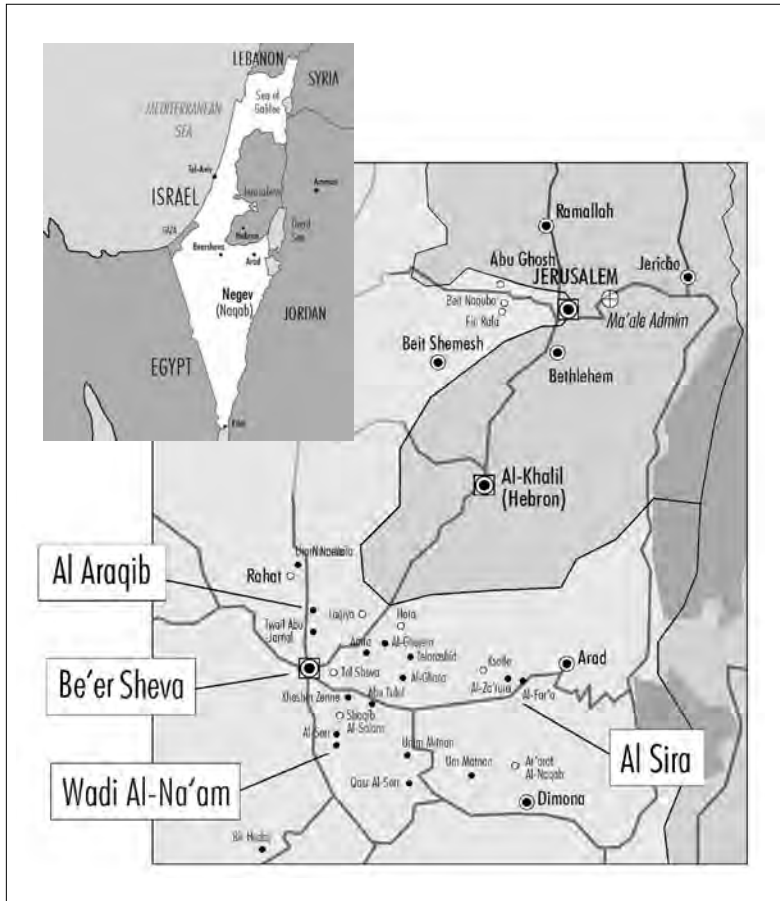


## ISRAEL

Israel's Arab Bedouin are indigenous to the Negev-Naqab desert. Centuries ago, they were semi-nomadic. Bedouin combined herding with agriculture in villages linked by kinship systems, which largely determined land ownership. Prior to 1948, about 90,000 Bedouin lived in the Negev. After 1948 most were expelled to Jordan and Sinai. Only about 11,000 survived in Israel. In the early 1950s, the Israeli government concentrated this population within a restricted geographical area that was about ten percent of the Bedouin's former territory, with a promise of return to their original lands within six months. This promise has yet to be fulfilled. According to the Central Bureau of Statistics (2009), around 75,000 Bedouin currently live in 35 "unrecognized villages", which lack basic services and infrastructure. Another 150,000 Bedouin live in seven townships and 11 villages that have been "recognized" over the last decade. However, these townships and villages hinder the traditional Bedouin way of life and provide few employment opportunities. The Bedouin are today politically, socially, economically and culturally marginalised and experience many forms of discrimination. Their representatives regularly attend and address UN bodies on indigenous peoples' issues but their indigenous status is not officially recognized by the state of Israel. Israel has not ratified ILO Convention No. 169 and has violated many of its provisions. Additionally, Israel did not participate in the vote on the UN Declaration on the Rights of Indigenous Peoples and has failed to meet this Declaration's provisions.

**H**ouse demolitions and crop destructions remained on the 2014 agenda in the Negev and a slim hope of reaching a fair solution to the Al-Araqib land claim was crushed by bulldozers. On the whole, the situation in the Negev was characterized by Israel's continuous defiance of most international human rights standards.



