

Arab Association for Human Rights Fact-sheet on the Naqab (Negev)

The Arab Bedouin are the indigenous inhabitants of the Negev and represent approximately 12% of the Palestinian Arab minority in Israel. Prior to 1948, they lived from agriculture and raising livestock. During the 1948 war, the majority of the Negev's Bedouin were driven out or fled the state's borders. The remaining tribes were rounded up and spent the next 18 years under military rule in an enclosure zone. During this period, a number of laws were used to dispossess them of their traditional lands. Today approximately 110,000 Arab Bedouin live in the Negev, half in the poorest recognised localities in Israel. (1) The other half of the Bedouin population lives in villages unrecognised by the state. They are denied all forms of basic services and infrastructure, and are unable to build or develop their communities in any way.

Sedentarisation of the Bedouin

Since the mid 1960s, the Bedouin of the Negev have been subject to a forcible process of sedentarisation into urban townships. This relocation policy, designed to "modernise" the Bedouin, has been conducted without consulting them and in manner that is culturally inappropriate. Like policies enacted on other indigenous peoples, it has had 2 main aims:

- To concentrate the Bedouin and make their traditional lands available for settlement programmes for Jews only.
- To domesticate the indigenous Bedouin economy and create a cheap source of wage labour for the Jewish economy.

The methods of pressure on the Bedouin used to enact this policy include cutting the Bedouin off from their own culture and making life as difficult as possible until they move into the townships.

Land Expropriation

British mandate records list 12,600,000 (3) dunams in the Negev as used by the Bedouin. Today the Bedouin are struggling to avoid eviction from the 240,000 dunams of this area remaining to them. While Bedouin land rights and tribal boundaries were respected by Ottoman and British authorities, the State of Israel's sedentarisation policy has been accompanied by a registration of Negev lands as state property. Unlike the rest of mandatory Palestine, no formal registration process of Negev lands was undertaken during the mandate period.

The state has been able to develop a legal process that makes Bedouin land claims invisible. This process has been achieved through 3 principal laws:

- The Land Acquisition (Validation of Acts & Compensation) Law (1953) states that land that was not in the possession of its owner in April 1952 could be registered as state property. It facilitated a massive transfer of lands in the Negev, since at the time the Bedouin had been transferred by the state into the enclosure

zone. Although some tribes returned to their lands after the enclosure zone was lifted, they found that, since the land was now registered with the state, they either had to lease it or “trespass.” Consent to lease has been taken in court as proof that the land was never theirs. (4)

- The Land Rights Settlement Ordinance (1969) classified all mawat lands (Ottoman term) as state property, unless a formal legal title could be produced. Mawat (literally dead) land was defined as unworked and more than 1.5 miles from the nearest settlement. The last opportunity for the Bedouin to register their lands against mawat status had been in 1921, (5) at a time when their rights were not challenged by anyone. The category became a major means for expropriation in the Negev because although Israeli courts acknowledged that Bedouin had been living in the areas they claimed, they did not recognise Bedouin tents as constituting settlements in terms of the law. (6) Further, they defined working the land as changing it; pastoralism was an unrecognised form of living. The law abolished all previous conflicting registrations.
- The Negev Land Acquisition (Peace Treaty with Egypt) Law (1980) facilitated large scale confiscation orders of Bedouin lands to build military bases and an airport in the wake of the peace treaty with Egypt. No appeal against the confiscation was allowed, and the compensation terms offered ranged between 2%-15% of the terms granted to relocated Jewish Sinai settlers. (7) The military base at Im Tinan (56,000 dunams taken) was never built, and in 1994 was turned over for use by Jewish farmers.

In 1976 the Land Settlement Department opened to finally settle Bedouin land claims, according to the following deal: it would recognise 20% of the total claim (with documented proof), would offer compensation for 30% (at 65% its value) and would expropriate 50%. To date agreements on these terms have been reached for 160,000 dunams; claims on 743,327 dunams still remain outstanding. (8)

House Demolitions

Just over half of the Bedouin living outside the townships live in unrecognised villages. Under the Law of Planning and Construction (1965) their houses can be demolished. To speed up the sedentarisation process, in 1986 the Markovitz Committee (9) on unlicensed building, which did not consult any representative of the Negev Bedouin, recommended the demolition of 6,601 existing homes and all new buildings in the Negev. Subsequent governments have maintained this policy.

Aerial photographs of the villages are taken to check for new buildings. When a new construction is discovered, the owner is served with an administrative order to demolish the house. If they fail to do so, they are criminally prosecuted for unlicensed building. The policy turns homeowners into criminal defendants and makes the history of land ownership irrelevant. Defendants are fined and have to pay the costs of the demolition. As the Markovitz Committee recommended, these are double the cost of the house. After demolition, no consideration is given to where the evicted family will live.

According to the Association of Forty, there are currently 22,000 unrecognised houses in the Negev. In 1998, 370 houses were demolished by the authorities. Approximately 1,700 cases are currently being prosecuted in court. (10) These figures do not include those houses demolished by the owners themselves.

