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Arab Association for Human Rights



المجلس الاقليمي للقرى العربية البدوية غير المعترف بها في النقب
The Regional Council for the Palestinian
Bedouin of the Unrecognized Villages

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The Unrecognized Villages in the Negev

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Submission by:

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Introduction

We should transform the Bedouin into an urban proletariat in industry, services, construction and agricultural. Eighty-eight percent of the Israeli population is not farmers; let the Bedouin be like them. Indeed, this will be a radical move, which means that the Bedouins would not live on his land with his herds, but would become an urban person who comes home in the afternoon and puts his slippers on ... The children would go to school with their hair properly combed. This would be a revolution, and it may be fixed within two generations. Without coercion but with overt direction... this phenomenon of the Bedouin will disappear."

Moshe Dayan, Haaretz Interview on 31 July 1963¹

Today approximately 140,000² Arab Bedouin live in the Negev. They are the indigenous inhabitants of the Negev and represent approximately 12% of the Palestinian Arab minority in Israel. Successive Israeli governments have been pursuing policies to isolate the population and dispossess them of their historic lands, culminating in a \$250 million plan approved by the cabinet of Prime Minister Ariel Sharon in April this year to force some 70,000 Bedouin to leave 45 villages the state refuses to recognise (the "unrecognised villages"). They will make way for new Jewish settlements and a spate of ranches designed for individual wealthy Jewish farmers along the lines of a Negev ranch owned by Sharon himself.

Like all other Palestinian citizens of Israel, the Bedouin of the Negev (in Arabic "Naqab") have experienced wholesale land confiscation since 1948. The Israeli military government of its Palestinian citizens (1948-66) marks a period that saw the Bedouin transferred against their will to the northern part of the Negev, that is referred to by the Palestinian Bedouin as the "siyag area". This territory comprises just 2% of the Negev, which is the largest geographical region in Israel at 12,577,000 dunams (one dunam=1,000 square meters) and constitutes over 60% of Israeli pre-1967 land mass. Before 1948 Bedouin owned *de facto* or *de jure*, 98% of the Negev. In the late '60s and early '70s, the Israeli government planned seven towns, without consulting the Bedouin community. Many of the Palestinian Bedouin citizens of the Negev who were transferred to the "siyag area" (internal refugees) were moved to these seven townships.

This report aims to show that by the way of planning, land use, resource allocation, institutional and political practices, the Israeli government's agenda in dealing with the Bedouin population is to continue segregation and ethnic cleansing policies towards the population, totally discounting their rights.

The report is jointly presented by the Regional Council of the Unrecognized Villages in the Negev (RCUV) and the Arab Association for Human Rights (HRA) to the 30th Session of the UN Committee for Economic, Social and Cultural Rights. The RCUV, comprising the heads of local villages, is a community non-governmental organization which represents the residents of the 45 unrecognized villages in the Negev, Israel. These villages, with a total population of 70,000 inhabitants, each range in size from 500 to almost 5,000 residents and are deprived of their municipal services and representation. The HRA works in the service of the human rights of the Palestinian minority inside Israel.

¹ Cited in Ronen Shamir, "Suspended in Space: Bedouins Under the Law of Israel," *Law and Society Review*, vol 30, no. 2 (1996) p.231

² With a natural growth rate of 5% per annum this population is estimated to reach 320,000 residents in the year 2020.

This report is presented as a follow-up to continuing work with the Committee on Economic, Social and Cultural Rights. It follows a series of submissions and alternative reports presented to the Committee by local and international human rights and community groups.³ This report is presented as an update to the Committee's Concluding Observations 26 and 28 at the review of Israel's first state report, which responds to the Committee's concerns over the human rights situation of the Palestinian Bedouin residents of the unrecognized villages in the Negev. These Concluding Observations were as follows:

"26. The Committee notes with deep concern that a significant proportion of Palestinian Arab citizens of Israel continue to live in unrecognized villages without access to water, electricity, sanitation and roads. Such an existence has caused extreme difficulties for the villagers in regard to their access to health care, education and employment opportunities. In addition, these villagers are continuously threatened with demolition of their home and confiscation of their land. The Committee regrets the inordinate delay in the provision of essential services to even the few villages that have been recognized. In this connection, the Committee takes note that while Jewish settlements are constructed on a regular basis, no new Arab villages have been built in the Galilee."

"28. The Committee expresses its grave concern about the situation of the Bedouin Palestinians settled in Israel. The number of Bedouins living below the poverty line, their living and housing conditions, their levels of malnutrition, unemployment and infant mortality are all significantly higher than the national averages. They have no access to water, electricity and sanitation and are subjected on a regular basis to land confiscations, house demolitions, fines for building "illegally", destruction of agricultural fields and trees, and systematic harassment and persecution by the Green Patrol. The Committee notes in particular that the Government's policy of settling Bedouins in seven "townships" has caused high levels of unemployment and loss of livelihood."

Concluding Observations – Israel, Committee on Economic, Social and Cultural Rights, 19th Session, 16 November – 4 December 1998, E/C.12/1/Add.27

³ On a local level, these include the report by the Arab Coordinating Committee on Housing Rights in Israel (ACCHRI) in 1996, and the submissions by Adalah, the Association of Forty, and Adalah in 1998, and by Adalah and the Association of Forty in 2000.

1. Planning

"Negev land is reserved for Jewish citizens, whenever and where ever they want. . . We must expel Arabs and take their places . . . and if we have to use force, then we have force at our disposal—not in order to dispossess the Arabs of the Negev, and transfer them, but in order to guarantee our own right to settle in those place."

David Ben Gurion in a letter to his son, Amos, 5 October 1937.

1.1 Aims of Plans

The primary aim of national planning is the establishment of Jewish settlements throughout Israel to absorb Jewish immigration and to further the process of the "ingathering of the exiles." Key to this are two interrelated goals, the dispersion of Jewish population throughout the country, and to work to ensure a Jewish majority in all parts of the country. This need to maintain a Jewish majority is perhaps the defining aspect of state planning. There exists a statutory body, the Israeli Council for Demography, whose role is to advise policymakers on how to ensure a Jewish majority in the state.⁴ It is most keenly felt in Arab areas, where there have been a number of Committees set up to discuss how to promote Jewish expansion at the expense of Arab villagers.⁵

As a secondary focus, national plans either ignore the needs of the Bedouin and the rest of the Palestinian minority, or explicitly aim both to concentrate Palestinian Arab populations⁶ and to break up the geographic continuity between them.⁷ Concentration of

⁴ The Israel Council for Demography reconvened in September 2002, after five years of inactivity, to formulate a policy that will preserve the Jewish character of the state. The council is made up of 40 volunteer members, from fields as diverse as demographics, law, economics, education and social work, and is headed by the Minister for Labor and Social Welfare. According to the annual Statistical Abstract of Israel of The Central Bureau of Statistics (CBS), the growth in the non-Jewish population of Israel over the last decade has been a threat to the Jewish character of the state; therefore, the main aim of this council is "to increase the Jewish birthrate by encouraging Jewish women to have more children using government grants, housing benefits and other incentives. It will also examine issues such as abortion and mixed marriages between Israelis and foreign workers. The Council's work is supported by public funds. Its reconvening aroused extensive Arab protests against the characterization of Arab birth as a demographic danger, the Council's racist objectives, and its attempts to dehumanize the value of Arab life. See: HRA Weekly Review of the Arab Press, Issue No. 92

⁵ For instance, the famous Koenig report on Handling the Arabs in Israel, recommended: "Expand and deepen Jewish settlement in areas where the continuity of the Arab population is prominent, and where they number considerably more than the Jewish population; examine the possibility of diluting existing Arab population concentrations... Concurrently, the state law has to be enforced so as to limit "breaking of new ground" by Arab settlements in various areas of the country." Koenig, Israel (1976) *The Koenig Report on Handling the Arabs of Israel*, Ministry of Interior; Section 1: The Demographic Problem; published in Swasia vol III No. 41 (15 October 1976) pp. 1-8 Similarly, in the new master plan of the Northern (Galilee) district one of the issues identified as a key problem was: The overwhelming demographic minority of Jewish citizens in many parts of the Galilee. See: Change No. 9 of Regional Master Plan No. 2; planners assigned 5 February 1991; first draft 1992

⁶ For example, the Markowitz Commission Report, on unlicensed building in the Arab sector, recommended the following: "The planning authority within the Ministry of Interior should set a policy on the detailed directions of the development plans in the Arab sector and the special aspects of this sector, to encourage vertical construction, to allow construction on smaller lots and to earmark state lands for public and private construction by the Israel Lands Authority." Markowitz Commission Report (1986), chaired by Yaakov Markowitz, Ministry of Interior, Recommendation 13; Translated by M. Ben Joseph.

⁷ See for instance: Change No. 9 of Regional Master Plan No. 2

the Bedouin – the sedentarisation plan – is also intended to rework (i.e. end) their traditional way of life. Since the mid-1960s, the Bedouin of the Negev have been subject to a forcible process of sedentarisation into urban townships, begun with the establishment of Tel Sheva and Rahat.

