper nutrition.**" The State report overlooks the fact that lack of infrastructure, such as water, creates their current harsh way of life and that this is due to the State policy which is solely responsible for the poor living conditions.

Rights to Water

Most of the Arab-Bedouin unrecognized villages are not connected to the national water grid. Most inhabitants of the unrecognized villages are forced to obtain their drinking water from water access points located several kilometers from their villages via improvised plastic hose connections or by transporting the water in unhygienic metal containers by vehicle or donkey. For example, the Arab-Bedouin living in the unrecognized village of Awajan (north of Beer Sheva) rely on a water access point located seven kilometers from their village, but due to the heavy use of this source, the supply of water is intermittent and frequently stops. In addition to the problem of physical access to drinking water, the inhabitants are also exposed to health risks associated with the poor quality of their drinking water.

In Paragraph 419, the report mentions that "**the community living in these clusters can connect itself to the water supply through the Water Connections Allocation Committee, which has been operating under the Administration for the Promotion of Bedouins since 1997. Within the last six years, the total number of connections to the main water lines has increased from 60 connections to 260.**"

In order to be connected to the water supply, the residents of the unrecognized villages in the Negev-Naqab must obtain approval for individual connection from the Water Commissioner of the *Mekorot* water company. The approval is given by the “drinking water allocations committee” of the Bedouin Authority which recommends to the water commissioner whether requests for connection should be approved. In practice, the commissioner is a rubber stamp of the Bedouin Authority.

The Bedouin Authority is using the right for water as a tool to put pressure on the residents of the unrecognized villages to leave their lands and move to the State-planned towns. For example, in a letter dated 19 October 2004 regarding the request of residents from the unrecognized village of Um al-Hiran to obtain water access point in their village, the Bedouin Authority acknowledged that the current arrangements for obtaining drinking water were inadequate, but stated that the dwellings were illegal and that access to drinking water and other utilities would only be made available if the villagers relocated to the recognized town of Hura⁵⁵.

According to the Annual Report of the Israel Land Authority, in 2003 the Water Connections Allocation Committee of the ILA met 4 times and considered 80 different applications of Arab-Bedouin citizens for water connection. However, only 6 applications were approved⁵⁶. In some cases, the committee approves temporary water connections for a period of one year, as in the case of residents from the unrecognized village of Abde. In addition, the residents are required to pay an unreasonable price of more than \$2,500 for the connection. As a result, these villagers cannot obtain the water access point *de facto*.

The decision to deny water to the residents of the unrecognized villages discriminates against them on the basis of their nationality since while thousands of Arab-Bedouin citizens of Israel in the unrecognized villages are deprived of adequate access to water, individual Jewish families living in single family ranches along the 'Wine Road' in the Negev-Naqab are promptly provided with water access, often prior to obtaining planning permission for their dwellings.⁵⁷

Another discriminatory aspect of the right for water in the Negev-Naqab concerns the allotments of water to Arab-Bedouin farmers. While the State heavily subsidizes water prices for Jewish farmers at a rate of 3.5 times lower than the household rates, Arab-Bedouin farmers receive smaller water allotments for agriculture than their Jewish neighbors. Some farmers do not receive any water allotment at all. Consequently, they have no choice but to pay for the water they use at household rates. Arab-Bedouin farmers do not receive the government subsidies that Jewish farmers receive in drought years. As a result, they face great difficulties to make a living off their land.⁵⁸

Electricity

As with water and other absent infrastructures, electricity is connected to level of health, such as the ability to preserve food in the high-temperature conditions of the Israeli Negev-Naqab (semi-arid desert), the need to store medications at low-temperatures and the need for machines that run on electricity, such as oxygen generators. This perspective is overlooked by the State, even when individual cases are brought up. Such was the case of Enass Al-Atrash, a 3 year old child who suffered

from cancer and needed to be in an air-conditioned environment (needed to maintain a hygienic environment), and to receive medication that requires storage in a cool place. Despite her condition, the State refused to connect her family's house to electricity. After a petition to the high court of justice was filed in her family's name, along with PHR-Israel and the Association for Civil Rights in Israel, the State sent humanitarian support. In a grave decision, the judges Barak, Gronis and Bienish ruled against Enass's fundamental right to health deciding that the State was right giving aid rather than rights as the "parents chose to live in an unrecognized village knowing they will have no electricity."⁵⁹

Health Ramifications of House Demolitions

House demolitions have a strong effect on whole families' health.⁶⁰ The State's reasons for these demolitions, whatever they may be, undermine the psychological harm the State creates for its young citizens. To date, despite the attention that was given lately to the issue, the State has not re-considered the execution of demolition orders vis-à-vis the children right to proper development. Hence, Arab-Bedouin children are *de factor* being intentionally harmed by their own State, contrary to the State obligations and on the basis of the nationality.

The Mentally Ill

Despite the highly appreciated passing of the *Law on the Rehabilitation and Integration into Society of the Mentally Ill, 5760-2000* in the year of 2000, as mentioned in [paragraph 414](#) of the State report, to date, not a single mentally-ill Arab-Bedouin from the unrecognized villages was recognized as eligible for the above-mentioned benefits. The first person to try was refused due to the costly transportation to and from his unrecognized village, in the absence of public transportation, that was due to the lack of State recognition of his village.