## House demolitions

The freezing of the Praver bill on the arrangement of Bedouin settlement in the Negev by the Knesset<sup>1</sup> in 2013 did not shelve the Be'er Sheva Metropolitan Plan, and the government continued to implement some of its provisions in 2014 by issuing demolition orders against Bedouin villages. According to the Negev Coexistence Forum (NCF), 86 such cases were reported in 2014, including the demolition of several hundred structures, the uprooting of olive trees and the destruc-

tion of crops.<sup>2</sup> Although the purpose of house demolitions is to concentrate the Bedouin in townships and recognized villages, 54% of the reported destructions occurred in these very same places. Indeed, due to the lack of public development plans, their residents are unable to obtain construction permits and their houses are therefore just as vulnerable to demolition as the “unrecognized villages”. One new trend is that many Bedouin owners choose to destroy their homes themselves. This is not only due to the fact that the state authorities threaten to make the owners pay the demolition expenses but also because it allows the owners to salvage some equipment and construction materials while also minimizing the resulting trauma experienced by family members.

### **The Al-Araqib land claim**

The Al-Araqib unrecognized village north-west of Be'er Sheva was among those that experienced demolitions in 2014. This village has to date been “destroyed” more than 70 times and has become a symbolic case of Bedouin resilience when it comes to defending their land rights. The plight of Al-Araqib dates back to 1951 when members of the Al-Ukbi tribe were expelled from their homes and lands and forced to resettle in Hura, some 20 km away. Their land was subsequently expropriated and classified as “state land” but some families returned and settled there again. In 2009, Al-Araqib was chosen as the site of a new forest sponsored by the Jewish National Fund<sup>3</sup> and the entire village, with a population of 300 people, was destroyed. Its inhabitants, however, were soon back raising makeshift homes and refusing to leave their land —just as they would continue to do each time their village was destroyed.

Adopting a counter-claim policy, the state of Israel decided in 2011 to put a final stop to what it calls “trespassing on state land” and filed a NIS 1.8 million (approx. USD 450,000) lawsuit against the heirs of Sheikh Suleiman Al-Ukbi, thereby placing the burden on these latter to prove ownership of their ancestral lands at Al-Araqib and Zazhilika.<sup>4</sup> The case was heard in March 2012 but, in keeping with the Dead Negev Doctrine which, since the 1970s, has classified all land in the Negev region as “*mawat*”—i.e. unoccupied and uncultivated land – and hence as state lands, Judge Sarah Dovrat rejected the claims of the Al-Ukbi tribe. The judgment was immediately appealed but, while waiting for the appeal

case to be heard, Al-Araqib suffered several more demolitions and, in May, eight eviction orders were delivered for enforcement between 12 June and 12 July.

The appeal case opened in the Supreme Court in Jerusalem on 2 June 2014. Starting by comparing the Dead Negev Doctrine with the Terra Nullius doctrine,<sup>5</sup> the applicability of which is today totally rejected internationally, Attorney Michael Sfard, representing the appellants, went on to present various research findings obtained from archives, aerial photos and Bedouin testimonies that provided strong evidence of the Bedouins' land rights in the northern Negev. These rights were further confirmed by documents showing that vast Bedouin-owned tracts of land in the Negev had been formally purchased during Ottoman and British times by Zionist organizations and Jewish individuals—land on which 11 thriving kibbutzim<sup>6</sup> were built and exist to the present day. The state attorneys, on the other hand, spent considerable time arguing that the Bedouins were not indigenous to the Negev since they were “descended from 18<sup>th</sup> century invaders”. They also stated that the Bedouins' assertion of private land titles rather than a collective one proved their non-indigenous status. The state furthermore claimed that the UN Declaration on the Rights of Indigenous Peoples did not constitute “customary international law” and hence was not binding upon Israel. After deliberating, the judges expressed their displeasure with the extremely long delay in dealing with claims filed by the Bedouin more than 50 years ago and suggested holding a conciliation process in order to reach a fair solution on the question of Bedouin land ownership at Al-Araqib. The Al-Ukbi members agreed, and the court awarded the state a fortnight to consider.

Before the fortnight was over, however, the slim hope of a fair solution had been crushed as structures in the cemetery were razed to the ground in a three-day action starting on 12 June. An order to freeze the demolitions while the case was ongoing was not respected by the police and, by the time the court had decided to order a new freeze, it was too late as there was nothing left to be destroyed.<sup>7</sup> The Al-Ukbi members nevertheless soon returned and, by the end of 2014, they had been dislodged a further six times.