This relocation policy, designed to “modernise” the Bedouin, has been conducted without community consultation, and at odds with any planning goals aiming to improve people’s quality of life. It has had two main aims: To concentrate the Bedouin and make their traditional lands available for settlement programmes for Jews only; and to domesticate the indigenous Bedouin economy and create a cheap source of wage labour for the Jewish economy. The various methods of pressure on the Bedouin used to enact this policy include cutting the Bedouin off from their traditional economy and making life as difficult as possible through depriving them of services and other measures until they move into the townships. The plan regards their 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 Bedouin involves settling them entirely in urban localities, whereas different options are open for Jews. The justification for this policy is the notion of “the modernisation of the Bedouin,” and the development of Bedouin communities, that the Bedouin need to move to cities so that the state can provide them with modern services and amenities. There was no community participation in any of these plans: the Southern Regional Planning Committee, which implements planning guidelines for the Negev, comprises 17 members none of whom are Bedouin or Arab.

1.2 Unrecognized Villages and Planning

On a simple level, the problem of planning for the unrecognized villages is that state plans disregard them. There are over 13 plans that ignore the existence of the unrecognized villages. At the same time, plans are drafted to squeeze the unrecognized villages. Despite appearances, planning takes the unrecognized villages very clearly into account, for example through painting road lines to block village entrances, planning new Jewish towns where actual Arab villages already exist, or establishing military zones over the top of unrecognized villages. This planning is seemingly neutral, if a little unseeing, but in fact under the cloak of rational progress goes out of its way to make life difficult for the villagers.

The state argues that the Bedouin villages in the Negev (which range in size from 500 to 5,000 persons) are scattered, making it impossible to provide services for them. This notion is used to give legitimacy to the policy of concentrating the Bedouin, in order to gain control of the land.

1.3 Tools for Planning

1.3.1 Jewish Agency, Israel Lands Authority

Establishment of Jewish settlements is coordinated principally by a supra-national Zionist organisation, the Jewish Agency, rather than the government, providing houses, infrastructure and also the facilities for basic services. Its mandated task is to Judaize space: the settlements are established for Jews only (even when they are on public land) and Palestinian Arab citizens are not allowed to move there.

Another non-national body, the Jewish National Fund, is given the task of holding in its possession the land of the Jewish people. Public land next to Arab communities in the Galilee and the Negev is often transferred to the JNF where, according to the Fund’s constitution, it can only be used by Jews.

Public land in Israel is administered by the Israel Lands Administration (ILA), which unlike the Jewish Agency and the JNF is a state body and has a legal obligation not to

discriminate against citizens. However, the ILA is heavily influenced by the Jewish National Fund,⁸ which acts in the interests of Jews only.⁹

1.3.2 Planning and Construction Law

The unrecognized villages were de-legalized by the enactment of the (1965) Planning and Construction Law. This law set down a framework of regulations and a national outline plan for the country's future development. It zoned land for residential, agricultural and industrial use, and forbade any form of unlicensed construction or construction on agricultural lands. It also set up a network of planning institutions to legalize a process of restricting the development of the recognized Arab villages and making illegal the unrecognized villages, by not incorporating them into the planning schemes, but instead classifying them legally as *pizurah*, "scattered" settlements needing collection.

As a consequence, existing buildings in these villages were unable to get permits and those which already had them, such as schools, had them removed. The ownership of the lands was not disputed, but the law created a situation in which the whole community as well as each individual house became instantaneously illegal. The fact that the house may have been built before the law was not important compared to the new fact that it was now on agricultural land. Since the villages were unrecognized, they had no local authority to apply for a change in the status of their lands, and no representation on regional or national planning committees.

1.3.3 Zoning & Zoning Maps

As a consequence of the Planning and Construction Law, land zoning categories (residential area, agricultural land, industrial zone, military zone, nature reserve etc.) are an effective mechanism for preventing the development of Palestinian Arab communities in general. For the unrecognized villages, it has led to the phenomenon of their being "zoned over" – the land on which they exist is re-zoned for another use. Thus currently there are plans to establish in the Negev industrial areas, more military zones and conservation areas, and an airport.¹⁰ In 2000 the unrecognized villages of Um Batin and Al-Maquman went to the Supreme Court to prevent the expansion of the Jewish jurisdiction of Omer, and their consequent forced eviction.¹¹

1.3.4 House Demolitions

Perhaps the key tool of planning policy for the villagers of the unrecognized villages is the policy of demolitions, which has been practised with varying degrees of intensity since the passing of the Planning and Construction Law (1965), which gave the building inspectorate powers of demolition. The Planning and Construction Law allows the planning authorities to prosecute homeowners for building without a permit and to demolish their houses when it is deemed to be in the public interest. Moreover the law allows the courts to issue demolition orders retroactively.¹² In the wake of the Markowitz report, article 238A was amended to allow officials to issue administrative demolition orders on houses within a month of their completion. Consequently, planning officials

⁸ It should be noted that the Israel Lands Administration is no more than an agent of the owners. The governing council of the ILA is comprised of 50% government representatives and 50% representatives of the Jewish National Fund. There is not one Arab representative.

⁹ In 2002 the Jewish Agency announced a new project of "Judaization" of areas which have sizeable Arab populations, by bringing 200,000 Jews to Galilee and 150,000 to the Negev.

¹⁰ Land was confiscated to build a military airport in the early 1980s via the Egypt Peace Treaty Law (1980). In the latest Southern regional plan, this military airport will be transformed into civilian use, and part of the land will be turned over for the new Jewish settlement of Omerit.

¹¹ (H.C. 6672/00, Jazi Abu Kaf, et. al. v. Minister of the Interior, et. al.)

¹² Article 215(5) allows the court to issue demolition orders on houses where the builder cannot be tried. It has been interpreted to include retroactive cases where the statute of limitations would normally apply. See: HC 874/78 Suweid et al v. Central Galilee Planning Committee.

maintain monthly check-ups of the villages through aerial photographs and visits. Villagers have been prosecuted for extensions, repairs and even fitting a toilet. Aerial photographs of the villages are taken to check for new buildings. When a new construction is discovered, the owner is served with an administrative order to demolish the house. If they fail to do so, they are criminally prosecuted.

Case Study: House Demolition

On 3 July 2002, 50 residents found themselves without a roof over their heads after the destruction of four houses in the unrecognized village of Wadi El Na'am. About 500 policemen, border policemen, officers from the Special Units, horse mounted units of the police, and a helicopter guarded the demolition procedure. They closed off the area, removed all the men from it, and arrested the homeowner, Moussa Zanoun. Furthermore, they beat him, and beat everyone from the family who tried to stop the demolition. During the demolition policewomen took an old woman out of the house and tied her to an electricity pylon after she tried to prevent her home's destruction. They also removed the children, and undertook the demolition of the home with all the family's furniture and possessions still inside. Mr. Zanoun calculated the total monetary loss of the home with all its furniture and possessions at 200,000 NIS. With the help of the Regional Council and other community groups, the houses were rebuilt within a week.

1.4 Current Plans

There are 13 current planning projects for the Negev that come at the expense of the unrecognized villages.

The National Israeli Plan for 2020. The Plan is a guiding document that ignores the existence of the 45 unrecognized villages and their 70,000 inhabitants.

Beer Sheva Metropolis Plan 2020. The plan suggests breaking up a ring of Arab villages surrounding Beer Sheva city and settling the villages' residents in 3-5 townships (Tamam 4/24).

Negev Regional Plan "Tamam 4/14" seeks to transfer the population of the unrecognized villages into permanent townships. The regional zoning map ignored the existence of the 45 unrecognized villages and their 70,000 inhabitants.

Tama 35 A regional plan to implement the Tamam 4/24 plan and the two townships of Mariet and Beit Falet.¹³

"**Tamam 4/24,**" the plan for the townships of Mariet and Beit Falet, proposes the absorption of all the villages around Ksafa and Arad into Mariet township and the concentration of all villages around Beer Sheva and Dimona into the township of Beit Falet. The plan would swallow Um Tnan's lands

Military orders: Invoking the Emergency Law of 1945, recent military orders call for the confiscation of the Al Mazrah, Qatamat, Al Mitaher, Al Bat, Kuhliah and Sa'wa lands.

Beir Hael plan: Bir Hadaj was recently recognized within the Bir Hael plan. The plan proposes settling all members of the Al Azazmeh tribe (seven villages with 12,000 inhabitants) into one locality. The RCUV will prepare a zoning map for the Bir Hadaj inhabitants (today there are 5,000 inhabitants and by 2020 it is estimated that there will be 15,000).

¹³ Moreover, according to the definition of Tama 35, a settlement is: "A jurisdiction area of a municipality or a local council and an area within the jurisdiction of a regional council on the date of approving this plan, according to a valid project outline, intended for residence in a scope of at least 50 housing units." Even the smallest of the 45 villages satisfies this definition and all they only need is a project outline and a municipal recognition. See: Al-Huzayal (2002)

2. Land Use

"The building of new towns and strengthening our hold over the land are the answers to the terror we are facing."

