An aerial photograph of a desert landscape with a red dashed line tracing a path across it. Two areas are highlighted in purple. The text is overlaid on a dark horizontal band.

Nomads Against Their Will

The attempted expulsion of the Arab Bedouin in the Naqab:
The example of Atir-Umm al-Hieran



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ADALAH The Legal Center For Arab Minority Rights In Israel

عدالة المركز القانوني لحقوق الأقلية العربية في إسرائيل
עדאלה המרכז המשפטי לזכויות המיעוט הערבי בישראל

Nomads Against Their Will

**The attempted expulsion of the Arab Bedouin in the Naqab:
The example of Atir-Umm al-Hieran**

Research and writing

Attorneys Suhad Bishara and Haneen Naamnih, Adalah's Land and Planning Unit

Photography

Atef Abu Rabia

English translation

Shoshana London Sappir

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Cover image: An aerial photograph of the village of Atir-Umm al-Hieran taken in 2007, from the Arab Center for Alternative Planning

{ Nomads Against Their Will }

The attempted expulsion of the Arab Bedouin in the Naqab:
The example of Atir–Umm al-Hieran

September 2011

The fate of the Palestinian Bedouin tribes of the Naqab (Negev) has been no different from that of the rest of the Palestinian people. Along with other Palestinian Arabs, the Bedouin of the Naqab suffered expulsion, displacement and loss during and after the *Nakba* of 1948. The attempted expulsion, displacement and dispossession of members of the Bedouin population who remain in the Naqab today perpetuate a policy that was conceived of and initiated more than sixty years ago.

This report details the state's plans to displace and dispossess members of the Abu al-Qi'an tribe, residents of the village of Atir–Umm al-Hieran, for whom expulsion has been an integral part of life since 1948. Members of the tribe were first expelled from their original land in "Khirbet Zubaleh," which they had cultivated for centuries. They were then ordered to move repeatedly from one location to another *en masse* until the Israeli military governor in the area finally ordered them to move to Wadi Atir, where they built Atir–Umm al-Hieran, a village that has yet to be granted official recognition by the state. Israel now wants to demolish their homes and expel them yet again, for a fourth time, to a small number of specially-designated reservation-like towns created to "contain" the Bedouin whom it has expelled from their homes. In parallel, the state plans to settle Jewish citizens of Israel on the land, on top of the ruins of their village.

{ The Beer el-Sabe District before and after 1948

The Naqab desert was allocated to the District of Beer el-Sabe (Beer Sheva), the largest district in Mandatory Palestine. It was considered a part of Gaza since it constituted a geographical extension of Gaza.¹ Today, the District of Beer el-Sabe constitutes as much as 62% of the total area of the State of Israel.² On the eve of the *Nakba*, some 91,707 people were living in the Naqab, the vast majority of whom were Arab Bedouin.³ In 1947-1948 most of the Bedouin residents were expelled to the Gaza area or Jordan. Only 12% of the original Arab population remained in the Naqab, later to receive Israeli citizenship.⁴ Before 1948, the economy of Bedouin community in the Naqab had been largely dependent on agriculture and cattle-grazing. The population tended to converge and settle at single locations,⁵ and witnessed the beginnings of the construction of stone and other permanent buildings.⁶ Land ownership among the Bedouin population was passed down from one generation to the next in accordance with tribal laws and customs that were recognized and honored by the successive governments that ruled Palestine, until the end of the British Mandate in Palestine.⁷ However, the Zionist movement, whose aspirations in the Naqab desert were apparent from the onset of Jewish settlement in Palestine in the early 20th century,⁸ began to spread the idea that the area was unpopulated. Its proponents claimed that the Bedouin who resided there were merely nomads who had no permanent connection or private ownership of the land that they had resided on and cultivated for centuries.⁹ David Ben-Gurion, leader of the Zionist movement before the establishment of the State of Israel and the first Prime Minister of Israel, declared such aspirations on various occasions, stating that the Zionist movement must protect the desert and make the wilderness bloom.¹⁰

1 Aref al-Aref, *History of Beersheba and Its Tribes*, Beit al-Maqdes Press, 1934, p. 22 (Arabic).

2 Based on data from the Israeli Central Bureau of Statistics' *Statistical Abstract of Israel, 2010*, Table 1.1, available at: www.cbs.gov.il/reader/shnaton/temp_shnaton.html?num_tab=st01_01&CYear=2010. This figure was calculated without the occupied Syrian Golan Heights.

3 Salman Abu Sitta, *Atlas of Palestine*, Palestine Land Society, 2004, p. 78 (Table 3.10).

4 Shlomo Swirsky and Yael Hasson, "Invisible Citizens: Israeli Government Policy Toward the Negev Bedouin," *Information on Equality*, vol. 14, Adva Center, February 2006, which states that the number of residents who remained in the Naqab ranged from 11,000 to 18,000 persons. See also Benny Morris, *The Birth of the Palestinian Refugee Problem, 1947-1949*, Cambridge University Press, 1989; and Benny Morris, *Israel's Border Wars, 1949-1956*, Oxford University Press, 1993. According to Morris, the Bedouin residents were expelled in stages between 1948 and 1952. Ilan Pappé, however, suggests that the expulsion of the Bedouin from the Naqab continued until 1959. See Ilan Pappé, *The Ethnic Cleansing of Palestine*, Oneworld, 2006. See also Salman Abu Sitta, *The Denied Inheritance: Palestinian Land Ownership in Beer Sheba*, Palestine Land Society, 2009, p. 12 (Table 3), available at: www.plands.org/store/pdf/BS%20Cte%20Paper.pdf

5 Aref al-Aref, *Jurisprudence among the Bedouin*, Beit al-Maqdes Press, 1933, p. 35 (Arabic).

6 Oren Yiftachel, Expert Opinion (response to expert opinion by Prof. Ruth Kark) on the claim of the heirs of Suleiman al-Uqbi to ownership of plots in al-Araqib and Zahilqiya, in Civil Case (CC) 7161/06, February 2010, p. 10 (Hebrew), available at: http://toibillboard.info/Yiftah_3.pdf

7 Oren Yiftachel, Expert Opinion, 2010, pp. 13-14; Aref al-Aref, *Jurisprudence among the Bedouin*, 1933, p. 62.

8 Salman Abu Sitta, *The Denied Inheritance*, 2009, pp. 16-18; Shlomo Swirsky and Yael Hasson, "Invisible Citizens", 2006, p. 3.

9 Oren Yiftachel, Expert Opinion, 2010, p. 23; Ronen Shamir, "Suspended in Space: Bedouins under the Law of Israel," *Law & Society Review*, vol. 30, no. 2 (1996), pp. 232, 236.

10 Ronen Shamir, "Suspended in Space", 1996, p. 232. In 1937, the Zionist movement asked the Mandate government in Palestine to settle Jews in the Naqab, claiming that the area was unsettled and not under Arab ownership. The Mandate government replied that this land "belongs to the Bedouin tribes because of their residence on the land from time immemorial". Oren Yiftachel, Expert Opinion, 2010, p. 16. See "British response to the Jewish Agency concerning Bedouin land", Government for the British Mandate for Palestine Files, 1937, DCF/32-72.

