

The Arab Bedouin and their Lands in the Naqab – The Tribal Dimension of Steadfastness

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Introduction

The Government of Israel is working on dealing a heavy blow to the Arabs of the Naqab, which, if implemented, will mean living through another Nakba (catastrophe). This strike entails an attempt to control a majority of their land through the proposed “Law for the Regulation of Bedouin Settlement in the Negev” or the “Praver Plan Law”. Under this proposed bill, the Israeli government is trying to confiscate more than half a million dunams of the Arab Bedouin's ancestral land. The bill is the implementation arm of the government's “Praver Plan”, drafted by a committee of all Jewish “experts” under the leadership of former deputy chairman of the National Security Council, Ehud Praver. The Praver Plan was approved by the Israeli government in September 2011 (Prime Minister's Office, 2011). After the plan was already approved, the government began an insincere public hearing period to add the token “democratic element”, with Minister Benny Begin touring the Naqab (Negev) to listen the views of Arab Bedouin representatives. The government plans to submit the bill for voting in the Israeli Knesset next month, and as currently written, it will criminalize and punish Arab Bedouin citizens for living on their ancestral lands and in villages that have existed since before the establishment of the State in 1948.

While the Praver Plan Law is the first attempt of the government to turn the policy of displacement and dispossession in the Naqab into black-letter law, the strategy of legalizing and militarizing space to secure land has always been one of the means of the Israeli Government to crack down on the Palestinian minority and restrict its development. Tens of laws relate to land, planning and management of space. The result is that Israel now controls more than 93% of the total geographical area. In light of Israel's legal and security rhetoric with regard to the lands of the Arab Bedouin, the landowners are returning to their roots and tribal traditions as a last, but incredibly effective, attempt to challenge the imminent confiscation their ancestral lands.

Israeli policy towards the Arab Bedouin of the Naqab since 1948

The Israeli governments' policy towards the Arab Bedouin can be summarized as follows:

1. **Concentration of the remaining Arab Bedouin** into an area called the ‘Siyag’ (“fence” in Arabic). Following the establishment of the State of Israel, around 11,000 Arab Bedouin of the original 100,000, remained on their ancestral land. From 1948 until 1954, the remaining Arab Bedouin were concentrated in the Siyag area southeast of Beer El-Sabe (Beer Sheva). Following completion of the displacement, the Israeli government granted citizenship to the remaining Arab Bedouin. This complex internal deportation process was executed without difficulties due to the dominance and tyranny of military rule, which was imposed on the Arabs in Israel until 1966 (Benny Morris, 1988).
2. **Urbanization of the Arab Bedouin.** The policy of forced urbanization, which was first attempted by the Israeli government in 1962, aimed to reduce the geographical space of the rural community into an urban framework where they could be more easily monitored and controlled. The first Israeli government tried to transfer the Arab Bedouin to Jaffa, Lod and Ramle but this policy failed because of the Bedouins historic link to their ancestral lands in the Naqab. The policy was then initiated in the Naqab with the establishment of the village of Tel El-Sabe (Tel Sheva) in 1969 and continued through 1990 with the founding of Hura

and Lakiya. In 1997, representatives of the unrecognized villages established the Regional Council for the Unrecognized Villages in the Negev, with the aim of recognizing their ancestral villages. The council succeeded in achieving the recognition of 10 villages, but the government planned the villages as urban towns rather than the agricultural villages intended by the Bedouin community. In 2003, the government established the Abu Basma Regional Council to provide services to these new urban villages, but today the villages still lack electricity, water and other basic services (Abu Ras, 2011).

3. **Confiscating land and dismissing Arab Bedouin land ownership claims.** The policy of dismissing land ownership claims of the Arab Bedouin began in the 1970s and is intended to end with the implementation of the Praver Plan. The first governmental plan on this issue was based on the recommendations of a committee headed by the lawyer, Plia Albeck, in 1976. It reflected the position that land in the Naqab, according to a misinterpretation of the Ottoman classification, is categorized as “mawat” land, i.e. “dead land.” The Israeli government interpreted all mawat land to be State land, and therefore, all of the Arab Bedouin who were living on and cultivating “mawat” land were trespassers with no legal claim to the land. The Albeck Committee recommended a "good will gesture" that would allow for compensation of 20% of the land for those who claimed ownership of more than 400 dunams (Swirski and Hasson, 2005). Subsequent government plans (notably, the Goldberg Plan and the Praver Plan) have revised who is eligible to receive compensation, how much and what kind of compensation is available, though all are grounded in the same misinterpretation of Ottoman law, and result in unjust and discriminatory treatment of the indigenous Arab Bedouin community. Every government-imposed planning and compensation scheme, from Albeck to Praver, has been rejected by the Arab Bedouin community, who are denied the opportunity to plan their own future.

Israel's Motives for Controlling Arab Bedouin land

Three interrelated motivations direct Israeli policy in the Naqab and the government's relationship with its most vulnerable citizens.