Natan Sharansky, Minister for Housing, 2002¹⁴

2.1 Current Land Status

Of the approximately 13 million dunams that constitute the land area of the Negev, the Bedouin population holds in total only 240,000 dunams, of which 180,000 dunams are owned by the residents of the unrecognized villages. In other words, the residents of the villages sit on 1.3% of the land in the Negev, although they comprise 14.2% of Negev citizens.¹⁵ Projections suggest the number of unrecognized villagers will rise steeply from the current figure of 70,000 to at least 200,000 by 2020. In Israeli law, a community of this size would be expected to need an area of 1,153,143 dunams.¹⁶

Yet even the current small share of land possessed by the Bedouin is considered too much. Today the Bedouin are struggling to avoid eviction from the small part of the lands that remain to them. While Bedouin land rights and tribal boundaries were respected by Ottoman and British authorities, the State of Israel continues to pursue a process of expropriation on the remaining 2% of their lands not already in state hands. This is despite the fact that the Negev is a huge land area and that at present only 8% of the Negev is populated. Moreover, the policy is undertaken with full awareness of the fact that even the current land holdings of the Bedouin are insufficient to meet the needs of their projected population growth by 2020¹⁷

Similar policies of land expropriation are suffered by the whole of the Palestinian minority in Israel. Over 93% of the country's land is today controlled by the state and formally known as "Israel lands." Palestinian citizens now own less than 3% of the total land, compared with 94% they held before the war of 1948. Their ability to own or use the rest is severely restricted by a framework of discriminatory laws and military regulations; confiscations continue for defined purposes, such as requiring areas for military firing ranges or for potential infrastructural projects. There is little possibility of legal appeal against these confiscation orders since wide powers are given to the executive authorities. Nevertheless, the terms of the expropriation are unreasonable because compensation levels are low and the government alone determines the value of the land. These terms are often refused, and the land is expropriated without settlement.

The Bedouin's attempts to win recognition for their land rights in court have been unsuccessful. In short, the court offers no protection for their lands. For example, when the Al-Hawashleh challenged the confiscation of 36,000 dunams of their land in order to establish the Jewish town of Dimona, the court ruled that this land belonged to the state. The court accepted both arguments made by the state: firstly, that the Bedouin as

¹⁴ Cook, Jonathan (2003) "Crossing Which Borders?" *Al-Ahram* 2 January 2003

¹⁵ Al-Huzayal, Amr (2002) "The Unrecognized Villages in the Negev: Between Institutional Planning and Alternative Planning," lecture given to the Arab Center for Alternative Planning, Eilabun.

¹⁶ See: RCUV & Jewish-Arab Center for Economic Development (1999) *Negev Arabs 2020: Plan for the Development of a Municipal Authority for the Arab Bedouin Unrecognized Villages*.

¹⁷ In 2020 it is predicted that there will be 320,000 Arabs living in the Negev, which means that only 380 meters will be available to each person.

nomads have no attachment to the lands and so cannot possibly own them; and secondly, that these are state lands that the Bedouin have invaded.

2.2 Sedentarization of the Bedouin

The 1970s plan called *ayur habadawim*, the sedentarization of the Bedouin, aimed to set up a small number of “recognized” urban localities and encourage, by a variety of positive and some quite draconian measures, the community to move into them. It began with the establishment of Tel Sheva in 1969, and then Rahat in 1972, and so on until a total of seven concentration towns were established according to an urban planning model. For the next 25 years policy focused with varying levels of intensity on expanding these seven localities to absorb and concentrate all the Bedouin. For instance, in the early 1980s there was a burst of administrative and legislative activity to further the policy with the passing of *inter alia* the Negev Land Acquisition (Peace Treaty with Egypt) Law (1980), which facilitated large-scale confiscations of Bedouin land and the forcible eviction of a number of Bedouin from their homes; the Regulations for Animal Diseases (Controlling the Movement of Animals in Israel) (1982), which gave the authorities the power to confiscate the herds of any Bedouin who moved them without a permit and to impose a fine of up to 48,000 NIS; Amendment 157A (1981) of the Planning and Construction Law (1965) which made it illegal for the electricity and water companies to connect unlicensed Bedouin homes to their networks; the establishment of the townships of Kseifa (1982) and Segev Shalom (1984). Similarly, since the election of the Sharon government in 2001, there has been an increase in Bedouin house demolitions; the passing of the Sharon Plan to put an end to the problem of the unrecognized villages; and a proposal to amend the Public Lands (Eviction of Trespassers) Law (2003 – draft)

While the number of recognised localities has expanded recently as a result of the work of the RCUV, this policy of sedentarization and concentration is still ongoing. In response to the struggle of the RCUV, the state has recently proposed recognizing (they characterize it as “establishing”) seven of the unrecognized villages, of which three would be planned as agricultural localities. To date, this recognition has had little impact on the provision of services. The change is also a consequence of recent official concerns about preventing the development of large urban localities among the Bedouin, and policy aims to prevent geographic concentration of Arab areas. Thus in recent years, the authorities have not opened new neighbourhoods in the recognized localities, and residents are entitled to buy a building plot only if they are engaged or married and cannot buy for their children as they could previously.

2.3 Land Use for Jewish Settlement

Land is expropriated from the Bedouin so that it can be freed for establishing Jewish settlements in the Negev. This is part of a wider Israeli policy of redeeming the lands¹⁸, specifically important in areas characterised as internal frontiers.

Some of these settlements are very sparsely populated, and spread out over large areas of former Bedouin territory. For instance, while the state requires that the Bedouin, who are 25% of the residents in the Negev, be concentrated into a small number of concentration towns, it has established 123 Jewish localities in the Negev, including towns, villages, kibbutzes etc. Particularly galling, is the *khavat yahid* permit to establish

¹⁸ The notion of “land redemption,” of a linear process continual acquisition, is perhaps the core of Israeli land policy. Clause 1 of the Israel Land Foundation Law, which forbids the transfer of ownership, is phrased as follows: “The possession of Israel’s lands, the lands of the State, the Development Authority, or of the Jewish National Fund shall not be transferred whether by sale or any other way.” Similarly, by charter the Jewish National Fund is bound such that “the land shall not be sold for good.”

a single homestead farm. While the authorities offer a number of different living options for the Jews, that they can live in either a city, or village, or kibbutz, or moshav, or *havat yahid* (a single homestead farm), these possibilities are not open to the Bedouin. The Bedouin are given one possibility only, to be concentrated into urban localities, the *ayarut habadawim*. The state chooses this way of life for them, and it deliberately forces them into something that is not suitable. Approval for 30 of these single farms was given last year.

Case Study: Single Farms

In 2002, 30 single farm permits were awarded on the land of Abda village, on the former perfume road, in order to set up an eco-tourism park, with farms producing wine, cheeses and oil. Ten of the 30 farms have currently been built. The plan is under the auspices of the Minister of Agriculture. The land in Abda belongs to the Azazmeh tribe, and villagers have already begun to have their lands allocated to individual Jewish farmers. Seven families from the Azazmeh will be permitted to become part of the tourist park. In July 2001, there was a case against the single farms taken to the Supreme Court by the NGO Against Single Farms, since the farms have been built despite opposition from the Regional Planning Committee.

In October, for example, the Jewish Agency announced a plan to bring 350,000 Jews to the Galilee and Negev by 2010 to ensure a "Zionist majority" in those areas. As part of the demographic reinvention of these localities, the government at the same time approved the establishment of 14 new settlements in the Negev by the settlement division of the World Zionist Organisation.

2.4 Unrecognized Village Addresses

As part of a process of delegitimizing Bedouin documentation, in 1974 the Ministry of Interior passed Amendment 6 in the Population Register, which changed the place of birth of the Bedouin, as listed on their identity cards, from the historical names of their villages (i.e. the names of the unrecognized villages), to the names of their tribes or families. Accordingly, the residents of Qasr Al-Sirr and Um-Batin had their place of birth changed to the tribe of Al-Hawashleh or Abu Kaff. The advantage of the measure was to remove the identity and link of the people to the land.

On June 18, 2001, in the presence of representatives of the Ministry of Interior, a government committee accepted the demand of the RCUV to amend Regulation 6. The decision was as follows: "The Committee agrees unanimously on the discussed matter; the Committee turns to the Minister of the Interior to exercise his power provided by supplement 4 of regulation 6 in the Population Register, so that instead of registering the name of the tribe as the address, the coordinates of the geographical location shall be registered. We are waiting for the reply of the Ministry in order to pass it on for approval in the Legislation and Law Committee. The Ministry of Interior is welcome to accept any assistance from the RCUV with regard to geographical locations in the Negev in order to facilitate the location and establishment of addresses of the residents in the unrecognized villages." At the subsequent meeting of the Common Committee, the Ministry of the Interior reversed its previous agreement by saying that the implication of the decision was the recognition of the rights of the residents of the villages and especially the rights to vote and be voted. Discussions in the Committee are ongoing.

3. Resource Allocation

3.1 Destruction of the Traditional Economy

There has been a consistent attempt to disrupt, even destroy, the traditional economy, and undermine its independence – as elsewhere in Israel/Palestine – to create a situation of Arab dependence on the mainstream Israeli economy.

Before 1948, approximately 90% of the Bedouin in the Negev earned their living from a mixture of agriculture and pastoralism and 10% subsisted solely on raising livestock.¹⁹ Today over 90 percent are wage laborers. The state's policy from 1948 until today has been to prevent the Bedouin from maintaining their ties to the land by making their traditional lifestyle unfeasible.