After 1948, the Government of Israel adopted Ben-Gurion's view of the Naqab as a vacant area that was owned by no one. One of the first measures that the new government took – after large-scale expulsion and displacement operations – was to relocate the Bedouin tribes who remained in the Naqab to an area to the north and northeast of Beer el-Sabe (an area presently demarcated between Beer el-Sabe, Arad, Dimona and Yerucham) in order to control and contain the Bedouin population and confiscate its land.¹¹ This area was named the "Siyag", and had an area of roughly 900 km², a mere 7% of the total area of the Beer el-Sabe District.¹² At the same time, land outside of the Siyag was declared a closed military zone to which the Bedouin tribes were forbidden entry in order to prevent them from returning to their land.¹³

The Siyag is a rocky area unsuitable for cultivation and difficult to develop compared to the areas the Bedouin inhabited prior to their uprooting. The amount of cultivable land in the area amounted to just 20% of the land that the Bedouin tribes had cultivated prior to 1948.¹⁴ Moreover, the Israeli government was subsequently to expropriate a further 235 km² of land used by the Bedouin in the Siyag for various purposes, including to house Jewish citizens, to construct designated government-planned towns on which to concentrate the Bedouin population, and for military purposes.¹⁵

In the early 1970s, Israel initiated land-title settlement procedures in the Naqab in order to "beautify" the land.¹⁶ However, the land registration process that had began earlier during the British Mandate era was never completed in the Naqab and the majority of land ownership in the area was not officially registered by the Mandatory registration bureaus.¹⁷ Nevertheless, the Mandate authorities recognized Bedouin ownership of the land. After 1948, by contract, Israel refused to recognize Bedouin land-ownership customs,¹⁸ and submitted counterclaims to register the land as "state land".¹⁹

11 Salman Abu Sitta, *The Denied Inheritance*, 2009, p. 25; Shlomo Swirsky and Yael Hasson, "Invisible Citizens", 2006, p. 4.

12 Salman Abu Sitta, *The Denied Inheritance*, 2009, p. 25. There are different estimates of the area of the "Siyag." One document in the state archives indicates that the area equals 1,100,000 dunams (1 dunam = 1,000 m²), and that its arable land constitutes 40% thereof, with the remainder serving for housing and grazing. Swirsky and Hasson cite the size of the Siyag as 1,070,000 dunams. See Shlomo Swirsky and Yael Hasson, "Invisible Citizens", 2006, p. 4.

13 A document entitled "The Situation of the Bedouin in Israel", found by Adalah in the Israeli military archives and classified as "top secret" that was submitted to the Military Governor of the Beer el-Sabe District on 17 March 1952 states, "The continued execution of the transfer [of the Bedouin residents] depends on a number of factors. The transfer last year was mainly achieved by persuasion and economic pressure, since we had no legal basis and there was even an explicit order not to use force. There was therefore a need to exercise the utmost caution in the transfer operation to avoid entangling ourselves in legal problems. We made a number of attempts to contact lawyers and made appeals to the Knesset. We had asked for the northern area [of the Naqab] to be declared a security zone. I do not see a practical possibility of executing and fully completing the transfer without doing so." Document dated 22 February 1952, File No. 405/54/20, signed by Michael Hanegbi, then-Military Governor of the Negev. See also Shlomo Swirsky and Yael Hasson, "Invisible Citizens", 2006, p. 4. The State of Israel later expropriated much of this land through various laws, such as the Absentees' Property Law – 1950, the State Property Law – 1951, the Land Acquisition Law (Validation of Acts and Compensation) – 1953, and the Negev Land Acquisition Law (Peace Treaty with Egypt) – 1980.

14 Shlomo Swirsky and Yael Hasson, "Invisible Citizens", 2006, p. 4.

15 Shlomo Swirsky and Yael Hasson, "Invisible Citizens", 2006, p. 5.

16 Oren Yiftachel, Expert Opinion, 2010, p. 15.

17 Alexander (Sandy) Kedar, "The Legal Transformation of Ethnic Geography: Israeli Law and the Palestinian Landholder 1948-1967", *New York University Journal of International Law and Politics*, vol. 33, no. 4 (2001), pp. 923, 939.

18 Israel considers this land to be "mawat" land, i.e. land that does not serve housing or agricultural purposes and belongs to no one. By contrast, until 1948 the British Mandatory authorities did not consider the land "mawat" or public land belonging to the state. Israel therefore canceled the private ownership status of the land. See Oren Yiftachel, Expert Opinion, 2010, p. 15. See also Sami Hadawi, *Palestinian Rights and Losses in 1948*, Dar al-Saqi, 1988, pp. 35-44 (Arabic); and Oren Yiftachel, "Expert Opinion" on the claims of the heirs of Suleiman al-Uqbi to ownership of plots in al-Araqib and Zahliqiya, in CC 7161/06, August 2009, p. 6 (Hebrew), available at: http://toibillboard.info/Yiftah_1

19 Bedouin residents submitted some 3,000 claim memoranda in an attempt to register historic ownership of 991,000 dunams of the land that they owned prior to 1948. See Shlomo Swirsky and Yael Hasson, "Invisible Citizens", 2006, p. 9. Many members of the Bedouin community did not submit claims out of distrust of the political and legal systems and their fear it would turn out to be just another "legal" means of dispossessing them of their land in the Naqab. For the legal obstacles facing the Bedouin population in this context, see Alexander Kedar, "The Legal Transformation of Ethnic Geography", 2001, pp. 923, 952-956; Ronen Shamir, "Suspended in Space", 1996, pp. 238-241.

The current population of the District of Beer el-Sabe stands at approximately 614,000 persons, of whom 192,000 are Arab Bedouin citizens, constituting roughly 31% of the district's total population.²⁰ Half of the Bedouin live in dozens of "unrecognized" villages,²¹ where the state denies them access to basic infrastructure such as water pipes and electricity pylons, as well as education and health services. The remainder lives in government-planned towns into which the state continues to seek to concentrate the Bedouin. These towns are crowded, have poor infrastructure, lack adequate state services, and have the highest recorded levels of unemployment and poverty in the country.

{ The government's policy of "concentrating" the Bedouin

In the late 1950s, the Government of Israel began the process of drafting several plans in order to deal with the "problem" of the remaining Bedouin in the Naqab.²² The common denominator of these plans was a shared objective of minimizing the area of land inhabited by the Bedouin. The principal plan was to establish towns in which to concentrate the entire Bedouin population, to "contain" it in locations that would not be detrimental to the interests of settling Jewish citizens in the area. The authorities also sought to reduce the number of land-ownership claims made by Bedouin tribes in the Naqab.²³ The government began implementing these plans in 1969, when it started to establish seven towns for the Bedouin, with a combined jurisdiction of 76.8 dunams,²⁴ namely Tel el-Sabe (Tel Sheva) (1969), Rahat (1971), Shegheb al-Salam (Segev Shalom) (1979), 'Arara (1982), Kseiffe (1982), Lagiyya (1985), and Hura (1989).²⁵ The government subsequently granted recognition to a further eleven villages within the jurisdiction of the Abu Basma Regional Council (established by government decision in 2000), with a total area of 58.6 dunams.²⁶ Today, the combined area of all the recognized Arab Bedouin villages in the Naqab amounts to just 1% of the total area of the District of Beer el-Sabe.

The policy of concentrating the Bedouin has been pursued by successive Israeli governments. While the Bedouin are deprived of their land and their historic property rights are not recognized, the institutions of the state are continuing to draw up plans to dispossess and expel them from their homes, exploiting planning procedures and "legal" procedures to accomplish that end. These plans have become increasingly apparent over the past two decades, during which the government has developed specific strategies and devised legal and other tools, including new bills and proposing amendments to existing legislation;²⁷ allocating budgetary resources to strengthen its control and "enforce

20 Based on data from the *Statistical Abstract of Israel, 2010*, Table 2.8, available at: www.cbs.gov.il/reader/shnaton/temp_lshnaton.html?num_tab=st02_08&CYear=2010

21 The Regional Council for the Unrecognized Villages in the Naqab estimates that the number of villages that could be recognized based on tribal divisions on the ground today at 35 villages.

22 "Settling the Bedouin in the Negev," a document from the Israeli Military Archives, [file no. missing as only a small number of pages were permitted for release]. See also Shlomo Swirsky and Yael Hasson, "Invisible Citizens", 2006, p. 5.

23 Salman Abu Sitta, *The Denied Inheritance*, 2009, p. 29.

24 1 dunam = 1,000 m². Geographic Information System data obtained by the Arab Center for Alternative Planning (2010).

25 Shlomo Swirsky and Yael Hasson, "Invisible Citizens", 2006, p. 8: "Get to know the Naqab – The Land of the Struggle for Survival," website of the Regional Council for the Unrecognized Villages in the Naqab, available at: <http://rcuv.net/online/ar/subject.asp?id=35> (Arabic).