1. **The Zionist Ideology dimension.** There is no doubt that the strongest motivation for the State's aggressive pursuit to control the lands of the Arab Bedouin is grounded in Zionist ideology. Israel was established on the premise that “the land of Israel” could not be sold and should be collectively owned by the Jewish people. Today, the state owns 93.5% of the total land of Israel. In this situation, Israel does not resemble any democratic country in the world. Moreover, there are only three countries in the world that control such a vast majority of their geographic area: North Korea, Cuba and China. They justify this near-total control with socialist and communist land and planning system. Nonetheless, the Israeli government does not hide its intention to confiscate what is left of the lands owned the Arab citizens (Maor, Ziv,1997).
2. **The Geo-political dimension.** The vast majority of land ownership claims of the Arab Bedouin extend in the geographical area between the mountains of Hebron (in the occupied West Bank) and the Gaza Strip. While Israeli governments built settlements in all parts of historic Palestine and particularly in strategic areas like the northern Naqab, they also strive to ensure that there is no Arab geographic or demographic continuity between the two sides of the potential future Palestinian state in the occupied West Bank and Gaza Strip. The Israeli government, through the Praver Plan, made sure that the Arab Bedouin would not be compensated with their ancestral land in this area in particular, and instead offers barren land that is deep in the southern desert

Notably, the Arab Bedouin also claim land in the western Naqab, near Gaza, including part of the land of the Israeli cities of Netivot, Ofakim, Sderot and various agricultural settlements, kibbutzim and moshavim. These Bedouin were internally displaced following the establishment of the State of Israel into the Siyag, and now, the Praver Plan bill precludes them from receiving compensation in the form of land, but rather, they can only receive minimal monetary compensation. With this bill, the Israeli government is attempting to create a precedent with regard to the land claimed by refugees, where the State will only provide minimal financial compensation.

3. **The Economic dimension.** As property prices in Tel Aviv and the center of the country have risen dramatically in the last decade, the government is planning to transfer all military training camps from there to the Naqab, where land is relatively inexpensive. The transfer will take place on to the ancestral Arab Bedouin land, which is claimed and currently inhabited by the traditional owners.

In addition, following the discovery of the "Brier" mine in the center of the unrecognized village of Al-Fur'a, the Siyag has become known for having some of the most phosphate-rich lands in the country. The new Metropolitan Plan of Be'er Sheva, against which Adalah has filed many objections, includes the Siyag area and tens of thousands of dunams that have been demarcated for mining, especially in the vicinity of the Arab Bedouin villages of Tel Arad, Arara and Abu Qreinat.

Tribal law and customs in the face of land confiscation in the Naqab

In the 1970s and 1980s, the Arab Bedouin tried to use the Israeli courts to confirm ownership of their lands. However, in 1982, an Israeli court ruled that the Arab Bedouin could not be the owners of the land "because they [were] nomads," and since then, of the more than 200 cases brought before Israeli courts, the Bedouin have never once received a favorable judgment concerning land ownership. The tribal judiciary on land issues and traditional Bedouin law, however, has proven to an incredibly effective means to confront Israeli land confiscation decisions. For example, the Bedouin code of ethics respects the traditional land ownership schemes and tribal space that existed prior to 1948, and tribes will not enter the tribal land of others. Today, ads are published in the local Arab newspapers in the Naqab as a frequent reminder of the primacy of Bedouin law:

إعلان صادر عائلة الأفينش

توضيح وتنبية

الى اهالي النقب الاعزاء

نحن الموقعين ادناه، ابناء عائلة الأفينش نعلن بهذا لكافة المواطنين عرب النقب، بشأن قطعة الارض المتواجدة في مدخل المنطقة الصناعية في مدينة رهط، بجانب محطة وقود الأفينش شرقاً وغرباً، بأن هذه القطعة تابعة لعائلة الأفينش وهي ملك خاص لابناء العائلة، في حين تحاول دائرة اراضي اسرائيل تسويقها وبيعها لاشخاص ومواطنين من رهط وخارجها.

ننوه وننبه ونحذر الجميع بعدم شراء قطعة الارض المذكورة، حيث كل من تسول له نفسه بشرائها فإنه سيتحمل المسؤولية وسيعرض نفسه للمساءلة وفقاً لتقضية العادات والتقاليد البدوية العريقة...!!

عائلة الأفينش
رهط

أعذر من أنذر

Announcement of the Al-Afinesh family

A Clarification and Warning

Dear people of the Naqab,

We, the undersigned, the members of the Al-Afinesh family, declare to all the Arab residents of the Naqab, that the piece of land located at the entrance of the industrial area of the city of Rahat, on the east and west of the Al-Afinesh gas station, belongs to the Al-Afinesh family and is the private property of the members of the family. The Israel Lands Authority is trying to market this land and sell it to people and residents of Rahat and elsewhere.

We want to point out and warn everyone not to buy the piece of land in question, as anyone who is enticed to buy it will bear responsibility and be held accountable according to deeply-rooted Bedouin customs and traditions!

Beware.
The Al-Afinesh Family
Rahat

This ad was published in the Al-Usbou AlArabi Newspaper (The Arab Week) on 19 April 2012.

The sentiment of the ads demonstrates the degradation of the rule of law in Israel and the natural response when law, which is meant to apply to all the country's citizens equally, is in fact used to repress and exploit an indigenous minority. Civil law loses its morality, and local tribal law and customs, recognized historically and internationally, essentially take on the moral character in the modern national state. The Israeli government did not take into account that the tribal customs and traditions are one of the strongest factors of unity in the tribal society. Or perhaps, in continuing the legislative enactment process of the Praver Plan, the government is deliberately seeking to create a clash within a segment of its citizen population, the Arab Bedouin.

Conclusion

The Israeli government's policies and practices against the Arab Bedouin are multi-faceted, and are not limited to the issue of land. The exclusion and marginalization of the Arab Bedouin and their subsequent isolation from the rest of the Arab people has resulted in the "Bedouinization" of their struggle, as if it does not concern the rest of the Palestinian Arab citizens of this country. However, the emergence of the new strategy, grounded in traditional principals of steadfastness, resistance and unity, are reminiscent of the successful Palestinian land struggles in Israel in Beit Jann, Carmel and the Al-Roha region. The Bedouin struggle for land is part of the larger Palestinian Arab struggle to retain our national identity as the original inhabitants of the land of Palestine. And putting their trust in the power of an ancient code of ethics, the Arab Bedouin of the Naqab have perhaps found the only means to effectively stop the larger policy of displacement, demolition and confiscation that continues to threaten all of us.

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