The reason for the implementation of such a policy towards the Bedouin is not that claimed by the authorities. Nor is it for the purpose of fixing the location of the nomads. Rather it to control the Arab Bedouin and their economy, with land and animals the chief targets. The Bedouin are forced to protect their two most important means of survival: lands used for both pasture and agriculture, and livestock. The government uses both legal instruments and strong-arm tactics to deprive them of these means.²⁰

3.1.1 Access to Land and Water

The key way to destroy the traditional economy has been by ensuring the state gains a virtual monopoly on the natural resources in the Negev, and especially on the pastoral resources of land and water.

Before 1948, the Bedouin were for the most part allowed to live their lives without major interruption from, or interference by, the ruling authorities. They were permitted to move freely, and migrate according to their needs in search of water or pasture for their herds. Their grazing and water rights, as well as their periodic movements, were recognized, accepted and respected by those with whom they came into contact.²¹ The subsequent impediments in access to land and water have been primary factors in the constriction of the traditional economy during the Israeli period.

Currently 85% of the Negev is currently zoned as off-limits to the Bedouin, either as military zones and conservation areas. These classificatory procedures prevent the Bedouin from practising their traditional pastoral lifestyle or economy by denying access to their traditional lands.²²

¹⁹ According to the 1931 Census of Palestine, 89.3% (42,868 persons) of the Bedouin of the Negev were recorded as living from agriculture, and 10.7% (5,113 persons) were recorded as occupied solely in raising livestock. See: Falah, Ghazi (1985a) "The Spatial Pattern of Bedouin Sedentarization in Israel," *GeoJournal*, Vol. 11, No. 4; pp. 361-368

²⁰ See: Falah (1985a)

²¹ See: Falah, Ghazi (1985b) "How Israel Controls the Bedouin in Israel," *Journal of Palestine Studies*, Vol. 14, No. 2; pp. 35-51

²² For example, in 1978 Bir Haddaj was declared a military zone, and its villagers were moved from there to Wadi Al-Na'am. They remained there until 1994, when the villagers discovered that their land was no longer being used as a military zone, but was being prepared for the establishment of a *lakha'id*, a farm for one person only, and thus they decided to return to their land. In Wadi Al-Na'am they had been living next to the chemical waste dump Ramat Hovav, where there is lots of pollution, and the women in the tribe were having a much higher than normal rate of miscarriages. When they returned to their historical land, the site of their well and graveyard, Fuad Ben Eliezer, who was then Minister of Housing, threatened that he would drive them out of Israel unless they moved to a site 2km north of their historical village, which they were compelled to do.

The state has nationalized all water resources in the country, and made it illegal for the Bedouin to use traditional wells, or dig new ones. Water among the Bedouin in the Negev is administered by the Bedouin Development Authority, which has a Water Committee headed by Yaakov Katz, the Head of the BDA, and includes representatives from the police, the Ministry of Defence, the Green Patrol, the Ministry of Agriculture, and the Water Company. Water policy is both discretionary and discriminatory. Bedouin farmers are either denied water altogether, or they are given no agricultural quotas and are charged according to domestic rates (i.e. 12 times the agricultural rate charged to Jewish farmers).

The infrastructure for water that exists in the unrecognized villages consists of an opening in the national pipeline, from which villagers would have to pay to extend their own pipelines. There have been recent attempts to challenge the Bedouin Development Authority's water policy.²³

3.1.2 Livestock Restrictions

The Plant Protection (Damage by Goats) Law (1950), known as "the black goats law," requires Bedouin shepherds to obtain special permits from the Ministry of Agriculture to graze their goats²⁴ outside of their privately owned land on surrounding state lands. According to article 2, it is forbidden for anyone to have goats or herd them except within the boundaries of one's own land, and then only with a fixed number of animals. Permits to graze on state lands (mostly military areas) are issued on the condition that the state is not responsible for any casualty occurring, and more importantly at the discretion of Ministry officials.

The consequences of grazing goats without the appropriate permit have been remarkably draconian.²⁵ A typical story concerns a shepherd from the Al-Hawashleh family who lost his entire herd of 66 goats without compensation in 1997, after a child

²³ In February 2003, the Supreme Court dismissed a petition filed by Adalah on behalf of the RCUV and other organizations in May 2001, demanding access to clean drinking water for thousands of Palestinian Bedouin citizens of Israel living in seven unrecognized villages in the Negev. The Supreme Court ruled that certain measures taken by the state, as a result of the filing of the petition, provided sufficient remedies to meet the petitioners' demands. These measures included the establishment of an inter-ministerial Water Committee, and the establishment of additional water access points for the unrecognized villages. Adalah filed the petition in May 2001 to demand access to clean drinking water for the residents of seven unrecognized villages, Abu Tilul, Shahbi, Wadi el-Neem, El-Gara, Um Tnan, Um Batin, and Drejat, and to charge the National Infrastructure Minister, the Water Commissioner, the Israeli Water Company, the Minister of Agriculture and Environmental Protection, and the Interior Minister with maintaining a policy of deliberately denying the Bedouin clean and accessible water.

²⁴ The justification behind the Black Goats Law, that the goat was an ecological threat, has been consistently disputed by even Israeli desert ecologists. For instance, Falah reports three of Israel's leading desert ecologists in the late 1970s (at the peak of the Green Patrol's activities) arguing in the Jerusalem Post in favour of the ecological and economical benefits of the black goat. They did warn against the dangers of overgrazing: "When the goat population of a given area becomes too dense, each individual shrub is browsed too frequently... The problem is not how to get rid of the black goat, but how to keep it in sufficient control to prevent overgrazing." See: Falah (1985b) "How Israel Controls the Bedouin in Israel," *Journal of Palestine Studies*, Vol. 14, No. 2; pp. 35-51

²⁵ The various laws include: a law to Forbid the Transportation of *Livestock Mahalot ba'ley Hayim (Hasdarat Tnu'at Ba'ley Hayim Bi-Israel)* (1982) Regulations for Animal Diseases (Controlling the Movement of Animals in Israel) Article 27A (B); payment of civil fines (i.e. not criminal fines) up to 5 times the existing fine in article 61(A)(1) for the Penal Code (1977) i.e. 9,600 NIS became 48,000 NIS. The second part gives the same fine i.e. of 27A(B) in violating another article in this regulation a fine that is defined in article 61(A)(1) for the Penal Code (1977) i.e. 9,600 NIS. Thus you can be fined up to 48,000 NIS.

took the herd into an area for which they did not have a permit to graze.²⁶ Given that herds traditionally provided the Bedouin with their entire livelihood and economic sustainability (from their milk and hides), the implementation of this law has had huge social and economic consequences.

3.1.3 Crop Destruction

A policy of destroying Bedouin crops was begun on February 14, 2002 when eight airplanes – accompanied by a large ground force of police and members of the Green Patrol – sprayed herbicides over the fields of 10 unrecognized villages (with a population of 20,000 Israeli citizens). Two of the villages, Umm Bateen and Awajan, had recently been recognized by the Ministry of the Interior. The farmers were given no prior notice and some who were in the fields were sprayed, as were 400 students at the Al-Amal School at Kharbet Al-Watan village. The decision to destroy the Bedouin crops had been taken during a meeting of the Governmental Economical Committee of the Knesset (Parliament). Participating were officials from the Ministry of Agriculture, Ministry of Infrastructure, the Green Patrol and officials from the Israeli Land Department. They claimed that the Bedouin, indigenous people tending to their agricultural lands, were trespassing on governmental land. After the Adalah legal centre for the Arab minority heard of the plans, they wrote to the ILA which promised that it would not use such tactics. There have been continuing crop destructions this year.

Case Study: Crop Destruction

On 4 March 2003 the Israel Lands Administration sent two aeroplanes loaded with herbicides to spray 1,500 dunams (375 acres) of crops being grown by the villagers of the unrecognized village of Abda. Ten children playing in the fields were covered by the toxic spray. Several of them needed treatment for shock after they and their parents thought they had been the victims of a chemical gas strike from Iraq. The Israel Lands Administration (ILA) had not told the villagers of Abda that they were coming to destroy the crops, nor that they would be sending planes armed with herbicides. Elderly people and children who were in the fields were also sprayed. Village residents immediately evacuated those children to the closest clinic at Mitzpe Ramon (a nearby Jewish locality), but the doctor refused to receive them until the RCUV Vice President contacted the Ministry of Health and Kupat Hulim (the health insurance company). The RCUV sent an urgent letter to the Health Ministry requiring an official investigation into the matter. More instances have taken place.²⁷

²⁶ The herd of 66 goats had been taken to pasture by a small boy in a military area. When discovered, the authorities confiscated the herd on the spot, on the grounds that they had been grazing in an area in which they did not have permission to be. When the shepherd went to the office of the Green Patrol to ask for and retrieve his herd, he was told repeatedly to go away as they did not know where the animals were. When he instructed a lawyer to write on his behalf, the office replied that they had kept the herd for a while and then sold them for slaughter. When the lawyer enquired where the money was from the proceeds of the sale, the office of the Green Patrol responded that part of the money was used to cover the costs of feeding the animals while they were kept by the authorities, part was used to cover the costs of moving them from the site where they were confiscated, and part was used to cover the wages of the man who had tended them while they were in confiscation. The shepherd was warned that he still owed the Green Patrol money.

²⁷ On April 2 some 1,300 acres were sprayed by ILA planes, including more than 300 acres of land belonging to the family of Jabar Abu Kaff, head of the RCUV.

