

Defend Rights as Well as Sites: Israel's Attempt to Evacuate and Destroy an Arab Bedouin Village in the Naqab (Negev)

By Ala Mahajneh¹

At the beginning of October 2009, the media was flooded with reports about the vandalization of the ancient Nabatean site of Avdat, an act attributed to two suspects from the "Bedouin dispersion." According to some reports, the primary motive was revenge for the destruction of Arab Bedouin homes in the Negev (Naqab).

Some 50 kilometers north of Avdat is an unrecognized Arab Bedouin village by the name of Atir-Umm al-Hieran. The village was established in 1956, not only with the agreement of the military government to which the Arab citizens of Israel were at that time subject, but also by specific instruction from that body. The villagers, all of them members of the Bedouin tribe of Abu Al-Qia'an, moved there after the military government instructed them to vacate lands in the vicinity of Wadi Zuballa, where they had lived until the establishment of the state. Since then, those lands have belonged to Kibbutz Shoal. Today the village numbers some 1,000 residents who have no home other than Atir-Umm al-Hieran.

At the beginning of 2004, the state began taking steps to evict these villagers. They received letters demanding that they evacuate their homes, while the state requested demolition orders. In the lawsuits sent to the Be'er Sheva Magistrate's Court, the state described the Bedouin as "intruders" and "trespassers." The state, however, refrained from indicating any public interest behind its demand for eviction.

Court rulings and appeals

About three months ago, in August 2009, the court accepted two of the state's eviction claims and ordered that two families residing in the village be evicted from their homes. This ruling, in effect, opens the way for dozens of similar claims submitted against other residents to be accepted. In this sense, the evacuation of Atir-Umm al-Hieran and the clearing out of its residents has effectively begun.

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Adalah - The Legal Center for Arab Minority Rights in Israel appealed the ruling to the Be'er Sheva District Court on 21 October 2009, presenting numerous claims. The central claim in the appeal was that the court should have rejected the eviction orders when it was established that the villagers were not invaders, but had, in fact, been living in the village after they were ordered by the state to move there in the 1950s. Since the state did not point to any public interest that justified the termination of the residents' right to live in the village, other considerations should have been brought to bear, which can be summed up in one word: justice. These considerations include the fact that the villagers have resided in Atir-Umm al-Hieran for more than 50 years, that some of them were forced to roam around after they were evicted from the lands that they owned and possessed until 1948 before they were finally settled in Umm al-Hieran, and that they have made an investment in the village over many years. These and other reasons should have led to the court's rejection of the state's claims.

During the hearings in the magistrate's court, it transpired that the state wants to evict the residents of Atir-Umm al-Hieran because of its desire to set up a new Jewish community by the name of Hiran on their lands. The residents of the unrecognized village wondered that if the aim of the eviction is to set up a residential community on the lands, why not allow them to stay there and have their village included in the master plan? The eviction of the residents also contradicts the report filed by the Goldberg Committee, which examined the issue of Arab Bedouin settlements and recommended that the unrecognized villages in the Negev be recognized.

Absurd phenomenon

It is not possible in such a brief article to go into all the legal aspects of the eviction orders, but this commentary is an opportunity to shed light on the absurd phenomenon revealed in the two events described here. While the media and the general public were outraged over the vandalizing of the archeological site at Avdat, and spokesmen did not spare words to describe their feelings - how his "heart was broken," for example - the destruction by the state of an entire village made up of more than 1,000 citizens is accepted without any qualms.

By mentioning the fact that the suspects belonged to "Bedouin dispersion", the media only added fuel to the flames. It helped to strengthen the distinction between "us," the society that sanctifies historical values, culture, archeology and study, and "them," the members of the dispersion who

violate the law. The state's destruction of Arab Bedouin homes, however, was played down to such an extent that it was not even mentioned.

No one disagrees as to how important it is to safeguard cultural artifacts, including those at archeological sites. And this is certainly not an attempt to justify acts of vandalism, wherever they may take place. At the same time, we should all be aware that the destruction of an entire village established 50 years ago, on instructions from the state and with its approval, merely to set up a Jewish community in its stead, is no less grave than the destruction at Avdat.

The apathy on the part of the public and the media regarding the state's treatment of its Bedouin citizens, which finds expression in the eviction from Atir-Umm al-Hieran, reveals the hypocritical face of the public. While it defends ancient archeological sites and the importance of those cultural values, it remains silent about the destruction of an entire village and the eviction of 1,000 residents. The public must, to the same extent that it defends historical and cultural values, also know how to safeguard the present and future of its citizens. A step of this kind, by its very nature, would also further cultural values.