Recommendations - Health in the Unrecognized Villages

- *All health services should be given to the residents of the unrecognized villages in full on the basis of equality, regardless of the status of land, house or place of residency.*
- *Measures should be taken to ensure the cultural accessibility of healthcare services, particularly with respect to language.*
- *All underlying determinants of health: water, sanitation, nutrition, housing etc. should be made available in an equal manner and on the basis of citizenship rather than the status of the land, house or place of residency.*
- *Information and data must be collected with regards to the state of health of the residents of the unrecognized villages. This data must be incorporated into state health policies in order to allocate more funds according to the factual needs of the villagers, and while applying an attitude of affirmative action.*

Suggested Questions to the CERD

The Israeli Judicial System and the Land Issue in the Negev-Naqab

- Since the State has ignored almost all pre-State land rights of the Arab-Bedouins, while simultaneously enacting a series of laws aiming at confiscating the Negev-Naqab land and giving it over the State since the 1950s, we would like an explanation of how the counter land claims, that have been filed against the original land claims of the Arab-Bedouins, since 2003 by the Ministry of Justice, coincide with Article 5(c) of the ICERD that calls for **"equal treatment before the tribunals and all other organs administering Justice."** The issue is further complicated given that a long period has passed and many of the people who originally filed the claims are no longer alive. Therefore, their descendants face greater difficulties to prove their land ownership.
- Given the land issue that exists between many of the Arab-Bedouins and the State, what steps are taken to ensure that the amendment to the Public Land Law (January 2005) will not discriminate against the Arab-Bedouins. This law expands the jurisdiction of the Israel Lands Authority (ILA) to enforcing ownership rights that are under legal procedure, thereby creating a *de facto* parallel legal system with no supervision mechanism.

Participation in Municipal Elections in the Unrecognized Villages

- What steps is Israel taking or are planned to insure the participation of the Arab-Bedouin residents of the unrecognized villages in municipal elections as protected by Article 5(c) of the ICERD and according to its own declaration in Paragraph 221 of the State report: **"the right of all persons 17 years of age and older who reside in the municipal area in question to vote in such elections..."**

The Protection of Muslim-Bedouin Holy Places

- How does the rejection of the Beer Sheva municipality to designate its only mosque for the purpose of praying, while allowing dozens of synagogues for the Jewish community in the city coincide with the Protection of Holy Places Law. This law prohibits "...any act that might impair the free access of members of all religions to their holy places".
- Please provide information concerning State resources allocated to maintain the neglected Bedouin-Muslim cemetery in Beer Sheva as well as the cemeteries in the unrecognized villages in accordance with the Supreme Court recommendation from April 2000. This recommendation stated that the Ministry of Religious Affairs should revise its cemetery budget so that the Arab sector receives a more equitable share. Since this Ministry was abolished since the decision, please suggest an alternative mechanism for revising the cemetery budget.

Lands and Planning for the Arab-Bedouin Community

- Please explain how the refusal to plan agrarian types of villages for the Arab-Bedouin communities that coincide with the traditional practices and lifestyle of this population meets the values of just and equal distribution of resources. We ask this since more than 100 Jewish agrarian villages exist in the Negev-Naqab and 30 new single household farms were recently approved for almost exclusively Jewish families (29 for Jewish families and one for Arab-Bedouin family) under the "Wine Road" plan in the Ramat Ha-Negev district.
- Despite the claim of the State report that "the Bedouins living in existing Bedouin towns enjoy the same services provided to all Israeli citizens" how can the State justify the immense shortage of viable industrial areas, banks, post offices, public libraries, classrooms and places of entertainment as well as the lack of internal or external public transportation services in all towns that limits access to the labor market, higher education institutions and social services.
- Please explain the immense gap in land allocation to the recognized Arab-Bedouin townships in comparison with the Jewish towns in the Negev-Naqab. For example, the density (people per square kilometer) in the Jewish town of Arad is 259.3 in contrast to the density in the Arab-Bedouin town of Tel Sheva of 2,590.4 people per square kilometer.

Health in the Unrecognized Villages

- What actions do the governmental bodies intend to take in order to tackle discrepancies in health (mental health, chronic diseases, and infectious diseases) and health service indicators (utilization, availability)?
- What measures are being taken to ensure that Arab-Bedouin residents of the unrecognized villages can easily access quality, affordable comprehensive healthcare services and care by healthcare providers who speak their language?
- What special measures are being taken to increase the number of Arabic-speaking healthcare providers in medical centres, clinics and hospitals that serve the Arab-Bedouin residents of the unrecognized villages?
- How do the health authorities evaluate past interventions proposed to close gaps in infant mortality rates between the Arab-Bedouin population and the Jewish population? Does the evaluation result in any re-planning?
- Has any analysis been done on the question of cost-effectiveness of more costly programs vs. increasing the availability of Mother-Child-Health clinics in the Arab-Bedouin community?
- How does the government plan to tackle the negative health and sanitation effects that its policies have on the Arab-Bedouin residents of the unrecognized villages?

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