3.2 Economic Effects

3.3.1 Poverty & Unemployment

Economic policies have had a huge impact on the rates of poverty and unemployment within the unrecognized villages. These effects are largely invisible: the unrecognized villages are not registered in government statistics identifying areas of social deprivation, such as the Ministry of Labor and Social Welfare's socio-economic scale, or its calculations of the unemployment rate.

In spite of the government's stated aim of "improving and modernizing" the lives of the Negev Bedouin through its resettlement program, the Negev Bedouin community has the lowest socio-economic status of any group of Israeli citizens. While the unrecognized villages are not recorded, those statistics that do exist reveal that, according to the Central Bureau of Statistics, all seven of the Bedouin recognized localities are among the 10 poorest towns in Israel. Similarly, the highest rate of unemployment is consistently among the Bedouin.²⁸ Compared to the Israeli average, they have twice as many children and only approximately half the monthly income. In Rahat, the main Bedouin recognized locality, the average monthly family income is 38% of the average income of the average Jewish family.²⁹

Further, a survey published in January 2003 by Ben-Gurion University in Beer Sheva observed that 71% of the Bedouin citizens in the south suffer from hunger. In particular, among those supported by social services; 87% of the children who receive help from social affairs are in danger of hunger, 85% of those who receive social help asked other family members for help and food, and 75% of families asked for charity in order to buy food.³⁰

3.3 Health

There remain very few options for health service in the unrecognized villages. There are no dentists, no eye doctors, no mental health specialists, and no health education. Only about 10 villages have health clinics and in the past two years six Mother Child clinics have been established after pressure from the Supreme Court. Aside from formal health services, as a consequence of the poor state of education, in most villages there are no nurses or doctors, and further there have never been any first aid courses organized by the Ministry of Health in these communities.

As a consequence, infant mortality among the unrecognized villages is more than triple that of the Jewish community in Israel, 17.4 per 1,000 for Bedouin and 6.3 per 1,000 for Jewish children.³¹ Because the Bedouin unrecognized villages have an inadequate infrastructure, many Bedouin infants are exposed to infectious bacteria. In 2002, 5% of infant mortality cases were caused by infectious bacteria.³²

The rate of infant mortality more than triples in the winter months of December and January.³³ Poor infrastructure slows the Bedouin from leaving their villages, and in life-

²⁸ According to a report by *Al-Ittihad* newspaper in December 2002, the highest rate of unemployment in the country is among the Bedouin citizens, which has reached recently 30%. See: HRA Weekly Review of the Arab Press, Issue No. 102.

²⁹ See: A Way Ahead: A Development Plan for the Bedouin Towns in the Negev.

³⁰ See: HRA Weekly Review of the Arab Press, Issue No. 105.

³¹ The rate is 17.4 for Bedouin children according to a presentation by Ilana Shoham Vardi "The Death of Bedouin babies in the Negev, 1990-2002" Ben Gurion Univeristy, Beer Sheva Israel.

³² Presentation by Ilana Shoham Vardi "The Death of Bedouin babies in the Negev, 1990-2002" Ben Gurion Univeristy, Beer Sheva Israel.

³³ presentation by Ilana Shoham Vardi "The Death of Bedouin babies in the Negev, 1990-2002" Ben Gurion Univeristy, Beer Sheva Israel.

threatening events the extra minutes it takes to move through a muddy unpaved road and travel far distances to medical facilities can mean the difference between life and death.

The hospitalization rates of Bedouin children with infectious disease compared to Jewish children are telling: more than three times the number of Bedouin children are admitted to Soroka (the hospital that serves the Negev region and therefore the Negev Bedouin) with diarrhoea or pneumonia. Diarrhoea is particularly epidemic in the summer months: 16,000 Bedouin children were admitted to Soroka in one August month, whereas the figure for Jewish children was much lower, at 5,000. With regard to pneumonia almost 6,000 Bedouin children were admitted to Soroka in one February month, whereas only 3,000 Jewish children were admitted in the same month.³⁴

Case Study: Ramat Hovav

In 1976 Ramat Hovav was established on the villages of Wadi al-Naam and Wadi Al-Mishash, as a national toxic chemical waste dump.³⁵ Local residents had, and continue to have, no input in its construction or operation³⁶ The methods of treating sewage in Ramat Hovav have caused particular concern for the residents of the villages. Perhaps the most damaging is the spraying system: the toxic stream is directed to towers that spray the drainage from 3,000 sprayers for six hours a day. Whenever there is a breeze, the wind catches the spray sending it over the unrecognized villages of Wadi Al-Naam and Wadi Al-Mishash.

The environmental implications of this dumpsite are immense. Poisonous materials have penetrated the aquifer and in the area most of the vegetation has died. The villagers continually complain about sharp odors, and children have breathing problems. Further, a set of high-tension electric cables stretches over the hills around the villages. The turbines, where the Bedouin reside, generating electricity, make noise and work continually. There are no domestic legal protections to safeguard the wellbeing of the village residents.³⁷

These figures are also the result of environmental risks, in particular the streams of open sewage emanating from recognised Jewish and Arab communities that are allowed to run through the unrecognized villages. The highly polluted Hebron River that flows

³⁴ Amalia Levy, Dora Fraser, Hillel Vardi, Ron Dragon.(1998) "Hospitalizations for infectious diseases in Jewish and Bedouin children in southern Israel" *European Journal of Epidemiology*14:179-186. Kluwer Academic Publishers. Netherlands.

³⁵ The site is spread over 8,000 dunams of land with factories containing: pesticide, subtle chemicals for use in the pharmaceuticals and cosmetic industries, flavor and odor materials, flame retarding materials, chemicals for the textile, paper and photographic industries, organic waste, hazardous waste, and an electricity plant.

³⁶ The site is in an area that is not under any local jurisdiction. Not only do residents have no voice in decision-making concerning the plant, but also responsibility for the plant is split between eight bodies, including five ministries.

³⁷ Until now there is no law or standard concerning hazardous waste: there are no regulations defining what is permitted for elimination, in what concentration and under what conditions. The air pollution law that exists does not relate to exhaust materials of the Ramat Hovav plants. On December 5 1988, the District Engineer of the Ministry of Health informed the Machteshim plant, one of the plants at Ramat Hovav, that it was infringing the conditions of its business licence because the plant had channeled its drainage to the wadi instead of transporting it to the hazardous materials dumping site. On January 22 2003, a 30-page warrant draft, which detailed shortcomings in the sewage purification process, stated that 25% of the sewage entering evaporation pools did not undergo purification.

through the recently recognized Bedouin village of Um Batin as well as a number of other unrecognized villages is a serious danger to local residents. In addition there is a second stream of open sewage from Arad. The Hebron river flows through many unrecognized villages where people have to live with the smell, cross the river with no adequate bridges, and suffer health repercussions.³⁸ The Dimona River that flows through the villages of Qasr al-Sir and Um Matnan that were recently recognized poses a similar problem because waste from the Dimona Nuclear Reactor pollutes the river. In 1993 there was a spill.³⁹

3.4 Education

The education system in the unrecognized villages is hugely underfunded and suffers from a variety of forms of discrimination in facilities. To date, the Bedouin Education Authority has built 16 elementary schools in 13 villages. No high schools and no vocational and agricultural secondary schools have been built in any of the 45 villages. Many field reports in the unrecognized villages testify to classes averaging 40 students each year.⁴⁰ In 2001, Human Rights Watch reported that in the unrecognized village of Wadi Al-Naam, three elementary schools use 40 prefabricated buildings to teach more than 1,300 students.⁴¹ Community activists have long observed the dangerous state of the school buildings and playgrounds.

A high proportion of teachers in Negev Bedouin schools are uncertified: 23% in 1994. The Katz Committee reported that the number of teaching positions in the Negev is expanding at a rate faster than Bedouin teachers are being trained. According to the Report of the Investigatory Committee on the Bedouin Educational System in the Negev, 978 new teachers have to be trained and hired by 2002. Moreover there is a huge shortfall in other support staff in the Bedouin schools.⁴²

³⁸ According to Hura's chief nurse, skin infections are greatly magnified in the summer due to the pollution increasing mosquitoes. Interview, February 23 2003 at Ben Gurion University.

³⁹ June 11, 1993, "Israel covered up a leak at Dimona", published by WISE News Communique.

⁴⁰ Human Rights Watch (2001). At elementary level, school funding is allocated by number of classes. Having larger classes has a significant impact on per pupil funding.

