

## The Israel-Palestine NGO Working Group at the United Nations

*This statement is based on a letter the Israel-Palestine NGO Working Group at the United Nations sent to the Permanent Representative of every Member State mission to the United Nations in New York on Wednesday 17<sup>th</sup> June 2015. The original letter was not footnoted, but for the purpose of clarity and accuracy, footnotes have been added to this version.*

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The Israel-Palestine NGO Working Group at the United Nations expresses its profound concern over the Israeli Government's imminent plans to forcibly relocate or transfer Indigenous Bedouin communities in the Negev, in Israel, as well as in areas of the West Bank that are under exclusive Israeli jurisdiction, areas categorized by the Oslo Accords as Area C.<sup>1</sup> While the political realities in these locations differ, the legal repercussions faced by these Indigenous Bedouin communities are similar:<sup>2</sup> they face the forced relocation or transfer from their homes and the expropriation of their land by Israeli planning authorities.

We are troubled to learn that plans for the forced relocation of 1,000 Indigenous Bedouins of Atir and Umm-al-Hiran in the Negev have been approved by Israel's Supreme Court and that plans to transfer Indigenous Bedouin communities in Area C, such as those of Susiya where 170 structures are threatened with destruction and 350 people face the loss of their homes, intend to go ahead.<sup>3</sup> The case of Umm al-Hiran and Atir sets an alarming precedent for the 70,000 residents of the 35 unrecognized villages in the Negev, and provides legal justification for the state to displace Bedouin citizens of Israel and dispossess the community from their land. In the West Bank an equally worrying trend is observed. In 2014, the Government of Israel demolished 493 Palestinian structures in Area C, resulting in the displacement of 1,215 Palestinians,<sup>4</sup> the highest rate of displacement in six years, most of which are Bedouin refugees who have endured displacement multiple times.<sup>5</sup>

The transfer of the Indigenous Bedouin communities in Area C, if implemented, may amount to individual and mass forcible transfer, which runs contrary to Israel's obligations under article 49

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<sup>1</sup> OCHA report that Susiya residents are at imminent risk of forced displacement - "all structures located in Area C have been served with demolition orders, which can be implemented at any moment." For more see: [http://www.ochaopt.org/documents/ocha\\_opt\\_susiya\\_factsheet\\_may\\_2015\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_susiya_factsheet_may_2015_english.pdf)

<sup>2</sup> It is estimated that some 35 Bedouin communities in the Negev and 46 Bedouin communities in Area C currently face displacement and transfer. See, respectively, OCHA Fact Sheet, September 2014, [https://www.ochaopt.org/documents/ocha\\_opt\\_communities\\_jerusalem\\_factsheet\\_september\\_2014\\_english.pdf](https://www.ochaopt.org/documents/ocha_opt_communities_jerusalem_factsheet_september_2014_english.pdf); and Adalah's response to Israel's replies to the UN Human Rights Council on the Praver Plan, September 2014; [http://www.adalah.org/uploads/oldfiles/Public/files/English/International\\_Advocacy/UN/HRC-ICCPR/Adalah-NCF%20Report-HRC-Bedouin-Sep-2014.pdf](http://www.adalah.org/uploads/oldfiles/Public/files/English/International_Advocacy/UN/HRC-ICCPR/Adalah-NCF%20Report-HRC-Bedouin-Sep-2014.pdf)

<sup>3</sup> BTselem: Currently about 250 people live in Khirbet Susiya on a regular basis, and some 100 others live in it for part of the year, as their livelihood is seasonal. [http://www.btselem.org/south\\_hebron\\_hills/susiya](http://www.btselem.org/south_hebron_hills/susiya)

<sup>4</sup> <http://www.un.org/apps/news/story.asp?NewsID=50431#.VYtpb-1Viko>

<sup>5</sup> [http://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2014\\_01\\_27\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_01_27_english.pdf)

of the Fourth Geneva Convention and international humanitarian law.<sup>6</sup> These actions will give rise to individual criminal liability and could result in a war crime, as legal experts have recently opined.<sup>7</sup>

Further, Article 10 of the United Nations Declaration on the Rights of Indigenous Peoples, states that people “shall not be forcibly removed from their lands or territories,” and notes that “no relocation shall take place without the free, prior and informed consent” of the concerned populations.<sup>8</sup> As Indigenous peoples, the Bedouin of Susiya, Atir and Umm-al-Hiran enjoy these rights and they should be upheld.

