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## **“Reprogramming” through Forced “Modernization”**

The Editors

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The village of Khashem Zanneh stands on its own land... I have a relative who is 86 years old. He has lived in the same place since he was born, long before the state was established. He plows, plants, grows wheat and raises sheep – all in the same place. This is the only place he knows. It is his land. No one can come and take this place. It’s an injustice... to come one morning and take it all and erase what is there. It’s impossible. To come and erase history and a person’s background and to say that they are reprogramming him to be different... I grew up in this tradition and I want my children to grow up in it too. I want my village to work in this way. I also want modern agriculture, but this is the basis that I want to preserve.

*Mr. Riad al-‘Athamin, an Arab Bedouin citizen of Israel and a resident of the unrecognized village of Khashem Zanneh in the Naqab (Negev). Statement provided at a hearing held before an investigator nominated by the National Council for Planning and Building on objections to the Be’er Sheva Metropolitan Plan on 2 July 2008, pp. 20-21 of the hearing protocol.*

The words of Mr. al-‘Athamin illustrate how one resident of the unrecognized village of Khashem Zanneh views the State of Israel’s policy of dispossessing the Arab Bedouin in the Naqab from their land and attempting to concentrate them in modern towns. Al-‘Athamin presented his narrative as a protest against the Be’er Sheva Metropolitan Plan, which effectively determines the future of tens of thousands of Arab Bedouin residents of the unrecognized villages, who stand to lose their homes, land and even the very social fabric of their communities.

Many of these unrecognized villages survived the War of 1948, and their tribes live on the traditional land of generations of their forefathers. The remaining unrecognized villages were established at the order of the Israeli

military government in the 1950s, following the eviction of Bedouin tribes from their land in the western Naqab and their transfer to what was known as the “fence area”, adjacent to the Israeli-Jordanian border at the time.

Enormous gaps separate the narratives of the Arab Bedouin in the Naqab and the Israeli authorities. The Arab Bedouin regard themselves as an indigenous population with unique characteristics; they seek to play a central role in determining their own development. According to the institutional narrative, however, the Bedouin are not a distinctive population group, and they lack any historical or other connection to the place. In the state’s view, the process of “modernization” is for the good of the Arab Bedouin; this position directly contradicts the will of the Arab Bedouin and the United Nations Declaration on the Rights of Indigenous Peoples [hereinafter: “the UN Declaration”].<sup>1</sup>

After many years of struggling for official acknowledgement of their rights and needs as a group and as individuals in states in which they are present, indigenous peoples succeeded to draft the UN Declaration and eventually to get it passed. In a session held on 7 September 2007, the UN General Assembly adopted the final draft of the UN Declaration, which addresses, in Article 1, the right of indigenous peoples, as a collective and as individuals, “to the full enjoyment of all human rights and fundamental freedoms, as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.”

The following quotations from a hearing held on 2 July 2008 on objections to the Be’er Sheva Metropolitan Plan illustrate the gulf that lies between the narrative of the Arab Bedouin and that of Israel. Mr. Yunis al-Atrash, an Arab Bedouin resident of the unrecognized village of Sa’weh, emphasizes the everyday lives of the villagers and their social, cultural and historical ties to the place. However, Mr. Tal Pudim, a representative of the Israeli planning authorities, completely ignores the aspirations of the Arab Bedouin, disregards their cultural and historical ties to the land, and seeks to transfer them from their ancestral villages. The Israeli planning authorities have taken a similar attitude toward the members of the Abu al-Qi’an tribe, whose members they propose to relocate for a second time, irrespective of their desire to remain in the location where they were born and continue to live.

The village [Sa’weh] has been standing for over 150 years. The oldest person in the village was born here in 1933... The land is used for housing. There are 155 houses, two mosques, and four ancient wells more than 100 years old. *Yunis al-Atrash, hearing protocol, p. 3.*

At the time of the establishment of the state in 1948, the Abu al-Qi’an tribe was living in Shuvalim [Wadi Zubala in Arabic], next to Rahat. On 27 June 1956, the military government concluded an agreement with the leader of the tribe, Sheikh Farhud Abu al-Qi’an, to build the village of Atir-Umm al-Hiran... It was a desert, with no roads, water, houses or services. We built the village, invested in our homes, roads and water pipes... I was born in 1956. Today I am 49 years old. I was born there.

*Sheikh Khalil Abu al-Qi’an, a resident of the unrecognized village of Atir-Umm al-Hiran, hearing protocol, p. 6.*

Importantly, Article 8(2)(a) of the UN Declaration obliges states to protect the indigenous peoples who live within their borders from any act aimed at depriving them of their cultural values or ethnic identities. For that reason, Article 8(2)(b) stipulates that states are prohibited from dispossessing indigenous peoples of their lands, territories or resources. In addition, Articles 8 and 10 of the UN Declaration forbid the forced relocation of indigenous peoples in a way that undermines their rights. According to

It is planned that the members of the al-Atrash tribe, who currently live in Sa’weh, will be transferred to the village of Mulada, which is earmarked for construction to the south of Route 31.

*Tal Pudim, Director of Planning and Programs, Regional Planning Bureau – Southern District, hearing protocol, p. 5.*

The state’s solution for the Abu al-Qi’an tribe, which is located on two sites (Umm al-Hiran and Atir), lies in the town of Hura, in neighborhood 9, for which a detailed plan has been prepared, and in neighborhood 12, for which a plan has yet to be submitted.

*Tal Pudim, hearing protocol, p. 6.*

Article 10, “No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned...” Further, these provisions stipulate that if such a transfer does take place, states are obliged to reach an agreement with the members of the indigenous people that provides for just and fair compensation, and preserves their right to return, where possible, to their territory.

The following section of this volume contains selected excerpts from an objection submitted by Adalah to the planning authorities against the Be’er Sheva Metropolitan Plan as it pertains to the unrecognized villages in the Naqab and the rights of their Arab Bedouin residents, who are citizens of Israel. This document is followed by excerpts from the response given by the District Planning and Building Committee (Southern Region) to the objection filed against the plan by Adalah. This response was presented orally during a hearing held before the investigator appointed by the National Council for Planning and Building. The response of the District Planning and Building Committee makes no reference whatsoever to the rights of the Arab Bedouin in the Naqab as an indigenous people, to its distinctive characteristics, to the significance of the historical processes that preceded and followed the establishment of the State of Israel in 1948 (including those that turned a large portion of the Arab Bedouin into internally displaced persons within the state), or to the demands made by the Arab Bedouin concerning their present and their future.

The Israeli authorities’ response exemplifies its condescending narrative according to which the state “knows what is best” for the Arab Bedouin and aims to fulfill its own view of their future in its own way. Ms. Alicia Siber (a southern district regional planner) states, for example, “I don’t think it is correct to make the [Bedouin] population return to agriculture and focus on agricultural land... At the regional level, we have engaged in this adequately and work was undertaken on examining this subject before the plan was submitted, and we therefore integrated the Bedouin population into metropolitan employment zones...” (hearing protocol p. 35). The Arab Bedouin and their representatives were not invited to contribute to this research and were not included in this crucial decision-making process in contradiction to Article 18 of the UN Declaration, which stipulates that indigenous peoples have the right to participate in decision-making in matters that affect their rights, and that this participation should be

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undertaken by representatives chosen by the indigenous people themselves. This provision also specifies the right of indigenous people to “maintain and develop their own indigenous decision-making institutions.” In addition, Article 19 of the UN Declaration requires that states consult with indigenous peoples prior to adopting or implementing any legislative or administrative measures that may affect them. As these excerpts demonstrate, none of these provisions was respected in this case.