26 Geographic Information System data obtained by the Arab Center for Alternative Planning (2010).

27 Amendment No. 1 of 2005 to the Public Land Law (Expulsion of Invaders) – 1981, for example, increases the administrative powers of the Israel Land Administration to evacuate land under state control. Amendment No. 4 of 2010 to the Negev Development Authority Law – 1991 empowers the Negev Development Authority to "encourage economic initiatives to develop the Naqab, including combined agricultural-economic initiatives," namely to establish "individual settlements" in the Naqab to guarantee exclusive Jewish use of the land in the Naqab.

the law” in the unrecognized villages;²⁸ allocating budgetary resources to develop Jewish towns and villages;²⁹ and establishing special committees to investigate and research the Bedouin in the Naqab. Through all these measures, the government is striving both to rid itself of the “problem” of the unrecognized Arab Bedouin villages, and to encourage Jewish migration to the Naqab.³⁰

Atir/Umm al-Hieran: Housing insecurity

{ Chapters of displacement

Atir–Umm al-Hieran is one of dozens of unrecognized villages in the Naqab desert. It is home to members of the Abu al-Qi’an tribe, who number approximately 1,000 people. The village is located in the Wadi Atir area, to the northeast of Hura. The village is divided into two distinct parts, Atir and Umm al-Hieran.

Expulsion has run through the history of the Abu al-Qi’an tribe since 1948. For many years, members of the Abu al-Qi’an tribe – a branch of the al-Huzayel tribe – lived in Khirbet Zubaleh,³¹ located in Wadi Zubaleh, which is now part of Kibbutz Shuval.³² After 1948, the Israeli Military Governor in the Naqab ordered members of the tribe to leave their homes and move to Lagiyya. They moved from location to location but were forbidden to return to their land in Khirbet Zubaleh, except on one occasion to harvest their crops, apparently in 1949.³³

The tribe was keen to maintain its connection to the land and in the first few years after their expulsion requested to return to its land. Adalah discovered a letter in the archives of the Israeli military that was sent in 1949 by the sheikh of the tribe at the time, Mr. Farhoud Jabr Abu al-Qi’an, to the Military Governor of the Naqab District. He asked for his house to be returned to him following its partial demolition by the Solel Boneh construction and engineering company.

[Letter from Sheikh Farhoud Abu al-Qi’an to the military governor of the District of Beer el-Sabe dated 29 October 1949, retrieved from the Israeli State Archives]

28 Cabinet Decision No. 2425 of 4 August 2002, concerning increasing enforcement of the planning and building laws and land laws; and Cabinet Decision No. 881 of 25 September 2003, also known as the Sharon Plan, which allocated NIS 1.1 million over five years to develop the recognized Bedouin towns and to enforce the planning and building laws and land laws.

29 Cabinet Decision No. 4415 of 20 November 2005, or “Strategic National Plan for the Development of the Negev.” The plan does not offer an adequate or acceptable solution for the unrecognized villages, but merely views them as an obstacle to development initiatives for the area. For further information on the aforementioned decisions, see “The Unrecognized Villages in the Negev: Recognition and Equal Rights,” position paper by Bimkom – Planners for Planning Rights, 2007 (Hebrew).

30 On 23 December 2007, in accordance with Cabinet Decision No. 2491, the Minister of Construction and Housing appointed a committee to make recommendations to the government on a policy for Bedouin settlement in the Naqab, including formulating proposed amendments to related legislation (the Goldberg Committee). After the committee submitted its recommendations to the government, the latter appointed an implementation team (in accordance with Cabinet Decision No. 4411), which is mandated to submit a detailed implementation plan on the subject. There are indications, based on drafts of the implementation team’s report (known as the Praver Report), that this implementation plan will maintain existing governmental policy towards the Bedouin, as manifested in the non-recognition of their historic rights to their land and evacuation of the unrecognized villages. Indeed, the outline plan stands to make the situation worse by suggesting new legislation that would provide the state with additional tools with which to enforce its policy.

31 “Khirba” or “Khirbet” refers to a town that was built on the ruins of another town, or sometimes refers to a seasonal town, whose residents live in it only during a certain season. In either case, it is a town that exists in a specific geographical location. Oren Yiftachel, “Expert Opinion”, 2009, p. 8; Oren Yiftachel, Expert Opinion, 2010, p. 8.

32 Kibbutz Shuval was founded in 1946 and is located 19 km to the west of Beer el-Sabe. Shukri Arraf, “Geographical Sites in Palestine: Arabic Names and Hebrew Designations,” Institute for Palestine Studies, 2004, p. 244 (Arabic).

33 This information is based on the testimony of Mr. Khalil Farhoud Abu al-Qi’an, Sheikh of the Abu al-Qi’an tribe, given to Adalah in 2011.

تفضل

سادة عالم سبر العسكري المحترم
بواصط استول المنطقه المحترم
المستد فرهود جبر ابو القيعاد من عشيرت الهزابل وكلمه سبر السبع

سببما قد قدمت لكم ابنا لكتاب مني بخصوص دارنا التي
بلفنتا على اليدى شركت سبر بينه و جاني كتاب عن سعادتم
مؤرخ 18/10/49 وفيه تذكر نبوت في هذا الامر وتعلمنا
بالنتيجه ولى الامر لم اقتضت التبره اطلب من سعادتم
الاسراع في هذا الامر بحيث انه فصل الشتاء قريب واخاف
بأنه المطر يجرب بافي الدار رجائي المسعده في هذا الامر
واللشف على الدار ولكم اشكر سبدي

المستد على
فرهود الجبر ابو القيعاد

1949
10/29

משרד הביטחון
ארכיון צה"ל ומערכת הביטחון

The Esteemed Military Governor of Beer Sheba,
Via the Esteemed Regional Officer,
Petitioner Farhood Jabar Abu al-Qi'an of the Huzayel tribe and residents of Beer Sheba

I have written to you previously regarding my house, which was damaged by the Solel Boneh Company. I received a letter from Your Excellency dated October 18th, 1949, in which you mentioned that you were looking into the matter and would inform us of the result, which I have not thus far received. I ask Your Excellency to expedite this matter, as the winter season is drawing close and I am afraid that the rains will ruin the rest of the house. I ask you to please facilitate the matter and examine the house, and I thank you, Sir.

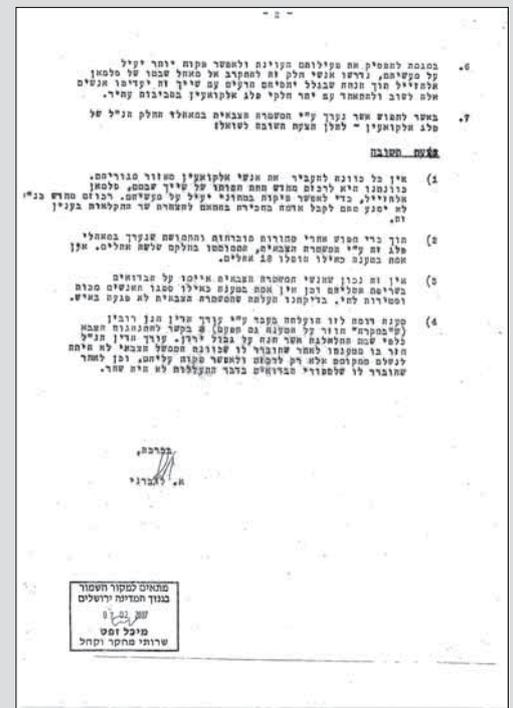
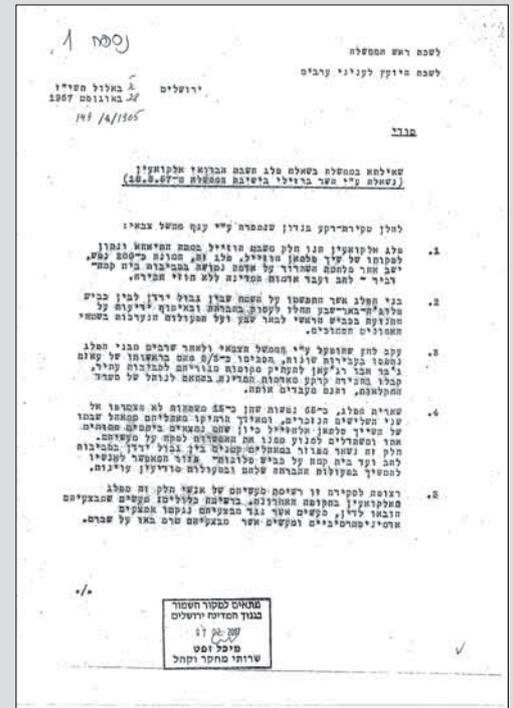
October 29th, 1949
Petitioner
Farhood Jabar Abu al-Qi'an

