



# General Assembly

Distr.: General  
31 August 2010

English only

---

## Human Rights Council

Fifteenth session

Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by Pax Christi International, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 August 2010]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## The Land Rights of the Bedouin Minority in Israel

### 1. Introduction

Pax Christi International would like to draw the attention of the Human Rights Council to the gross and systematic violation of the land rights of the Bedouin minority in the state of Israel which are guaranteed by international law. For already dozens of years, state planning in Israel systematically excludes the Bedouin in the development and implementation of land allocation-, zoning- and construction policies in the Negev.

Although Bedouin villages in the Negev pre-date Israel's first master plan of the late 1960s, state planners systematically excluded these villages in their original plans. All buildings of these communities are therefore considered illegal according to Israel's Planning and Building Law, giving the Israeli authorities a legal excuse not to connect these villages to the national electricity and water grids, or provide even the most basic infrastructure. As a result more than half of the approximately 160,000 Negev Bedouins are forced to live in unrecognized villages under abominable circumstances, constituting a severe violation of their basic human rights<sup>1</sup>.

From the 1970's onwards the Israeli authorities started demolishing Bedouin homes in the unrecognized villages. During the last years Israel's demolition campaign appears to have intensified<sup>2</sup>. In 2008, 225 illegal Bedouin structures were destroyed. 2009 saw an increase over the previous year with 254 structures destroyed. In January 2010, The Israel Land Administration, The Ministry of Interior Affairs, and the southern district of the Israel Police have jointly decided to triple the demolition rate of illegal constructions in the Bedouin communities of the Negev. This year foresees the demolition of 700 illegal structures and the deep ploughing of 900 Ha of land to prevent new construction<sup>3</sup>.

Israeli officials argue that they are merely enforcing zoning and building codes. However, the fact that they only target Bedouin homes and systematically overlook or retroactively legalise illegal constructions of Jewish citizens indicates that Tel Aviv is actually more concerned with reinforcing its control over the Negev for strategic reasons, among others by changing the demographic balance in the area<sup>4</sup>.

The plight of the Bedouin minority in the Negev is likely to persist if the international community fails to react on their behalf. Therefore we strongly believe that the UN Human Rights Council should urge Israel to change its discriminatory land policies in accordance with International law.

---

<sup>1</sup> HRW, Off the Map Land and Housing Rights Violations in Israel's Unrecognized Bedouin Villages, HRW Report vol. 20 no. 5 (E), March 2008. p. 1-2

<sup>2</sup> The number of demolitions mentioned in this paragraph is just from 2008-2010. However, a survey conducted by Human Rights Watch indicated that the demolition rate is on the rise since at least 2005; HRW, Off the Map Land and Housing Rights Violations in Israel's Unrecognized Bedouin Villages, HRW Report vol. 20 no. 5 (E), March 2008. p. 57-58

<sup>3</sup> Yagna, Y., Israel to triple demolition rate for illegal Bedouin Construction, in: HAARETZ news report, 18-02-2010.

<sup>4</sup> HRW, Off the Map Land and Housing Rights Violations in Israel's Unrecognized Bedouin Villages, HRW Report vol. 20 no. 5 (E), March 2008. p. 3

## 2. Israel's obligations under International law

### 2.1. International Covenant on Economic, Social and Cultural Rights

The rights of the Bedouins in the Negev are guaranteed by International law. An overview of these guaranteed rights painfully reveals the discrepancy between theory and the dire reality. At the same time it forms the basis upon which the International community and the Israeli authorities should act.

Israel has ratified the International Covenant on Economic, Social and Cultural Rights in 1991 which guarantees the right to adequate housing, privacy, protection against forced evictions, and freedom of choice in place of residence. Moreover, art. 2 Par. 2 of the covenant underlines that state parties must guarantee that these rights will be exercised without discrimination.

Art. 11.1. "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent<sup>5</sup>."

Art. 2.2. "The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status<sup>6</sup>."

