

NGO response to:  
**Follow-up to the Oral Presentation by the State of Israel before  
The Committee on Civil and Political Rights**

Submitted by:  
**The Negev Coexistence Forum for Civil Equality**

Negev Coexistence Forum  
For Civil Equality

منتدى التعايش السلمي في  
النقب من اجل المساواه المدنية

פורום דו-קיום בנגב  
לשוויון אזרחי



20 December 2011

The Negev Coexistence Forum for Civil Equality (the Forum) welcomes the opportunity to respond to the state's report of October 2011 entitled 'Follow-up to the Oral Presentation by the State of Israel before the Committee on Civil and Political Rights'. The Forum will limit its comments to Concluding Observation No. 24 concerning the treatment of Israel's Bedouin citizens in the Negev.

### **Concluding Observation No. 24**

#### *The Advisory Committee on the Policy regarding Bedouin Towns*

With respect to the Governmental Plan referred to in the state's report, and known informally today as the Praver-Amidror Plan, the Forum rejects the state's claim that it "offers the Government a feasible outline to the fulfillment of Resolution No. 4411" and that it "is based on the recommendations of the Goldberg Committee and on intensive staff work that was conducted in the past year and included consultations with representatives of various segments of the Bedouin community" (page 26).

The Praver-Amidror Plan departs significantly from the findings and principles of the Goldberg Committee and ignores central recommendations. For instance, the Goldberg Committee stated that the government should "recognize, in so far as possible, every one of the unrecognized villages" provided that the decision does not contradict the official plans for the southern district of Israel. Additionally, it recognized the Bedouin's historic ties to the land

and that it is incumbent upon the state to treat the Bedouin as equal citizens with full transparency and involving them as partners in the planning process that will determine their future. Regrettably, the Praver-Amidor Plan contradicts these recommendations of the Goldberg Committee which, at the time, represented a fundamental turning point in the attitude of state institutes towards the Negev Bedouin.

There was no consultation process with the Bedouin community regarding the formulation of the Praver-Amidor Plan. In other words, despite the strong recommendations of the Goldberg Committee, there was no opportunity for the affected indigenous community to provide their input.

The Forum further notes that the plan, which was originally released in May 2011 and referred to in the state's follow-up report, was later revised by National Security Adviser Yaakov Amidror before its approval by the Israeli's cabinet on September 11, 2011. The amendments were the result of political pressure from the right wing which perceived that the plan was too generous towards the Bedouin population.

The resulting plan is unsatisfactory and discriminatory on a number of levels.

- Less than half of current land claims will be recognized by the state. This represents 7 percent of the entire Negev area which is negligible in light of the fact that the Bedouin represent 32 percent of the Negev population.
- The compensation will equal up to 50 percent of the land claimed and will be paid after half of the area claimed has been relinquished to the state.
- The right to receive compensation is based upon ownership claims filed by Bedouin under the 1971 land arrangement.
- If the land is not currently under the control of the claimant, they have no opportunity to receive compensation in the form of land. This entirely disregards the Negev Bedouin's history of decades of forced displacement and discriminates between those who are currently living on their land and those who are not.
- Considerable and arbitrary geographical limits are also imposed by the plan. No settlement west of Route 40 will be permitted and no compensation in the form of land will be granted in this area. The plan is clearly seeking to concentrate the Bedouin into a confined region.

- The criteria set out in the plan as to which towns will be recognized (population density, size and economic capacity), does not equally apply to Jewish towns in the Negev.
- The plan deliberately lacks details – it fails to specify the names of the villages which will be affected.
- The level of compensation offered under the plan is unrealistic and applied uniformly. It is unrelated to the actual value of the land as it does not take into account its location and the level of supply and demand in the market. As a result, the compensation is well undervalued.

As noted in the state's follow-up report, the plan is intended to be implemented within five years. This is an unduly limited period of time and it is highly unlikely that satisfactory solutions and compensation will be reached and implemented. Further, the policy that after the 5-year timeframe any remaining land claim will be immediately registered in the name of the state is unprecedented.

In its follow-up report, the government states that it “must take action to enforce the Planning and Construction laws” (page 26). This signifies another retreat from the Goldberg Committee which stipulated the policy of house demolition should cease. The statement is in effect a declaration that it will not seek to obtain the free, prior and informed consent of those who are being relocated in line with the UN Committee on Economic Social and Cultural Rights' General Comment No.7 (1997) on the right to adequate housing: forced evictions. The implementation of the plan will result in the forceful eviction of approximately 40,000 Bedouin. There will be home demolition operations on a massive and unprecedented scale and inevitably violent clashes between the enforcement authorities and the Bedouin communities (as was witnessed in Al Arakib in 2010 and 2011 when police responded with excessive force and resorted to the use of tear gas and rubber bullets).

Whilst the Forum welcomes the 1.2 billion NIS plan for the economic development of the Bedouin population, we are disappointed that this been presented as an incentive so that the resettlement plan will be accepted by the Bedouin communities. The government-planned townships are the lowest socio-economic ranking all municipalities in Israel and the government is obligated to make such an investment and commitment in any event.

### Water

The state holds the position that it is “practically impossible to supply ... services [such as water] to sporadic places which disregard the national construction and planning programs”.

First, the state does not merely fail to act to provide water to the unrecognized villages but, as was seen in Al Arakib in 2010 and 2011, in fact actively destroys and confiscates water containers, free-standing water tanks and tractors and trailers which transport water to the villages. During the repeated demolitions of the unrecognized village of Al Arakib, numerous items to store water were destroyed by bulldozers and sometimes buried to ensure that the residents could not salvage them. Such equipment is likely prohibitively costly to replace, forcing residents to abandon their land and relocate to townships.

Secondly, there are no national constructions and planning programs in place in the unrecognized villages for the residents to, in the words of the state, “disregard”. Residents are simply unable to apply for permits to build and are faced with no option but to construct illegal dwellings. Even in locations where there is a housing zone in place, such as Omer and other municipalities in the Negev, Bedouin citizens are unable to apply for building permits.

Finally, the state’s policy regarding water connections in the Negev is discriminatory against the Bedouin. By comparison, new Jewish family farms are connected to the main water supply after their establishment. This is the case even if there are fewer than 10 people living there whereas in the Bedouin villages there can be 10 families who have to access to running water.

### **Additional Comments**

In the interest of progressing the implementation of the Concluding Observations with respect to the treatment of the Negev Bedouin, on September 15, 2011 the Forum wrote to the Minister of Justice, Prof. Yaacov Ne’eman, requesting that he explain how the government intends to implement Concluding Observation No. 24. Additionally, we noted that the Prawer-Amidoror Plan approved by the cabinet in September 2011 was counter to the Concluding Observations. In a reply dated October 10, 2011 we were informed that our letter had been forwarded to the Planning Department within the Prime Minister’s Office. At the date of this submission, a response has still not been received.