⁴¹ A Human Rights Watch field visit in December 2000 to an elementary school in Wadi El-Na'am observed the following: "Several days later we visited a school bordering an unrecognized Bedouin community outside Beer Sheva. An electrical plant was visible nearby and electric wires ran overhead; however, neither the community nor the school was connected to a central power supply. Two years ago, following the Israeli High Court's 1998 ruling that the state was obligated to provide electricity to all government schools in unrecognized villages, the Ministry of Education provided the school with a generator. When we visited, the generator was operating but was noisy and disruptive inside the classrooms. According to a representative of the parents' committee, it is weak and often shuts down. Like all Bedouin schools in the Negev that we visited, the building had not central heat or air conditioning. The principal described the extreme desert temperatures – both heat and cold – and showed us a small space heater and small fan mounted on the wall. "That's it," he told us. Most of the buildings at this school were concrete block, although two were new prefabricated buildings. To one side of the school were eight toilets, housed in a separate concrete structure. These served all fifty-two teachers and 1,330 children, except for the kindergarteners who had a single toilet in their classroom. Next to the toilets and about twelve feet from a classroom was an open, foul-smelling garbage pile, taller than a kindergarten child. We were told that the school is supposed to burn the pile every few days, but it had not done so recently because the fumes blow into the school and the nearby houses. There are cyanide and bromine factories in a nearby industrial zone, and a first grade teacher complained to us that a bad smell, which she attributed to the factories, often fills her classroom." Visit 17 December 2000, Human Rights Watch (2001) p.86

⁴² Israel reported in its State Report to the UN Committee on the Rights of the Child that: "Despite the increase in the number of positions available for support staff (truant officers, social workers, educational psychologists, speech therapists), support services in the Arab sector are still very inadequate, and are still not commensurate with the percentage of Arab children and youth in the

Some 60% of the Bedouin children aged 3-4 do not benefit from the obligatory free education law; only 15% of this age group in the unrecognized villages has access to kindergartens.⁴³

Bedouin girls rarely continue their education past the eighth grade because from this age onwards truant officers do not pursue Bedouin students⁴⁴ and over half of Bedouin women are illiterate. Furthermore, traditional concerns may keep girls from completing their education: many families will not permit their daughters to make the necessary journeys outside their villages to learn, which has devastating consequences on their education. In 1997, only 45% of the school age girls in the Negev were in education, and 90% did not attend high school.⁴⁵

There is a severe lack of educational facilities for special needs education within the unrecognized villages. In 1998-99, only 446 (1.4%) of the 32,501 Bedouin students in grades 1-12 in the Negev were in special education classes (the Jewish average is 3%). There are only two special needs schools for all the Bedouin in the Negev, in the recognized localities of Rahat and Kseifa. Both of these are inadequate; for instance, neither has speech therapists for Arabic speakers.⁴⁶

As a consequence, Negev Bedouin drop out of school at higher rates than other Palestinian Arabs. Despite this, there is no monitoring of the school attendance of students from the unrecognized villages. Approximately 55% of Negev Bedouin Arab children drop out before graduating from high school, as compared to 16% and 33% in the Jewish and broader Arab sectors respectively.⁴⁷ If they make it to the twelfth grade, they are less likely to pass the matriculation exam and, if they do pass, to qualify for university admission: In the 1997-98 academic year, only 10% of Negev Bedouin high school students passed the matriculation exams (compared to 43% and 27% in the

population.” CRC report, p.309 [cited in Human Rights Watch (2001) p.95] Similarly, the Katz Committee Report observed that: “There is a lack of Bedouin school counsellors, which contributes to the large gap in this area between the Bedouin and the Jewish sector. At the elementary school level, there are 69 counsellors in the Jewish schools of the Southern District, and none in the Bedouin schools. At the intermediate school level, there are 48 counsellors in the Jewish schools and three in the Bedouin schools.” Katz Committee Report, [cited in Human Rights Watch (2001) p.100].

⁴³ Weekly Review of the Arab Press, Issue 63.

⁴⁴ The Working Group on Palestinian Women in Israel, al Tufala Center, PO Box 2404 Nazareth, Israel

⁴⁵ Abu-Rubiyya, Salim et al (1996) “Survey of Bedouin Schools in the Negev” Ford Foundation.

⁴⁶ Human Rights Watch (2001). In October 2001, it was reported to the Knesset Children’s Committee that Bedouin children in Israel have the highest incidence of deafness in the world. They reach school ages without any treatment, and 50% of the deaf children among them arrive at school without hearing aids, therefore they do not acquire the appropriate level of language to their age. Some 20% of deaf Bedouin children are accepted into the regular education system, without any form of special assistance, while 85% of Jewish deaf children learn at school. The Committee recommended the establishment of a special center for deaf children in the Negev. [Weekly Review of the Arab Press, Issue 53] Similarly, in August 2001, the Supreme Court obliged the Ministry of Education to build 40 classrooms for special education in the Arab sector after a petition on behalf of the Association for Civil Rights in Israel and the Follow-Up Committee for education. The petitioners had argued that based on 2000 figures, there was a lack of 100 classrooms for special education in the Arab sector, and accordingly hundreds of Arab students with special need were forced to study in unadapted regular classrooms. [Weekly Review of the Arab Press, Issue 45].

⁴⁷ Abu Saad (2001)

Jewish and broader Arab sectors), and only 6.4% of Bedouin students who took the exam had bagrut scores that met minimum university requirements for admission.⁴⁸

At present, the education system in the unrecognized villages lacks 23 elementary and seven high schools, and a total of 699 classrooms. Moreover, an average of 1.5 teachers is needed for each class. The total number of teachers needed for the different age groups to fill the gap currently stands at 1,048 teachers. In reality, a RCUV survey of students from the unrecognized villages who are currently at teacher training colleges found that there were 75 students studying at different years. Some 973 students are needed to fill the gap.

Table No. 1: Education system Needs (calculated by RCUV according to the Ministry of Education criteria).

Institution by age	Student No.	Necessary Classes	Classes Existing	Classes Required
3-4	6,205	199	39	160
5-11	18,098	517	285	232
12-17	9,824	281	0*	281
Special Education	2,216	222	0	222
Total	36,343	1,219	324	895
% from needed classes			27%	73%

* Some schools in the unrecognized villages have 8th and 9th grade classes.

⁴⁸ Human Rights Watch (2001)

4. Institutional and Political Practices

"[Bedouins] are a bloodthirsty people who commit polygamy, have 30 children, and continue to expand their illegal settlements."

Moshe Shohat, Bedouin Educational Authority Director, 2001⁴⁹

"There is an imbalance since there is an authority for demolition, and no authority issuing building permits."

Police Superintendent Mordechai Nahman, 2002

4.1 Denial of Local Authorities

The residents of the unrecognized villages are denied their own representative authorities and have no local councils. The effect of this is that they are denied two clear rights, a local authority to provide them with basic services, and the right to elect local representatives.⁵⁰ The majority of residents of the unrecognized villages live in areas devoid of any municipal authority. Even those who do live in an area under a municipal authority, such as those villages within the jurisdiction of Bnei Shimon, Ramat HaNegev, Dimona, do not receive services from these municipalities or vote in their elections. By the year 2020, nearly a quarter of a million Bedouin Palestinians will be residing outside the network of organized municipal systems.

4.2 Special Administrative Structures

Rather, the residents of the unrecognized villages are governed by a number of administrative structures and units set up especially for the Bedouin. These include most notably the Bedouin Development Authority, the Bedouin Education Authority and the Green Patrol.

4.2.1 Bedouin Development Authority (BDA)

The Bedouin Development Authority was established in 1981, and controls all the plans and policies among the Bedouin community in the Negev. Despite the warmth of its name, the Bedouin community is the only community in Israel to have a special office charged with their "development." All state funding for the Bedouin community comes through this office. Even the municipalities of the recognized localities get their budgets through it, rather than directly from the Ministries. Until recently (1999), five of the seven recognized Bedouin local authorities were run by an appointed Jewish committee.⁵¹

Administratively, the BDA is a subdivision of the Israel Lands Administration, which is an indicator of the agenda behind its work. It gets a budget to buy land from the Bedouin

⁴⁹ Haaretz Tuesday July 24, 2001 Av 4, 576

⁵⁰ The Decree for Local Councils includes two key provisions: Firstly, that it is the Council's task to concern itself with offering municipal services according to the needs of the residents. According to the Local Council Law, one of the tasks of a local authority is to establish and maintain services, enterprises and institutions, which to its knowledge offer benefits to the public. Similarly, according to Article 3 of the Local Council Law, those who have the right to be elected are those who at the determining day, and for six months previously, have maintained their place of residence in this area.

⁵¹ The Committees were appointed by the Ministry of Interior from the Jewish religious party Shas. The situation was only changed after a lot of community pressure.

community, but recently the money has been going back to Jerusalem unused.⁵² The BDA also has a monopoly on all planning for the Bedouin community. Thus it is responsible for opening new neighbourhoods in the 7 towns, or establishing new villages.

In addition to land, the BDA also has absolute control over water. Access to water for the Bedouin comes via the BDA's Water Committee. The Head of this Water Committee is Yaakov Katz, who is also the Head of the BDA. Prior to last year, the BDA operated a very restricted water policy, as means of encouraging people to leave their land.

4.2.2 Bedouin Educational Authority (BEA)

The 45 villages lack the municipal authority that would normally provide education services. Education services are instead provided through the Bedouin Education Authority (BEA), an administrative unit of the Bedouin Development Authority. The BEA was established in 1981 and has a budget of NIS 65 million, which originates from the Education Ministry. Nonetheless, its staff are not Ministry of Education employees, and its Director is invested with huge discretionary powers.

The BEA has a staff of 130, and is responsible for the building of schools and kindergartens as well as their maintenance and renovation. The BEA is also responsible for bussing 12,000 schoolchildren to 285 classrooms in 16 schools and 70 kindergartens. Since its inception, the BEA has been run by the same Director. He is a Jewish Israeli with no educational background, and who does not read, write or speak Arabic. His assistants are four Sheikhs [tribal leaders], none of whom has completed beyond 8th grade schooling.