After being forced to move between several locations in the northern Naqab, unable to settle on the land of another tribe, members of the Abu al-Qi'an tribe moved to Khirbet al-Huzayel, which belonged to their fellow tribesmen. In 1956 they asked to be permitted to return to their land, a request that was rejected. They were then ordered to move to Wadi Atir, where they remain today. Adalah located a document in the state archives, dated 28 August 1957, which indicates that Sheikh Farhoud Abu al-Qi'an was leased 7,000 dunams of land for residence, agriculture and grazing. The document, marked "confidential," was prepared by the Military Government Section in response to an inquiry made by a government minister regarding the Abu al-Qi'an tribe. The document explained that "due to pressure exerted by the military governor [...] two thirds [of the tribe] [...] agreed to relocate their residence to Atir, received a lease on state land, in accordance with a procedure of the Ministry of Agriculture, and are cultivating it."

[Letter marked "confidential" signed by A. Lubrani, Office of the Adviser on Arab Affairs, from 28 August 1957, retrieved from the Israeli State Archives]

From 1956, members of the Abu al-Qi'an tribe, who then numbered 200 people, began to settle in Atir-Umm al-Hieran, where they divided up the land between themselves, building houses in the two areas, Atir and Umm al-Hieran, according to familial relations within the tribe. They built houses from stone and other materials, paved roads, dug wells in which to collect rainwater, and farmed the land they leased from Israel. As Sheikh Farhoud Abu al-Qi'an stated in a testimony given to one of the planning committees, "It was a desert, with no roads, water, houses or services. We built the village. We invested in the houses, the roads and the water pipes... The tribe has suffered. Life has been tough, but I worked hard to deal with the situation, and the residents have developed this place into a beautiful and wonderful village."³⁴

34 Sheikh Khalil Farhoud Abu al-Qi'an, as relayed by a researcher appointed to investigate objections filed by people from Atir-Umm al-Hieran to the District Master Plan No. 4/14 (Amendment No. 23) – Partial District Master Plan for Beer Sheva (Beer Sheva Metropolitan Area) on 2 July 2008.



149/4/1905
Confidential

*A government query regarding a branch of the Bedouin al-Qawa'in clan
(Submitted by Minister Barzilai during a meeting of the government on 18.08.57)*

The following is a background briefing on the issue provided by a division of the military government:

The al-Qawa'in clan is a branch of the al-Huzayel tribe, present in the area of the Tiyaha tribe, which is headed by Sheikh Salman al-Huzayel. This clan, which numbers around 200 people, settled on abandoned land in the Beit Kama – Dvir – Lahav area after the War of Independence and cultivated state lands without leasing contracts.

Members of the branch who spread over the territory between the Jordanian border and the Faluja-Beersheva highway began to engage in smuggling and gathering information about the traffic on the main road to Beersheva and about the activity conducted in nearby training areas.

Following pressure by the Military Government and after the arrest of many members of the tribe for various criminal offenses, about two-thirds of them, led by Azam Jaber Abu Raj'an, agreed to relocate to the area of Atir. They received state land under lease, in accordance with the regulations of the Ministry of Agriculture, and they are cultivating it.

The rest of the clan, about 65 people and roughly 15 families, did not join the aforementioned two-thirds, but moved their encampments away from the encampment of Sheikh Salman al-Huzayel because of their tense relations with him, and they are trying to prevent him from monitoring their actions. This group remains in small encampments between the Jordanian border near Lahav and Beit Kama, on the Plugot road, which enables them to continue their smuggling and hostile intelligence activities.

Attached to this briefing is a list of the activities undertaken by this branch of the al-Qawa'in clan in the recent period. The list includes: acts for which the perpetrators have been brought to justice, acts for which administrative measures have been taken against the perpetrators, and acts for which the perpetrators have yet to be sanctioned.

In an attempt to stop their hostile activities and to allow for more effective control of their activity, members of this part of the al-Qawa'in clan were asked to move closer to the encampments of the tribe of Salman al-Huzayel, on the assumption that due to their poor relations with the sheikh, they would prefer to reunite with the rest of the al-Qawa'in clan close to Atir.

With regard to the search that was conducted by the military police in the encampment of the aforementioned part of the al-Qawa'in clan, a draft response to the query follows:

Draft response:

There is no intention of transferring the al-Qawa'in clan from their places of residence. Our aim is to re-concentrate them under the protection of the head of their tribe, Salman al-Huzayel, to allow effective security monitoring of their activities. This re-concentration will not prevent them from receiving land under lease in accordance with the declarations of the Minister of Agriculture in this regard.

During the search for smuggled goods and ammunition that the military police conducted in the encampment of this clan three tents partially collapsed. There is no truth to the claim that eighteen tents were demolished.

It is not true that military police officers threatened the Bedouin that they would burn their tents and there is no truth to the claim that members of the clan were beaten and slapped in the face. Our investigation indicated that the military police did not hurt anyone.

A similar complaint was raised in the past by Attorney Hanan Rubin (who "by chance" is also making the same claim this time) with regard to the army's conduct toward the Talalja tribe, which is encamped at the Jordanian border. This attorney retracted his argument after it was explained to him that that it was not the intention of the Military Government forces to expel them from their encampment, but to concentrate them to allow them to be monitored. It was also made clear to him that the Bedouins' claims of harassment were unfounded.

**Yours sincerely,
A. Lubrani**

Report on the area planted with crops and
fodder in the summer season of 1959

(This information sought in accordance with the Law of Statistics No. 31 of 1947)

Site (village): Khirbet Ateer

	Dunam(s)
<u>A. Crops</u>	
1. White corn – Farhoud Jaber Abu al-Qi'an Musa Farhud Abu al-Qi'an	10
2. Yellow corn – Ahmad Eid Abu al-Qi'an	40
3. Chick peas – Khalil Eid Abu al-Qi'an	40
4. Sesame seeds	
5. Sunflowers	
6. Tobacco	
7. Cotton	
8. Watermelon	
9. Cantaloupe melon	
10. Fallow land	
11.	
12.	
<u>B. Fodder under irrigation</u>	

- 1) This regards the land which has been prepared and made ready to be planted next year based on the agricultural cycle, and also regards the land which has been prepared for the summer crops and has not been planted for whatever reason.

Comments: _____

Date: 6/10/1959

The Signature of Mukhtar(s): Farhoud

Central Bureau of Statistics

Form on area cultivated with vegetables

In the spring season of 1970
(February – April 1970)

(Information sought in accordance with the Law of Statistics)

Town: The Abu Al-Qi'an tribe

Crops	Total area	Owner	Irrigated	
	Dunam(s)	Dunam(s)	In open space Dunam(s)	Under plastic cover (1) Dunam(s)
Potato	700 dunams, area includes rocky area			X
Tomato				X
Cucumber				X
Zucchini				X
Carrots				X
Beet				X
Eggplant				X
Pepper				X
Radishes				X
Radishes (monthly)				X
Green beans				X
Kidney beans				X
Lettuce				X
Green onions				X
Okra				X
Artichoke				X
Strawberry				X
(2)				X
(2)				X
Peanut				X

- 1) In this column, all crops under plastic cover should be recorded, including those planted in both December and January.
- 2) In the blank rows, other types of vegetables that were planted this season and were not mentioned above, should be recorded as well.