In addition to these plans, Bedouin communities in both Israel and the West Bank who are subject to relocation and transfer plans, are being deprived of their ancestral land rights or have already been displaced from their lands, and live in increasing poverty due to being denied their traditional way of life through increasing restrictions or the complete prohibition of access to their ancestral lands. In the West Bank, these conditions are further aggravated by the relocation plans and the proliferation of Israeli settlements, which are illegal under international law.<sup>9</sup>

Evidence from our partner civil society organizations, who are active on the ground, indicate no prior consultation with the affected communities took place ahead of these plans. We are deeply concerned about these recent developments, and equally troubled by further plans to transfer up to 7,000 Palestinian Bedouins from 46 communities in Area C of the occupied West Bank.<sup>10</sup>

Our concern echoes those of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Mr. Makarim Wibisono, who on 5 June 2015, sounded an urgent call to action against the current plans of the Israeli Government, stating; “I am alarmed at indications that the roll-out of plans, which in their full effect are believed to entail the forced eviction and forcible transfer of thousands of people, contrary to international human rights law and international humanitarian law, now appears imminent.”<sup>11</sup> Like previous rapporteurs, Mr. Wibisono has thus far been unable to access the OPT due to a lack of cooperation on the part of the Government of Israel.<sup>12</sup>

In addition to setting a troublesome international precedent, such acts potentially incur state responsibility, including the obligation to allow humanitarian assistance, to provide appropriate remedies, and to ensure protection of the rights of Indigenous peoples. **It is the responsibility of Third States to prevent this from happening and to avoid supporting any actions that are in contravention of international law.**<sup>13</sup>

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<sup>6</sup> <https://www.icrc.org/ihl/WebART/380-600056>

<sup>7</sup> During a roundtable in January 2015, Marco Sassoli, professor of international law at the University of Geneva said: “The forcible transfer of a person within occupied territory is a violation of the Fourth Geneva Convention. Israel has to stop it. All states have an obligation to ensure respect for that prohibition. Forcible transfer within an occupied territory also constitutes a war crime. For a full public statement, see: [http://jahalin.org/wp-content/uploads/2012/01/2015.01-Roundtable-Statement\\_Final\\_signed.pdf](http://jahalin.org/wp-content/uploads/2012/01/2015.01-Roundtable-Statement_Final_signed.pdf)

<sup>8</sup> [http://www.un.org/esa/socdev/unpfii/documents/DRIPS\\_en.pdf](http://www.un.org/esa/socdev/unpfii/documents/DRIPS_en.pdf)

<sup>9</sup> See any of the following Security Council Resolutions S/RES/446, S/RES/452, S/RES/465, S/RES/471 and S/RES/476.

<sup>10</sup> [http://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2014\\_01\\_27\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_01_27_english.pdf)

<sup>11</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16045&LangID=E>

<sup>12</sup> <http://www.adalah.org/en/content/view/6837>

<sup>13</sup> [http://legal.un.org/ilc/texts/instruments/english/commentaries/9\\_6\\_2001.pdf](http://legal.un.org/ilc/texts/instruments/english/commentaries/9_6_2001.pdf)

We call on the Permanent Representatives of Member State missions to the UN to urge the immediate cancellation of plans to relocate the Indigenous Bedouin population of Umm al-Hiran in Israel and plans to forcibly transfer Bedouins from the village of Susiya and other Bedouin communities in the West Bank such as those targeted by the E-1 Development Plan, the Nuweimeh Plan and Fasayil Plan, in order to expand illegal Israeli settlements.<sup>14</sup> These actions ultimately undermine the trust and confidence necessary to move towards peace.<sup>15</sup>

We respectfully ask that the Permanent Representatives of Member State missions to the UN:

- 1) **Request that the UN Secretary-General publicly reiterates his serious concerns, found in paragraph 37 of A/67/372, that implementation of the plans as they stand would amount to individual and mass forcible transfers and forced evictions which run contrary to Israel's obligations under international humanitarian and human rights laws;**
- 2) **Request that your capital, in accordance with Third State responsibility, issue a public statement that calls on Israel to freeze demolition orders and cancel transfer plans immediately and refrain from any actions that would support such plans; and**
- 3) **Urge your diplomatic presence in Tel Aviv, Jerusalem, and Ramallah to pressure the Government of Israel to freeze demolition orders, to cancel transfer plans, and to provide a protective presence in communities at risk of demolition and forced transfer.**

The Israel-Palestine NGO Working Group at the United Nations is a coalition of diverse organizations that have met since 1999 to share information and advocate for a just peace between Israel and Palestine.

*Mr. Doug Hostetter and the Rev. W. Mark Koenig co-chair the working group.*

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<sup>14</sup> <http://www.palestinemonitor.org/details.php?id=kmw4hsa4531ygd6brd3mm>

<sup>15</sup> As highlighted by the United States State Department in its response to a letter from concerned organizations on this matter, see: <http://jahalin.org/wp-content/uploads/2012/01/2014.12.05-American-Friends-Service-Committee-State-Dept-Letter.pdf>