Rather than developing the educational services within the unrecognized villages, the BEA primarily works to control the community, awarding services on a discretionary basis. Education services are awarded as part of the politics of patronage, not as a right but as a favour dispensed to those who are loyal and withheld from those who are not. Part of the problem is implementation of policy, as agreed staffing levels are simply not met.⁵³

Over time, the BEA Director has demonstrated that he works for the benefit of a close network of clients, and acts in the interests of controlling the community through the provision of education facilities. This patronage overrides even the planning regulations. A further consequence of this approach is that the BEA provides its services in a manner that is ineffective⁵⁴ and irrational. For instance, it buses children great distances rather than providing services in their own communities. The total cost of running 420 bus lines and transporting 10,000 students (6,000 of whom are bussed to schools in the recognized localities) is approximately 10 million NIS a year. With the transport budgets needed to bring the children to school everyday, many schools could be built. Some 21 kindergartens in 2000 were deliberately built by the BEA several kilometres from the unrecognized villages they were supposed to serve; accordingly, they remained empty for a long period. The BEA also builds services for some villages and conspicuously

⁵² According to the 2001 State Comptrollers Report, of the NIS 148 million reserved for buying land from the Bedouin in 1999, NIS 131 million was returned to Jerusalem, and NIS 9 million spent on administrative purposes.

⁵³ Human Rights Watch (2001)

⁵⁴ The Head of the Orientation Committee for Education in the Negev, Dr. Amer Al-Huzayal, observed that "the BEA cannot claim any achievement, ... [its purpose] is to increase the pressure on the Negev Arabs in order to relocate them in housing centres and let their lands be seized. It is only the petitions addressed by the people of the Negev to the Supreme Court and various judicial institutions, that have forced the BEA to move." [Weekly Review of the Arab Press, Issue 1]

deprives others, and it even provides services that are later demolished by another arm of government.⁵⁵

The racist attitude of the BEA Director is well-documented. When questioned in an interview given to *The Jewish Week* in July 2001 on the deficiencies in education services within the unrecognized villages, he characterized the communities he serves as “blood-thirsty Bedouins who commit polygamy, have 30 children and continue to expand their illegal settlements, taking over state land.” When questioned about providing indoor plumbing in Bedouin schools, he responded: “In their culture they take care of their needs outdoors. They don’t even know how to flush a toilet.” Following a series of strikes organized by community groups, the Regional Council and other groups petitioned the Supreme Court for Mr. Shohat’s dismissal.⁵⁶ Despite these efforts, he remains in position.

4.2.3 Green Patrol

In 1976, the “Green Patrol” was created to fight so-called Bedouin infiltration into national Jewish land. The Green Patrol are not police officers, but rather a paramilitary unit established by Ariel Sharon with extensive powers, and employees of the Ministry of the Environment. It mobilizes for special operations to pull down Bedouin tents, seize flocks, and destroy crops planted without the appropriate permit. During its first three years, Bedouin flocks were reduced from 220,000 to 80,000. Physical coercion of Bedouin farmers has led to hospitalizations and a number of deaths.⁵⁷ According to Sharon’s new five-year plan the Green Patrol will be empowered with more resources. Since May 2001, 84 houses have been demolished by the Green Patrol in the unrecognized villages and elsewhere in the Negev, and over 17,000 dunams of crops have been destroyed by the Green Patrol in three separate poisoning incidents.⁵⁸

4.3 Government Policy Towards the Unrecognized Villages

While policy towards the unrecognized villages has been broadly consistent, there is noticeably a greater intensity in its prosecution by the current Sharon administration compared with the previous Barak administration. The differences are apparent on three key issues: home demolitions, proposed plans, and willingness to deal with community representatives.

⁵⁵ For instance, in 2002, the Bedouin Education Authority established a kindergarten next to the home of Aqal Al-Atrash, as a reward for his loyalty to the BEA’s Director during the Regional Council-led Court case to have Shohat removed from office. The kindergarten was established for 10 children only, and thus could not be justified by the criteria of the Compulsory Education Law. Also the kindergarten was established without a permit on an area zoned as a military area. As a consequence, the Ministry of Interior immediately removed the kindergarten, without it teaching a single day.

⁵⁶ In response to these comments, 49 NGOs petitioned the Supreme Court in August 2002 requesting a dismissal of Shohat because of his remarks and also because of irregularities in his management of the BEA. In addition, the Regional Council of the Unrecognized Villages requested the dismissal of the General Director of the Ministry of Education, Ronit Tirosh, after she insisted that the BEA should be kept as a position for a Jewish director only. Tirosh’s insistence contradicts the Basic Laws - Freedom of Labour and Human Dignity because it cancels any candidate that is not Jewish. Attorney Bana Bdarneh of the Association for Civil Rights in Israel sent a letter to the Attorney General observing that Tirosh’s statements were racist, and requesting that the Attorney General order the Ministry of Education to publish a tender for the position of Director of the BEA. [Weekly Review of the Arab Press, Issue 86]

⁵⁷ Most recently in August 1998, Sliman Abu Jlidan of the Azzazmeh tribe was shot dead by a member of the Green Patrol for straying into a closed area and fleeing when challenged.

⁵⁸ Incidents in February 2002, March 2003, and April 2003.

4.3.1 Barak Administration

During the Barak administration, house demolition policy was frozen, as was the implementation of Tama 4/24. Similarly, the Ministerial Committee for Bedouin Affairs announced their acceptance of the vision of the RCUV: "That there is no relation between the recognition of the villages and government obligation in giving services for the citizens." In August 2000 The Ministerial Committee for Bedouin Affairs adopted the recommendation of the *Comprehensive Program for the Solution of the Problem Facing the Bedouins*, a plan initiated by Yossi Beilin (then acting as Minister of Justice) and with the cooperation of the Middle East Institute For Economic and Legal Research. The document recommends the recognition of 17 villages and the installation of full services for the rest of the villages as a first step.

In January 2001 an agreement between the RCUV and the Chair of the Ministerial Committee for Arab Affairs, Minister Matan Vilnai, agreed the following: 1. The recognition of the villages and providing services without relation to the land settlement by an immediate establishment of service centers as a first step and following the agreement with the local committees and the RCUV. 2. To establish administrative Regional Council that will provide services to the unrecognized villages, representatives will be according to the village population. 3. To stop the expansion of Omer on the land of Umm Bateen, Al Mikamen and Awajan. 4. To stop the expansion of Beer Sheva on the land of Awajan. 5. To terminate the Bedouin Development Authority. 6. To implement the agreement for Abu Sulb family concerning their land in Kurnub. 7. To terminate the policy of house demolition.⁵⁹

4.3.2 Sharon's Administration

By contrast, the Sharon administration has reactivated the traditional policy of home demolitions, land confiscation, Jewish settlement building and forced evictions. A military order was submitted to the community announcing the confiscation of a total of 42,000 dunams from the villages of Qatamat Al-Mitaher and Mazra'a. A second military order was signed in 2001 to confiscate 20,000 dunams and uproot the citizens of Kahelah, Al Bat and Sa'wa villages. While three villages were recognized, they were given new Hebrew names rather than their traditional ones and were proposed as new tribal concentration points.⁶⁰

In July 2002, Sharon's Government began implementing four out of the planned 14 Jewish Settlements on the land of the unrecognized villages (Mishmar HaNegev Settlement on the land of Al-Araqeeb and Karkour, Hiran Settlement on Ateir and Um-Hiran villages; Eira Settlement between Sa'wa and Al-Bat villages). The fourth Jewish settlement will be built on the lands of Al Mazarah and Um-Irtam villages.

In June 2002, the Ministry of Justice proposed an amendment to the Law on Public Land "Eviction of Trespassers Amendment 2002," which defines the residents of the unrecognized villages as "trespassers." In January 2003, the government announced a five-year plan, backed by a budget of NIS 1.175 billion⁶¹, to bring an end to the Bedouin lands issue. A total of 395 million NIS has been allocated for house demolition and land expropriation.

⁵⁹ These positive steps of the previous administration were strongly emphasized in Israel's submission to the Committee.

⁶⁰ Sharon's Administration recognized the villages of Qasr El-Sir, Wadi Ghwain and Um Batin. Two of the villages received Hebrew names. The plan for Beit Faillet suggests it swallows up Um Matnan village. Bir Hadaj, recognized within Beir Haiel plan, is proposed to be the site for settling all Al Azazmeh tribe (seven villages with 12,000 inhabitants) into one locality.

⁶¹ See appendix for a detailed critique of the Sharon Plan.

4.3.3 New Danger: The Sharon Plan

In January 2003, the government announced it had developed a five-year plan, backed by a budget of NIS 1.175 billion (over \$250 million), to implement the above measures, and bring an end to the Bedouin lands issue. Despite current economic concerns, this considerable budget was allocated in the 2003 state budget.