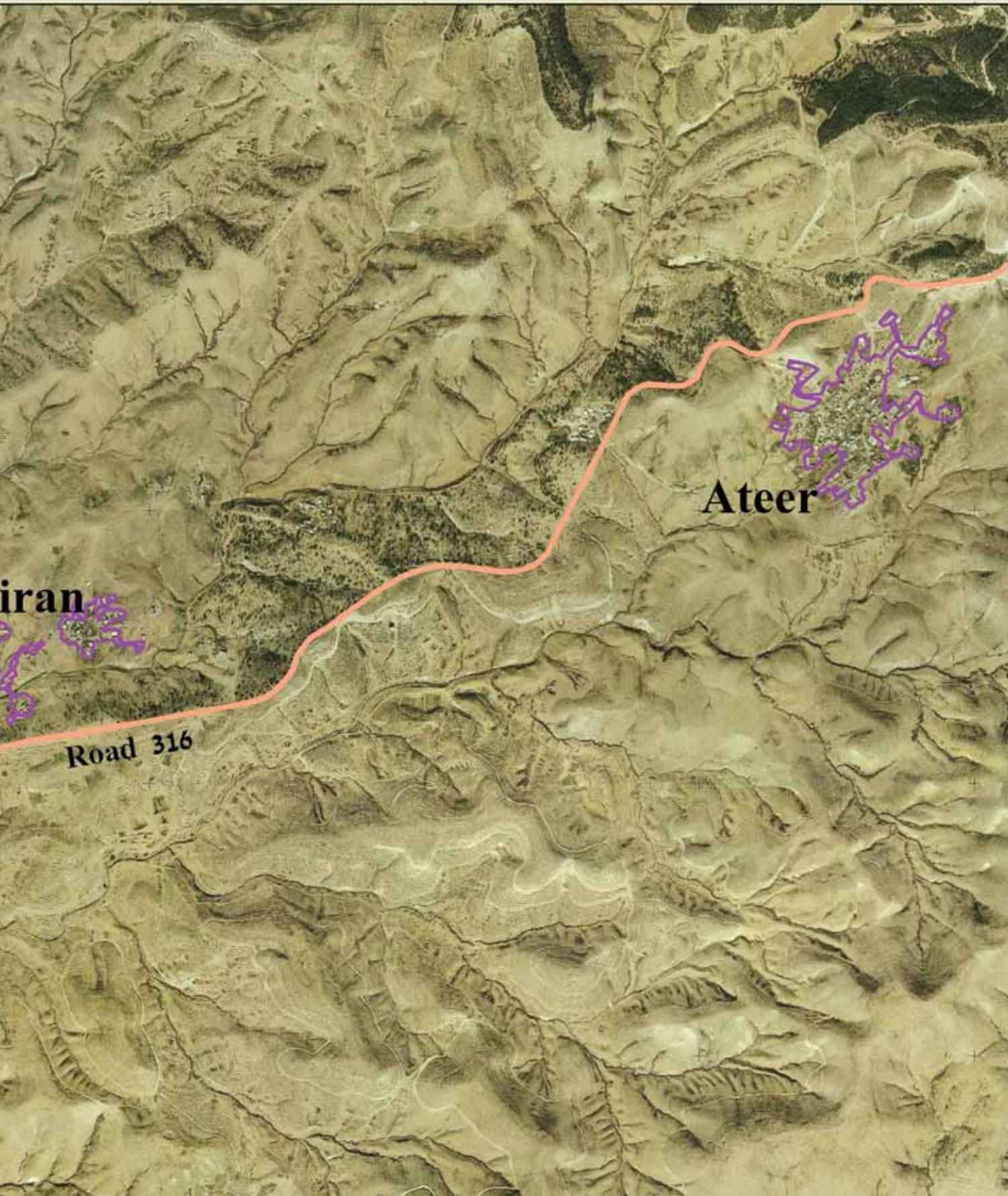
Comments: _____

Date: 14/5/1974

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[Aerial photo of Atir-Umm al-Hieran from 2007, prepared by the Arab Center for Alternative Planning]





Iran

Ateer

Road 316

{ Destructive planning

"A special obstacle". This is how the ILA described residents of Atir-Umm al-Hieran in August 2001, when it identified the area as having good potential for settlement³⁵ as part of its recommendations to the Prime Minister's Office regarding the establishment of new Jewish towns throughout the state, including a new town to be named "Hiran" in Wadi Atir. Some of the ILA's recommendations were quickly translated into a governmental decision,³⁶ which approved the establishment of 14 new Jewish towns, in addition to the recognition of a pre-existing Jewish town.³⁷

The planning authorities initiated planning procedures in the area, beginning with an amendment to the Master Plan for the Southern District, approved by the National Council for Planning and Building (NCPB) in April 2002, for the purpose of designating a suburban construction area for the establishment of "Hiran" in Wadi Atir.³⁸ In none of the planning documents was there a single reference to Atir-Umm al-Hieran or any need to recognize it. Instead, the planning documents indicate that the area is totally empty of residents.

[District Master Plan – Southern District 14/4 (Amendment No. 27) – Suburban town of Hiran. The location of Atir-Umm al-Hieran was added by Adalah] }

As the planning process advanced and the Partial District Master Plan for Metropolitan Beer Sheva³⁹ was submitted in 2007 (henceforth: "the Metropolitan Plan" or "the Metropolitan Plan for Beer Sheva") the residents of Atir-Umm al-Hieran and their homes remained invisible. In an attempt by the villagers to alter the planning and ensure that their presence on the land was acknowledged, they submitted objections to the Metropolitan Plan in October 2007.⁴⁰ In the objections, the people of Atir-Umm al-Hieran demanded recognition for their village on the grounds that it had existed for over 55 years and had been established by order of the military government.⁴¹

In response, the Southern District Planning and Building Committee stated that, "The state's solution for the Abu al-Qi'an tribe, which is present at the locations of Umm al-Hieran and Atir, lies in the town of Hura..."⁴²

A researcher appointed by the NCPB to research and make recommendations on objections filed against the Metropolitan Plan recommended recognizing the establishment of a village at the site of Atir, to include also those people living in the neighborhood of Umm

35 The Israel Land Administration (ILA), "Report on Status of New and Renewed Settlements," August 2001 (Hebrew). The report discusses 68 new towns initiated by various bodies including the ILA, the Ministry of National Infrastructures, the Ministry of Construction and Housing, the Ministry of Defense, the Ministry of the Interior, the Jewish Agency, and the regional councils, as well as private developers.

36 Cabinet Decision No. 2265 of 21 July 2001, "Building new settlements and recognizing existing ones." The decision covers the establishment of 14 new towns and villages for construction at various locations in the Naqab and Galilee.

37 In an interview for the *Hakol Diburim* program on the Israel Broadcast Authority's Reshet Bet radio station given on 20 July 2003 regarding the government's initiative to build 30 new towns and villages in the Naqab and Galilee, Mr. Uzi Keren, the Prime Minister's Advisor on Settlement Affairs, said that, "The main issue in building these settlements is to close gaps or locate towns at sites where it is of political significance for the state to have Jewish residents."

38 District Master Plan – Southern District No. 4/14 (Amendment No. 27) – Suburban town of Hiran.

39 District Master Plan No. 4/14 (Amendment No. 23) – Partial District Master Plan for Beer Sheva (Beer Sheva Metropolitan Area).