Denial of Traditional Employment

“We should transform the Bedouin into an urban proletariat in industry, services, construction and agriculture. 88% of the Israeli population are not farmers, let the Bedouins be like them. Indeed, this will be a radical move which means that the Bedouin would not live on his land with his herds, but would become an urban person who comes home in the afternoon and puts his slippers on...The children would go to school with their hair properly combed. This would be a revolution, but it may be fixed within two generations. Without coercion but with government direction... this phenomenon of the Bedouins will disappear.”

Moshe Dayan (2)

Prior to 1948, approximately 90% of the Bedouin in the Negev earned their living from agriculture and 10% from raising livestock. Today over 90% live from wage labour. It has been policy since 1948 to prevent the Bedouin from maintaining their ties to the land by making their traditional lifestyle unworkable, according to the following methods:

- **Restricting Access to Land and Water:** While handing large areas of former Bedouin land to Jewish farmers on long-term leases, the state will only lease lands to Bedouin farmers for a 3 month period, never the same land twice in a row, and will not permit any permanent cultivation. Bedouin farmers are either not given water quotas, or are charged at domestic rates (12 times agricultural ones). No assistance is given for drought years.
- **Flock Restrictions:** The Plant Protection (Damage by Goats) Law (1950) requires Bedouin shepherds to get a permit from the Ministry of Agriculture to graze their goats outside of their privately owned land on surrounding state lands (mostly military areas). Permits are issued on the condition that the state is not responsible for any casualties, and at the discretion of Ministry officials. Since the mid 70s, it has been policy to seize unregistered flocks and reduce the flocks registered by 10-15%pa.
- **Green Patrol:** The Green Patrol is an environmental paramilitary unit established by Ariel Sharon. It mobilises for special operations to pull down Bedouin tents, seize flocks, and destroy crops planted without the appropriate permit. During its first 3 years, Bedouin flocks were reduced from 220,000 to 80,000. Physical coercion of Bedouin farmers has led to hospitalisations and a number of deaths. (11) In 1997 the Green Patrol was expanded to help speed up the sedentarisation process.

Denial of Services

The Bedouin community is also offered sub-standard education and health services:

Proportion of unqualified teaching staff in Bedouin schools (1998)	23%
Proportion of non-Bedouin teaching staff (1998)	40%
Proportion of Bedouin students who drop out of school before 12th grade (1997)	57%
Proportion of Bedouin students passed their Bagrut school matriculation exams (1998)	9.6%
Proportion Bedouin children hospitalised during the first year of their life (1998)	50%
Proportion of Bedouin women receive no pre-natal care (1998)	30%
Bedouin Infant mortality rate (1996/per 1000)	12.1
Source for education statistics: Center for Bedouin Studies and Development, Ben Gurion University; for health statistics Ministry of Health, except IMR, Central Bureau of Statistics	

In order to put pressure on the Bedouin to leave the unrecognised villages, official policy is to deny these communities basic services and prevent them from developing infrastructure. Planning laws are used to prevent villagers from building any permanent constructions or even repair existing temporary ones. Connection to water and electricity networks is prohibited (12).

Townships

Approximately 55,000 Bedouin now live in 7 townships (13) in the Beersheva area, which are listed as the poorest municipalities in Israel. They have no sewage systems, few paved roads, and a lack of local employment opportunities. Unlike the facilities offered to neighbouring Jewish communities, there is no provision for maintaining livestock or engaging in agriculture. 5 townships have government appointed councils and only 2 townships are able to elect their own local representatives. Thus far, half the Bedouin have refused to be relocated there.

Notes:

1. According to the 1995/6 National Insurance Institute report, of the 201 recognised localities in Israel, Rahat was ranked 201st, Ar'arat Al-Naqab 200th and Tel Al-Saba 199th according to socio-economic criteria. All 7 Negev Bedouin townships were in the poorest 15 localities.
2. Moshe Dayan, Ha'aretz interview 31/7/63; cited in Ronen Shamir, Suspended in Space: Bedouins Under the Law of Israel, Law & Society Review, vol 30, no. 2 (1996) p.231
3. Mandate records 1937. See Penny Maddrell, The Beduin of the Negev, Minority Rights Group, Report no.81 (1990) p.5
4. High Court of Justice 84/83, El-Wakili v. State of Israel PD37(4) 173
5. Land Ordinance (Mawat) (1921)
6. Civil Appeal 218/74 Salim El-Huashlla v. State of Israel PD38(3) 141
7. Maddrell, p.11
- 8 Haya Nuh, Center for Bedouin Studies & Development (April 1999)

9. Markovitz Commission Report (1986), chaired by Yaakov Markovitz, Ministry of Interior, Translated by M. Ben Joseph, p.42
10. Association of Forty Survey, Negev Office (Beersheva, September 1998)
11. Most recently in August 1998, Sliman Abu Jlidan of the Azzazmeh tribe was shot dead by a member of the Green Patrol for straying into a closed area and fleeing when challenged.
12. Article 157A (1981) of the Planning and Construction Law forbids water, electricity or telephone networks from connecting to unlicensed buildings.
13. Metropolitan Beersheva plan 2020 plans to increase this number to 12 and relocate the remaining unrecognised villagers within them.