The Sharon Plan is a comprehensive strategy to remove the Bedouin of the unrecognized villages from their land and concentrate them into three townships. The strategy includes a legal framework, including the hiring of lawyers to defend state claims of illegal land use or building, the expansion in strength of the armed police force that patrols the Negev and carries out house destructions, and the allocation of funds for any compensation which may be necessary. A total of 395 million NIS has been allocated for house demolition and land expropriation. This plan is the first time that the government has developed a comprehensive plan for settling the unrecognized villages with implementations and timetables, budget allocation, and job distribution to each Ministry and governmental office. Principally, it is a plan for the implementation of existing plans, rather than a new proposal for land use. The plan includes the following provisions:

- The Sharon Plan includes the establishment of a special police unit and forces to prosecute and thus criminalize villagers living on their lands. Some 40 million NIS will be allocated to the special units of the police department responsible for demolition orders.
- The government will allocate 5 million NIS to the Green Patrol for more personnel, and grant them new powers to operate against villagers within their own living areas and lands.
- It proposes that 16.5 million NIS will be allocated to the Ministry of Interior to enforce planning and construction ordinances in the Negev⁶², and effectively to invest in an increase in house demolitions instead of in investment in the planning and building solutions for the residents.
- The plan proposes increased funding for the courts and the Ministry of Justice. A total of 48 million NIS will be allocated to different departments in courts in the Beer Sheva district to accelerate demolition orders. Special court sessions will be held and private lawyers hired by the Ministry of Justice solely to prosecute the residents of the unrecognized villages, and to require them to prove to the court's satisfaction their land ownership.⁶³
- At the same time, planning authorities will implement the plans among the Jewish Regional Council of Ramat Hovav and Bani Shimoun to give individuals farms in areas beyond their municipal jurisdictions, where the unrecognized villages currently lie, and to establish land reservations, and other settlements on land which is currently home to unrecognized villages. The government is giving a clear message that this land will belong only to Jews, that these new farms will be Jewish and that they will replace the existing villages and their inhabitants.
- Any compensation awarded for expropriated land will be according to the decision of the ILA and previous government decisions, and Israeli Law. Some 325 million NIS will be allocated for land compensations through the Land Authority. This allocation is no compensation at all for population transfer.

⁶² This follows a government decision from 4 August 2002

⁶³ In 1974 the Supreme Court decided that there is no land ownership for Bedouin in the Negev. See: Civil Appeal 218/74 Salim Al-Hawashleh v. State of Israel, PD 38(3) 141

- The Plan is a coordinated policy of using force to transfer all the Bedouin from the unrecognized villages into three new reservations, designed along the lines of the existing seven townships. Three new municipal authorities will be created, on the sites of the three Bedouin villages that recently have been recognised: Bir Hadaj, Dariyat and al-Madbach, which are respectively to be given the Hebrew names of Bir Heim, Mari'at and Beit Felet. The villages were chosen because they are home to three of the largest tribes, yet they were recognized without the participation and agreement of the residents. Residents' addresses will be registered⁶⁴ according to those recognized villages and towns. The Plan will also establish a Regional municipal authority for these villages.⁶⁵
- The Plan was prepared without the participation of the residents of the villages⁶⁶ and the proposed evacuation runs contrary to their needs and well-being, which are centred on the lands on which they live.

The Plan is being vigorously opposed by all sectors of the Bedouin community, since it is seen as a declaration of war on the unrecognized villages.

4.4 Community Action

Since 1999 the RCUV, the community and other active NGOs has been responding to the different agendas of these government. These responses include:

Submitting a comprehensive plan, *Negev Arabs 2020*, with a detailed map of the 45 unrecognized villages. This plan was submitted to relevant planning authorities for purposes of providing an acceptable alternative to Negev National Plan "Tamam 4/14." Following the Plan's rejection by the National Planning Committee, the RCUV and community took their case to the Supreme Court to demand planning solutions for the residents of the unrecognized villages. To date, the case is still pending.

Border maps have been prepared for the villages declared as closed military zones, and for the village of Awajan, threatened with being swallowed up by the expansion of Beer Sheva. A successful Supreme Court case was conducted by the RCUV and Adalah on behalf of the villages of Um Batin and Al-Maqamun, which were threatened with expansion by Omer. Zoning maps are being prepared with community participation for the villages of Um Batin and Bir Hadaj. Action has been taken to ensure community participation in the establishment of a new regional council for the Bedouin villages. And a coalition of 30 community and human rights groups is opposing the new Sharon plan.

⁶⁴ A governmental practice implemented in 1970, which addresses a person only by their tribal name instead of the historical village they live in, makes receipt of mail almost impossible for the Bedouins living in the unrecognized villages.

⁶⁵ Within this new Regional Council, it is presumed that the Bedouin Development Authority will be disbanded and will return to being a department in the Regional Council, as the Israel Lands Administration. Similarly the Bedouin Education Authority will become the Education Department in the new Regional Council. All services will be provided by this Regional Council.

⁶⁶ Not one Bedouin, or Arab, representative has been appointed to the 17-member Southern Regional Planning Committee, which oversees planning issues in the Negev.

Appendix

Mr. Ariel Sharon
Prime Minister
Jerusalem

Dear Mr. Ariel Sharon,

Subject: The 5-Year Plan for the Negev Arab Bedouins until 2007 in the Negev

The Forum *Together for Equality and Growth* of non-governmental organizations and representative organizations, of Jews and Arabs, who are all working for the development of the rights of the unrecognized villages' inhabitants, and for the growth of the Negev for Jews and Arabs together.

We commend the development budget allocation for the seven planned towns and we commend the recognition and development of any villages which do not rely on a process of concentrating the rest of the inhabitants of the unrecognized villages into these newly recognized areas. We are deeply disappointed that the suggested plan on which the Cabinet will vote does not provide the vital recognition and services for the villages' inhabitants. Rather this plan proposes land confiscation, population removal and transfer, and the concentration of the Bedouin into confined areas.

Critical Deficiencies of the Plan

1. The Plan was prepared without the participation of the residents of the villages and the proposed evacuation runs contrary to their needs and wellbeing, which are centered on the lands they live on.
2. The new powers of the Green Patrol to operate against villagers within their own living areas and land is a dangerous invasion of their rights to their property.
3. The increase in the budget of the Interior Ministry will be implemented by force, which will mean an increase in house destructions instead of the planning and building investment solutions which would satisfy the needs and the way of life of the residents.
4. The establishment of a Police Unit and Special Forces who would implement the Plan amounts to a criminalization of villagers because they live on their land.
5. The plan proposes claims funded by the government in courts activated by the government, against the rights of residents to live on their land.
6. The plan proposes the establishment of new individual farms, land reservations, and other settlements on land which is currently unrecognized villages. The government is giving the clear message that these new farms will be Jewish and will replace the existing villages and their inhabitants.
7. We protest against the provision of a budget allocation for the Israeli Land Authority to compensate the villagers who are uprooted and moved off their lands. This provision of a budget is no compensation at all for population transfer. We add once again that 25% of those who live in the Negev are Arab Bedouins and that they live on 2% of the Negev's land.
8. Finally, we must protest the establishment of any local municipality for the villages which are recognized without the participation and agreement of the residents. This

concern follows the letter addressed by The Regional Council of The Unrecognized Villages (the Regional Council) to the Interior Minister, Mr. Eli Yeshay on 29/10/02.

We present the following proposals for the Cabinet, to ensure the government of Israel provides equally and acts for the common good of all residents of the Negev.

Proposals for the Cabinet Decision:

1. As a first step, to establish a local municipality on the model which the Regional Council proposed in *Development of Municipal Authority for the Arab Bedouin Unrecognized Villages in the Negev* which was submitted to the Interior Ministry and the planning institutions and was a response to the plan of Mr. David Cohen (the Director of the Ministry of Interior regional office).
2. Providing all services without any relation to the Land Settlement, by establishing 20 Services Centers for the 45 different villages on their land. These Services Centers should be established immediately, as a first stage by Exceptional Permit which is within the authority of the Interior Ministry. The established municipal authority will represent the residents and will be responsible for providing services.
3. To freeze the House Destruction measures by Recognition of all building and until both sides come to agreement and the village's zoning maps are authorized.
4. To implement immediately the Ministerial Committee for Bedouin Affairs decision from 28/2/00 which froze the Tama 24/4 Plan that had suggested planning towns such as Mareit. We also propose the closing of the Bedouin Authority for Development, in part because it is the only authority of its kind in Israel.
5. To cancel the areas of the following villages: Al Mazra, Qatamat, Al Mitaher, Al Bat, Khelah, Sa'wea and others from the announcement of the military area. This is according to maps which were prepared by the Regional Council and presented to the Defense Ministry.
6. To change amendment 6 in the population registration (address registration) law and to register residents addresses according to their historical villages. This is how residents were registered at birth until 1974, and is discussed in the Regional Council plan *Development of Municipal Authority for the Arab Bedouin Unrecognized Villages in the Negev*.
7. To implement the agreement from January 2001 between the Regional Council and the Ministerial Committee for Arab Affairs, which was signed by the head of committee, the former Minister Mr. Natan Vilnay.

We convey our thanks in advance for your cooperation,

sincerely,

Oxfam GB, Al Ahali, Bimkoum, Jewish Arab Center for Economic Development, New Israel Fund, Arab Center for Alternative Planning, Association for Civil Rights in Israel, Arab Association for Human Rights, People and Land, The Follow Up Committee for Arabs in Israel, The Follow up For Education, Mossawa, Shatil, Adalah, Taayush, Coalition for Co-existence in the Negev, Rabbis for Human Rights, Physicians for Human Rights, Sikkuy, The Regional Council for the Unrecognized Villages – Negev