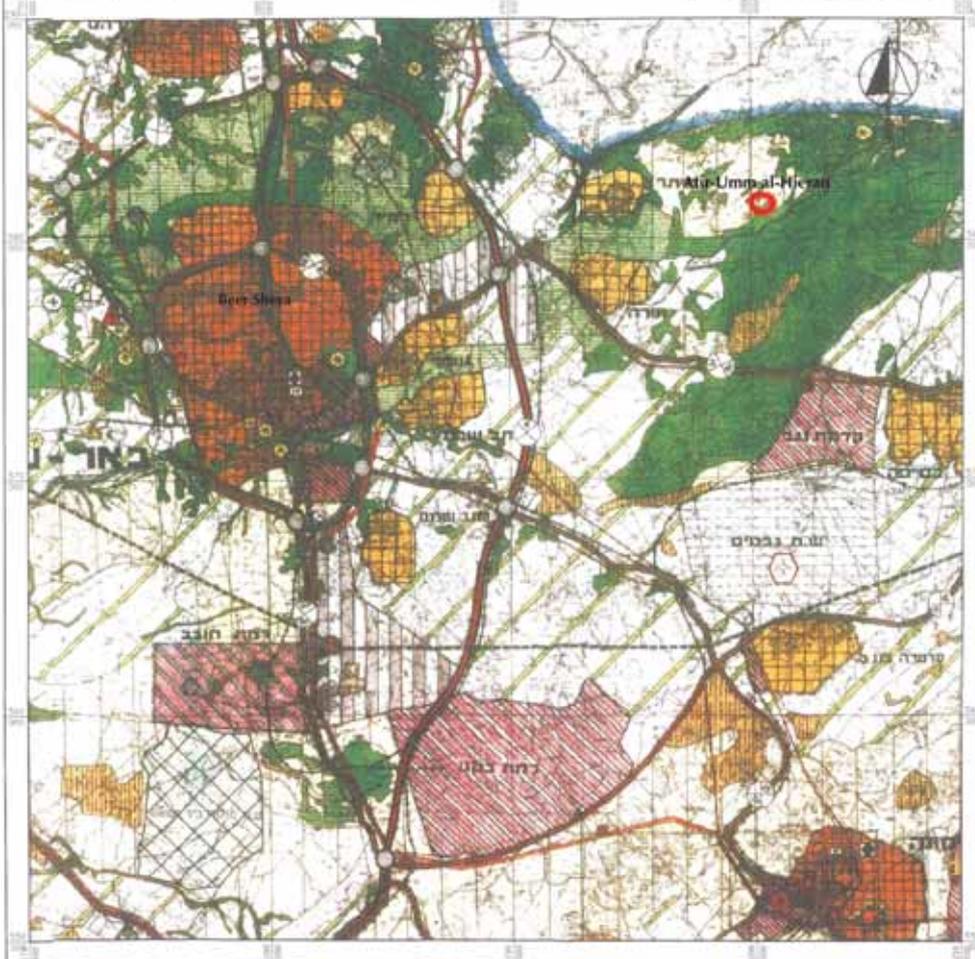
40 The residents of Umm al-Hieran were represented in these objections by Adalah and Bimkom – Planners for Planning Rights.

41 Letter marked "confidential" about the Abu al-Qi'an tribe signed by A. Lubrani, Office of the Adviser on Arab Affairs to the Prime Minister's Office from 28 August 1957, from the Israeli State Archives (Hebrew).

42 Comments by Tal Pudim, Head of Planning and Programs in the Southern District, protocol of hearing on objections by residents of Umm al-Hieran to the Beer Sheva Metropolitan Plan from 2 July 2008, p. 9 (Hebrew).

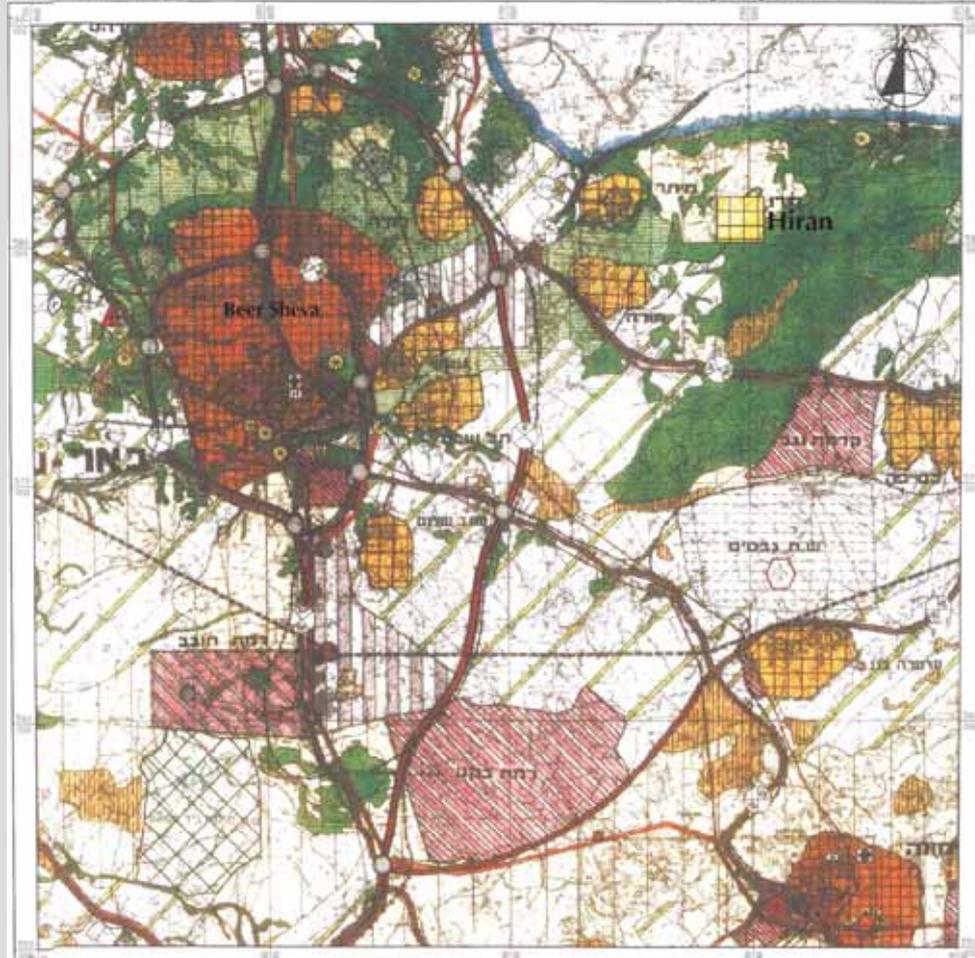
1:100000 km

The current situation



1:100000 km

The proposed situation



al-Hieran.⁴³ In other words, she recommended granting recognition to half of Atir-Umm al-Hieran. Her recommendation was approved by the NCPB's Subcommittee on Fundamental Planning Issues on 20 July 2010, effectively granting recognition to half the village.

However, the decision constituted an obstacle to the government's plan for settling Jewish citizens in the area. Therefore, on 15 November 2010 a representative of the Prime Minister's Office requested a further hearing and asked the NCPB reconsider the decision within the framework of the Metropolitan Plan, claiming that a "suitable solution" for the villagers existed in Hura.⁴⁴ The next day, 16 November 2010, the subcommittee held a further discussion on the matter, following which it cancelled its previous decision to grant the village partial recognition. A motion filed by organizations representing the residents of the village to make their case regarding the reexamination of the decision was denied.⁴⁵ The decision not to recognize half the village was made without giving those affected – the people of Atir-Umm al-Hieran – an opportunity to voice their position on the matter.

The first time that the houses in Atir-Umm al-Hieran appeared on any official plan was on the detailed local master plan for the town of Hiran.⁴⁶ The plan was submitted in December 2010 and slated the houses for demolition. The stated purpose of the plan for Hiran is to "establish a suburban settlement [...] with 2,400 housing units and target population of 10,080 residents" by 2030.⁴⁷

[Master Plan No. 107/02/15, including a phase-one plan at a detailed level of Hiran, against the background of an aerial photo of Umm al-Hieran, prepared by the Arab Center for Alternative Planning]

According to the proposed master plan for Hiran, most of the houses in Umm al-Hieran, home to some 500 residents, lie within the boundaries demarcated for phase one of the plan, for immediate development. Furthermore, a large number of the houses in Umm al-Hieran are located in the areas zoned for residential building, while the rest lie in areas zoned as public areas and for a proposed forest. A small number of the houses in Umm al-Hieran are situated outside but adjacent to the boundaries of the plan for Hiran. Nevertheless all the houses are earmarked for demolition under the plan, whether they are located in residential areas or are situated outside the planned boundaries on the new town entirely.