### 2.2. General comments No. 4 and No. 7: The right to adequate housing (art. 11 (1) of the Covenant)

In its General Comment No. 4 and No. 7 the Committee on Economic, Social and Cultural Rights, which monitors the compliance of states parties to the ICESCR, elaborated further on art. 11 par. 1 of the covenant. These comments provide a more detailed overview of the rights Israel fails to uphold:

In par. 7 of General comment No. 4, the Committee emphasised that the right to housing should be regarded as the right to live somewhere in security, peace and dignity. However, the Bedouin residents of the unrecognized as well as the recognized villages are forced to live under circumstances which are not even remotely secure, peaceful or dignified<sup>7</sup>. Moreover they have a disproportionally lack of secure tenure which the state of Israel clearly fails to provide. However, par. 8 a) stipulates that "all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats", and that state parties should take immediate measures to confer legal security of tenure upon those individuals or groups lacking such protection<sup>8</sup>. In addition, par. 8 e) states that increasing access of land for disadvantaged groups should constitute a central policy goal<sup>9</sup>.

Forced evictions are central themes in both comments. par. 13 of Comment no.4 stipulates that state parties must ensure that all feasible alternatives are explored in consultation with the affected persons or groups and that all individuals concerned have a right to adequate

<sup>5</sup> International Covenant on Economic, Social and Cultural Rights, art. 11 par.1

<sup>6</sup> Ibid. art. 2 par. 2

<sup>7</sup> General comment No. 4: The right to adequate housing (art. 11 (1) of the Covenant), par. 7

<sup>8</sup> Ibid. par. 8 (a)

<sup>9</sup> Ibid. par. 8 (e)

compensation<sup>10</sup>. Par. 18 goes even a step further: instances of forced eviction are prima facie incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law<sup>11</sup>. General comment No. 7 is entirely devoted to forced evictions; par. 14 posits that in the cases where eviction is justified, it should be carried out in compliance with international human rights law and in accordance with general principles of reasonableness and proportionality<sup>12</sup>. par. 15 focuses more on the procedural protections which should be installed by the state parties with regard to forced evictions such as: opportunities for genuine consultation with those affected, adequate and reasonable notice prior to the scheduled date of eviction, the provision of legal remedies and legal aid to persons who seek redress from the courts<sup>13</sup>. As indicated in par. 16, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Furthermore, state parties must take all appropriate measures to ensure adequate alternative housing or access to productive land<sup>14</sup>.

When reviewing numerous well documented evictions and home demolitions of the Bedouin in the Negev one can only conclude that the state of Israel fails to uphold all of the above mentioned obligations. Individuals do not receive any compensation for home demolitions, nor have they effective legal remedies since there are strong disincentives to take their case to court. Home demolitions carried out merely because of a lacking building permit, is by any definition disproportionate and unreasonable especially since the owners have no opportunity whatsoever to obtain such a permit. In addition the Bedouin residents of the unrecognized villages rarely receive prior notice of a planned demolition and frequently even do not know if a demolition order will be indeed followed by an effective demolition. In many cases the evictions result in individuals being rendered homeless as the Israeli authorities fail to provide adequate alternative housing<sup>15</sup>.

Israel violates systematically the land and housing rights of its Bedouin minority which are guaranteed by International law. We therefore call upon the Human Rights Council, to urge Israel to adhere to the principles it has pledged to uphold.

Pax Christi International recommends the Human Rights Council and its Member States to urge the state of Israel to:

1. Establish an independent commission, to investigate and rectify the way in which land allocation, planning, and home demolitions are implemented with regard to the Bedouin population. This commission should be guided by Israel's international human rights obligations.
2. Establish transparent and just criteria for the creation or recognition of new residential localities in Israel.
3. Create strong legislative guarantees for the inclusion of the Bedouin in the planning process.
4. Establish legislation which provides security of tenure for the Bedouins.

---

<sup>10</sup> Ibid. par. 13

<sup>11</sup> Ibid. par. 18

<sup>12</sup> General comment No. 7: The right to adequate housing (art. 11 (1) par. 14

<sup>13</sup> Ibid. par 15 a), b), g) and h)

<sup>14</sup> Ibid. Par. 16

<sup>15</sup> HRW, Off the Map Land and Housing Rights Violations in Israel's Unrecognized Bedouin Villages, HRW Report vol. 20 no. 5 (E), March 2008, p. 98-103

5. Invite the UN Special Rapporteur on adequate housing and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people to investigate the issue and to provide recommendations.

Pax Christi International recommends the Human Rights Council the following:

6. Raise concerns to the Israeli government about the ongoing evictions and house demolitions of the Bedouin in the Negev.

7. The UN Special Rapporteur on adequate housing and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people should visit the Negev to investigate the issue and to provide the necessary recommendations.