## **No shelters and sirens for Bedouin villages**

Bomb shelters and air-raid sirens are a common sight all over Israel, but not in Bedouin communities.<sup>8</sup> During the Protective Edge military operation in July

2014,<sup>9</sup> several rockets fired from Gaza hit Bedouin villages across the Negev. Two of those hits were fatal, killing at least one person<sup>10</sup> and severely injuring six others. On 16 July, the Association for Civil Rights in Israel (ACRI) issued an urgent petition to the Supreme Court demanding immediate protection for the recognized and unrecognized Bedouin villages in the Negev. On 20 July, the court determined that there was no reason for an immediate intervention in the policy of protection for the communities. Nonetheless, the Justices held that the long-term preparedness needed to be clarified, and gave the respondents—the Ministry of Defence and the Regional Councils—30 days to give their response.<sup>11</sup>

### **The denial of basic human rights**

Besides being denied their rights to land and to a secure environment, the Bedouin are also being denied other basic human rights. One of these is the internationally-recognized human right to water as enshrined by the UN General Assembly in the International Covenant on Economic, Social and Cultural Rights (CESCR). A recent report shows that many unrecognized villages have no access to the water network. Those that do are provided with insufficient quantities and the residents have to install and maintain the necessary infrastructure at their own cost. The quality of water is not supervised and is often a health risk. Finally, they have to pay the highest water rates in the entire country.<sup>12</sup>

The Bedouin community's freedoms of expression, speech and assembly are also at risk after suffering a critical blow following a demonstration last year in Hura against the Praver Plan. As described in a Negev Coexistence Forum Report, hundreds of Bedouin and their supporters experienced the use of shock grenades, tear gas and mounted police during this "day of rage". They also suffered lengthy detentions and had to pay high legal costs. All this indicates to the Bedouin community, as well as to their supporters, that when they go out to protest it is not considered a legitimate civil demonstration but rather a security event, and hence the ability of the Bedouin community to exercise their rights to freedom of speech and assembly is seriously jeopardized.<sup>13</sup> ○

## Notes and references

- 1 The Knesset is the legislative branch of Israel's government. Regarding the Praver Plan, see *The Indigenous World 2014*, pp. 354-356.
- 2 See website of the Negev Coexistence Forum (NCF) and their report, "The House Demolition Policy in the Negev-Naqab" (2014) at <http://www.dukium.org>
- 3 JNF was created in 1901 with the purpose of buying land for exclusive Jewish settlement. See *The Indigenous World 2010*, p. 433-435.
- 4 The only way for Bedouins to prove land ownership is either to prove the existence of a village or cultivation in 1858, or to show that ownership was registered at the British Land Registry Office no later than 1921, the beginning of the British Mandate. This makes it virtually impossible for Bedouins to prove their ownership.
- 5 This concept, which considers land as "belonging to no-one" has been used, for instance, in Australia to negate the land rights of the Australian Aborigines.
- 6 Communal settlements, typically farms.
- 7 This entire section draws on NCF (<http://www.dukium.org>); Gush Shalom ([http://http://zope.gush-shalom.org/index\\_en.html](http://http://zope.gush-shalom.org/index_en.html)) and Mondoweis (<http://mondoweiss.net/2014/06/bedouin-demolished-proceedings>).
- 8 According to Israel's 1951 Civil Defense law, all homes, residential buildings and industrial buildings are required to have bomb shelters or access to protected spaces.
- 9 Israeli military operation launched against Gaza on 8 July 2014.
- 10 This Arab Bedouin was among the five Israeli civilians killed during the conflict.
- 11 See ACRI at <http://www.acri.org.il/en/2014/07/20/bedouin-protection-denied/>
- 12 See NCF Report "Thirsty for (the right to) Water: the Policy of not Supplying Water to the Unrecognized Arab-Bedouin Villages in the Negev" (2014). At <http://www.dukium.org/reports-and-position-papers/>
- 13 See "Days of Rage": Deprivation of Freedom of Speech of the Bedouin Community in the Negev-Naqab". NCF, 2014 at <http://www.dukium.org>.

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