⁴³ Lawyer Talma Dukhan, "Recommendations by researcher into objections to District Master Plan No. 4/14/23 – Partial District Master Plan for Metropolitan Beer Sheva – The Bedouin population outside the recognized settlements", December 2008 (updated June 2010), pp. 63-64 (Hebrew).

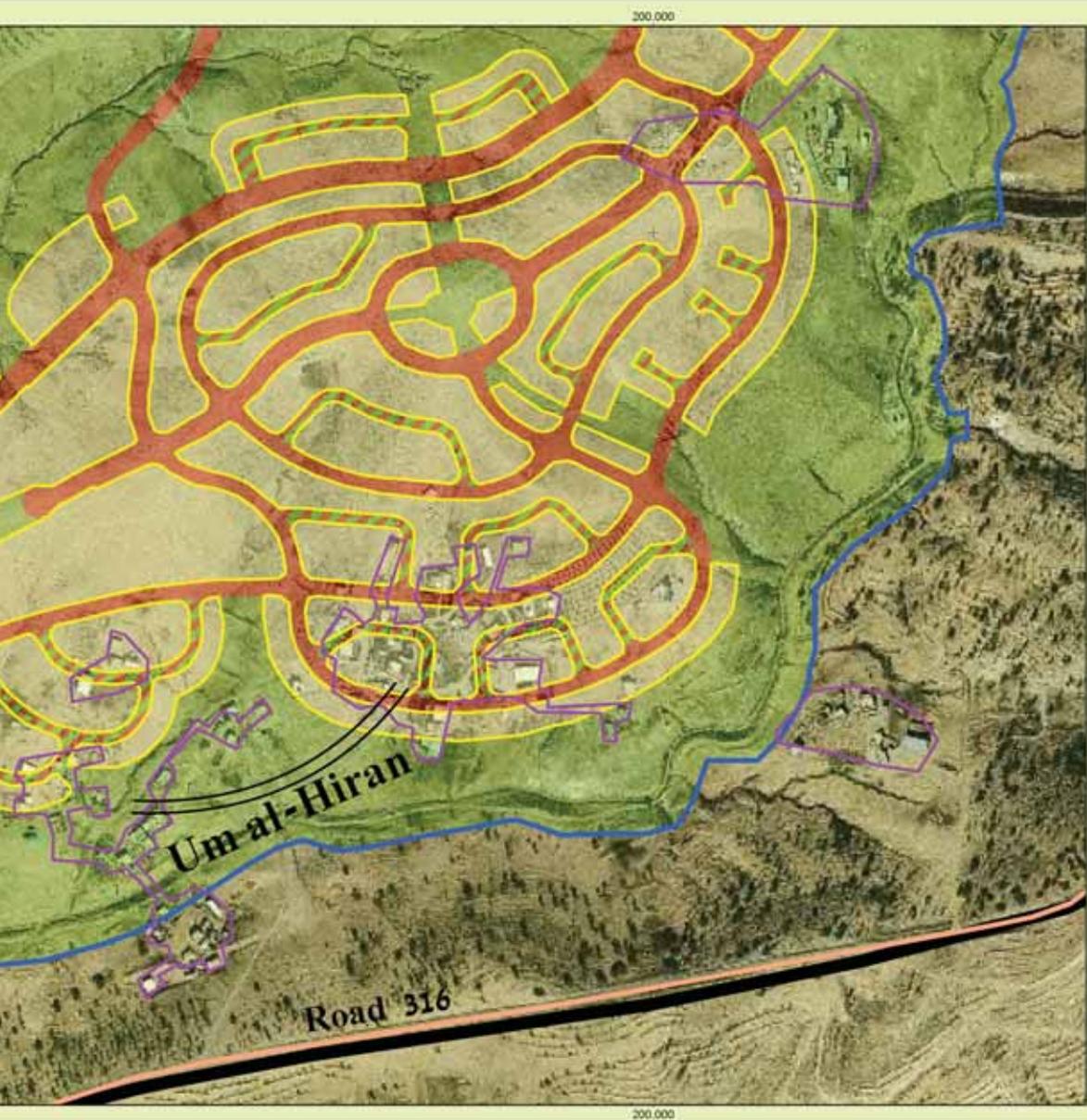
⁴⁴ A letter sent by Mr. Gaby Golan, the Prime Minister's Adviser for Planning and Development and representative of the Prime Minister's Office in the NCPB from 15 November 2010 to Ms. Tamar Golan of the Secretariat of the NCPB (Hebrew).

⁴⁵ A letter from Adalah dated 16 November 2010 to the NCPB (Hebrew). The letter was sent on behalf of the Regional Council for the Unrecognized Villages in the Naqab and Bimkom and in Adalah's own name, as representatives of the residents of the unrecognized villages of Atir-Umm al-Hieran and Tel Arad, for which they requested an additional hearing on the issue of recognition.

⁴⁶ Master Plan No. 107/02/15, including detailed Stage A plan for the suburban town of Hiran.

⁴⁷ Article 9a, Master Plan No. 107/02/15, of the directives of the master plan.





Plan No.107/02/15 against background of an aerial photograph (2007)

- Legend:**
- Jurisdictional borders
 - Standing houses to be demolished
 - Regional road
- Plan No.107/02/15**
- Borders of the plan
 - Residential area
 - Open area
 - Proposed road



Date of publication: _____ Map No: _____

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{ Legal means of evacuating the area

In parallel to planning procedures, the State Attorney's Office has been activated to push forward with the evacuation and demolition of Atir-Umm al-Hieran. In the name of the rule of law, the state has initiated two parallel sets of legal proceedings – filing motions to evacuate the village and motions to demolish the villagers' homes – in order make the land ready for the planned Jewish town of Hiran.

{ Demolition orders

The first action was taken in 2003, when the state submitted a motion to the Magistrates' Court in Beer Sheva for demolition orders against all houses in Umm al-Hieran. The request was made *ex parte*,⁴⁸ without informing and in the absence of the homeowners, based on the state's claim that it had been unable to identify or reach the people "who built the buildings, own the buildings, rent or use them." The state also claimed that the "illegal" buildings "had been discovered" by an inspection patrol in July 2003 and that "[the buildings] in question are meant to serve for housing and [were built] in a site not zoned for housing" and that "[the buildings were built] at a site reserved for forestation [...]"

In its request, the state presented false information and concealed from the court the facts that the area in question had been zoned for housing in the District Master Plan,⁴⁹ and that the village had been established in 1956 by order of the Military Governor in the Naqab. Had the facts of the case been fully disclosed to the court, the legal basis for the demolition orders would have collapsed.

In September 2003, without hearing the homeowners, the Magistrates' Court in Beer Sheva issued demolition orders against all homes in Umm al-Hieran. If implemented, the orders would result in the total destruction of the village and would leave its 500 residents homeless. The people of Umm al-Hieran only found out about the demolition orders far later, after hearing rumors that police were been deployed to demolish the village. In 2007, Adalah filed a series of court requests on behalf of the villagers to cancel the demolition orders. These requests are still pending before the Magistrates' Court in Kiryat Gat.⁵⁰

48 Different Motions (DM) 6615/03, *The State of Israel v. Anonymous* and 33 other files, Beer Sheva Magistrates' Court.

49 District Master Plan – Southern District No. 4/14 (Amendment No. 27) – Suburban town of Hiran.

50 DM 2136/09, *Sabri Abu al-Qi'an v. The State of Israel* and 33 other files, Kiryat Gat Magistrates' Court.





{ Evacuation orders

In 2004, the state filed lawsuits to evacuate the entire village,⁵¹ arguing that its residents were “trespassers” who were “squatting” illegally on state land. Once again, the state concealed basic material facts from the court. In their defense, the residents of the village, again represented by Adalah, argued that they had an historical right to village land and that evicting them to allow for the construction of a Jewish town on the ruins of their village was an illegitimate act that violated their constitutional rights to property, housing, dignity and equality.

After hearing testimony from the various parties, the Magistrates’ Court in Beer Sheva ruled, “It appears that the legal status of the respondents [the residents of Atir–Umm al-Hieran] on the land is indeed as permitted residents, because they have lived on the land for years, with the state’s knowledge and consent.”⁵² However, the court went on to rule that they had used the land free of charge and therefore their use of it was revocable, and that the state may “cancel it by notice to the respondents at any time [...]”⁵³ The court therefore ordered that the state could evict the village’s residents, in compliance with the state’s request. The court added that the fact that the area in question had been zoned for residential purposes did not grant the villagers any right to the land.

In response to the ruling, the defendants appealed to the Beer Sheva District Court,⁵⁴ which rejected the appeal and upheld the evacuation orders. The court did, however, sharply criticize the state’s argument that the defendants were trespassers, and that the state had failed to address the specific historic background and special circumstances of the villagers.⁵⁵ Nonetheless, the District Court upheld their eviction, thereby denying the villagers’ rights to property, housing, dignity and equality. With this decision, the court paved the way for the state to create a new generation of internally-displaced persons, based on a view of Arab Bedouin citizens of Israel as temporary and invisible residents that disregards their unbroken presence on their land over the course of decades.⁵⁶

51 CC 3326/04, *The State of Israel v. Ibrahim Farhoud Abu al-Qi’an*, joined to other similar claims against the rest of the residents of the village of Atir–Umm al-Hieran.

52 CC 3326/04, *The State of Israel v. Ibrahim Farhoud Abu al-Qi’an*, decision dated 30 July 2009, p. 8.

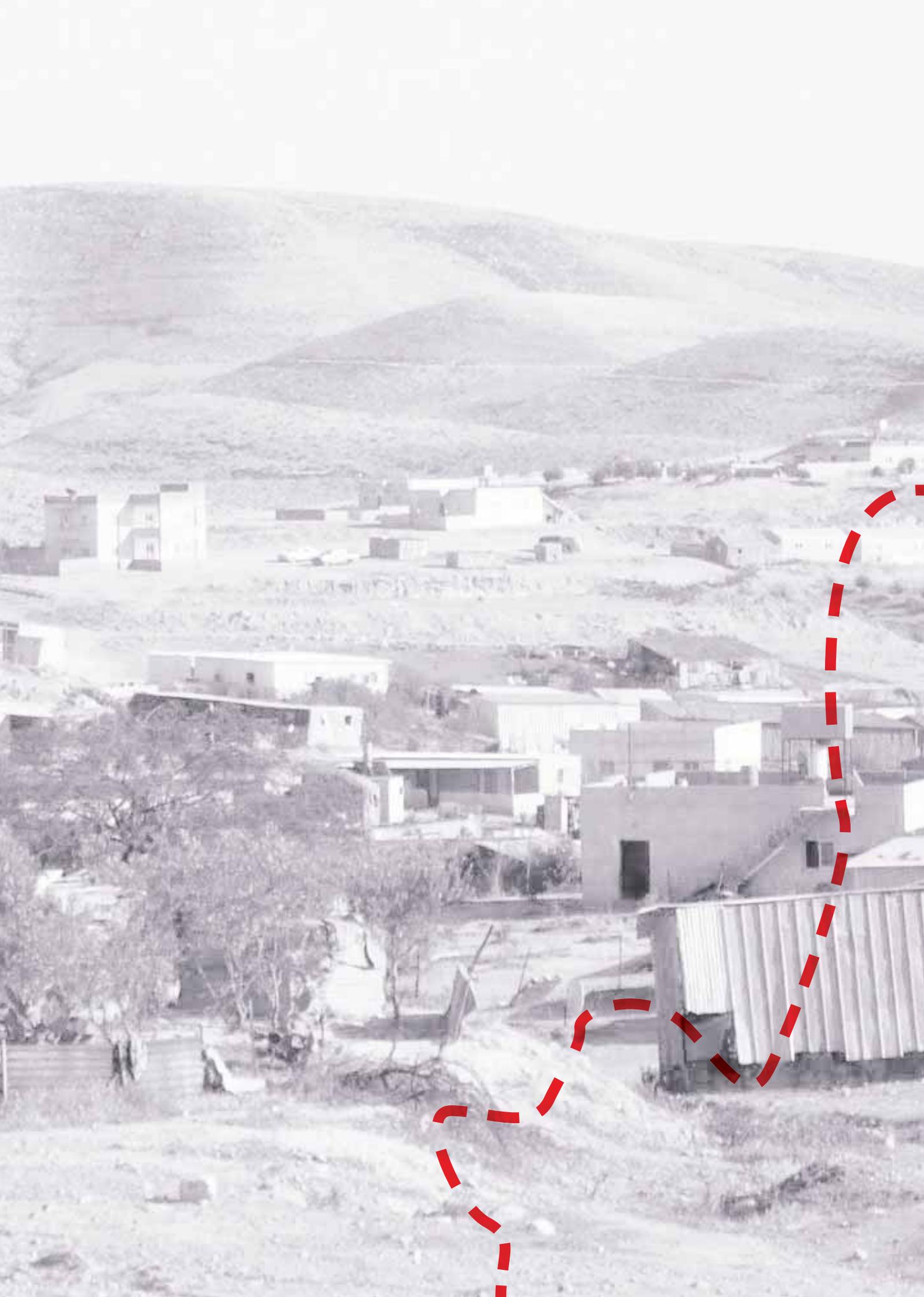
53 Ibid. p. 9.

54 Civil Appeal (CA) 1165/09, *Ibrahim Farhoud Abu al-Qi’an v. The State of Israel*, decision dated 28 February 2011.

55 Ibid. p. 7.

56 In April 2011, the appellants filed a motion for permission to appeal to the Supreme Court against the decision by the District Court. Motion for Permission for Appeal (MPA) 3094/11, *Ibrahim Farhoud Abu al-Qi’an v. The State of Israel* (pending as of September 2011).





{ Final word }

The people of Atir–Umm al-Hieran have been waging an uphill battle in the corridors of Israel’s courts and governmental land planning authorities for almost ten years to prove what is obvious in factual, legal, humanitarian and ethical terms. They have been fighting against the state’s plans to displace them based on political decisions to increase the Jewish population in the Naqab. To that end, the state has resorted to all the available tools, legal and otherwise, to remove the obstacle standing in its way: the Arab Bedouin population. The following statement is the position presented by the state in the concluding arguments that it submitted in the evacuation lawsuits:

In any case, there is nothing wrong with planning a town to be built on land registered in the name of the state, and just as there are plans to build several towns to house the Bedouin... so there are plans to establish future towns to house Jews.⁵⁷

In these few lines, the state neatly summarized its decades-old plans to increase the Jewish population in what remains of the Naqab desert. It has demarcated the “legal” means of expelling and uprooting the Palestinian residents of the Naqab in general, and the people of Atir–Umm al-Hieran in particular, making them nomads against their will.

⁵⁷ The state’s closing arguments in CC 3326/04, *The State of Israel v. Ibrahim Farhoud Abu al-Qi’an*, decision dated 30 July 2009, p. 8.



An aerial topographic map of a hilly region. A thick red dashed line follows a path through the terrain. Several areas are outlined in purple, including a cluster of buildings in the upper right and a winding path or road. The map shows contour lines and natural drainage patterns.

Main Office 94 Yaffa Street, P.O. Box 8921, Haifa, 31090, Israel. Tel (972)-4-950-1610 Fax (972)-4-950-3140
Naqab Office P.O. Box 10273, Beer el Sebe, 84002, Israel. Tel (972)-8-665-0740 Fax (972)-8-665-0853
Email adalah@adalah.org

www.adalah.org